



Northern Ireland  
Assembly

# OFFICIAL REPORT

## (Hansard)

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<i>Minister for Regional Development</i>	Mr Conor Murphy
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<i>Office of the First Minister and deputy First Minister</i>	Mr Jeffrey Donaldson
	Mr Gerry Kelly





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## NORTHERN IRELAND ASSEMBLY

Monday 10 November 2008

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

*Members observed two minutes' silence.*

### ASSEMBLY BUSINESS

**Mr McCausland:** On a point of order, Mr Speaker. In the Assembly last Monday, the Member for West Belfast Gerry Adams said that he denied and refuted certain statements which I had made about him. In your ruling on Tuesday, Mr Speaker, you also said that he had denied and refuted them.

The primary meaning of the word “deny” is to say that something is wrong; the primary meaning of the word “refute” is to prove that something is wrong. In view of the fact that Mr Adams did not prove anything, will you, Mr Speaker, clarify what Mr Adams said and confirm to the House that Mr Adams merely denied the charges?

**Mr Speaker:** Let me make it absolutely clear. I dealt with this issue last Tuesday. As Speaker of the House, I am absolutely clear that I dealt with the issue correctly. We should move on.

## EXECUTIVE COMMITTEE BUSINESS

### Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations (Northern Ireland) 2008

**The Minister for Employment and Learning (Sir Reg Empey):** I beg to move

That the Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations (Northern Ireland) 2008 be approved.

I seek the Assembly's approval of the regulations, which are subject to the confirmatory procedure as laid down in the parent legislation, which is the Employment Rights (Northern Ireland) Order 1996. The regulations were made on 1 September 2008 and came into operation on 1 October 2008.

It will be helpful to Members if I outline the background to the regulations. The Sex Discrimination (Northern Ireland) Order 1976 implements the European Union directive on equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions. The equal treatment directive was amended in 2002 and the 1976 Order was subsequently amended accordingly. Comparable developments took place in Great Britain, where the Sex Discrimination Act 1975 was amended. In February 2007, the former Equal Opportunities Commission, which is now the Commission for Equality and Human Rights, brought judicial review proceedings against the UK Government, challenging its implementation of the 2002 amendments.

The High Court in London heard the judicial review on 27 and 28 February 2007. The High Court judgement, which was handed down on 12 March 2007, required the Government Equalities Office in Great Britain to amend the provisions in the Sex Discrimination Act 1975 on harassment and on pregnancy and maternity-leave discrimination. Northern Ireland legislation in that area corresponds to that of Great Britain, so the High Court ruling made it necessary for similar changes to be made to the Sex Discrimination (Northern Ireland) Order 1976.

In April 2008, the Office of the First Minister and deputy First Minister duly introduced changes to Northern Ireland legislation that amended the 1976 Order. It is sufficient to point out today that the amendments included provision to eliminate certain distinctions between periods of ordinary maternity leave and additional maternity leave. As a result of the changes, a woman could have a claim to an industrial tribunal if she were not afforded the same benefits of the terms and conditions of her employment during additional maternity leave — apart from pay — as she is during ordinary maternity leave.

Following that change, the Department for Employment and Learning, for the purposes of legal clarity, is amending the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999 to clarify that non-pay terms and conditions are available throughout the entire period of statutory maternity leave. The 2008 regulations will amend the sex-discrimination framework and will clarify the rights and responsibilities of employees and employers. Corresponding changes are being made in Great Britain for the same reason.

Members may wonder how adoption leave will be handled. Since statutory adoption leave and pay were introduced in 2003, the rights of an adoptive parent on adoption leave have — where possible — been kept in line with those of a biological mother who takes maternity leave. In order to continue that parity of entitlement, the Department has included comparable changes to adoption-leave provision in the regulations. Those changes come at a minimal additional cost to employers, and they ensure that adoptive parents have the same entitlements as biological mothers. The introduction of an unwelcome disparity in treatment between the two groups of parents is therefore avoided. Furthermore, by minimising differences between maternity and adoptive leave, unnecessary confusion is prevented. Again, corresponding steps are being taken in Great Britain.

The practical effect of the changes to both forms of leave is that a mother or an adopter is entitled to continue to access non-pay benefits during the full 12 months of maternity or adoptive leave, rather than during the first six months alone, which was previously the case.

Benefits to particular individuals will depend on their contracts but could include the use of a company car, access to a healthcare scheme or the use of a company mobile phone. Importantly, annual leave that is provided as part of the contract will now be built up over the entire period of maternity or adoption leave, rather than during only the first six months.

A preliminary equality impact assessment found that beneficiaries of the change will be new mothers and adoptive parents. There are no adverse equality impacts. A regulatory impact assessment estimated that the cost to employers in Northern Ireland will be approximately £160,000 per annum for the adoptive measures and £4.83 million per annum for the entire package. Initial familiarisation costs are estimated at approximately £260,000.

I am grateful to the Committee for Employment and Learning and to the Office of the Examiner of Statutory Rules for its scrutiny of the regulations. I am also grateful to the Committee for its recommendation that the regulations be confirmed by the Assembly.

**The Chairperson of the Committee for Employment and Learning (Ms S Ramsey):** Go raibh maith agat, a Cheann Comhairle. I support the

motion. The Committee first examined the Department for Employment and Learning's proposal on the regulations on 25 June 2008 and examined the proposed statutory rule on 1 October 2008. On both occasions, the Committee was content with the policy proposals.

The Minister explained to the House the purpose of the regulations, as well as the technicalities that are involved. The regulations will mean that women and adopters will now be able to take a second leave period of 26 weeks without fear of harming their terms and conditions of employment. That should be welcomed by us all, and it will mean that women and adopters will not feel that they have to hurry back to work if they are not ready to do so after the initial 26 weeks of leave.

Although I am pleased to give the Committee's support to this amendment to the regulations, I draw the Minister's attention to the fact that I have received reports recently stating that some men are not getting the paternity leave that they are entitled to, nor are they being given the stated flexibility as to when they can take that leave. Although I appreciate that the leave must be taken as a block, it does not have to be taken straight away. I call on the Minister to ensure that the entitlement and the connected flexibility are well publicised and that his Department seeks out employers who are not granting the full two-week paternity entitlement to those employees who are new fathers.

On behalf of the Committee, I am pleased to support the Minister for Employment and Learning's motion.

**Mr Newton:** I also welcome the legislation. When it comes to the health and welfare of children — either natural or adopted — the Assembly should adopt policies that are friendly towards children and that support the family in general.

In welcoming the legislation, I will make a small, but important, point. The amendment is another piece of legislation and bureaucracy, the administration of which is being imposed upon small employers without any support from Government. It will therefore create another burden, particularly for small and medium-sized enterprises, which are so prevalent in the Northern Ireland economy. Some aspect of that burden must be considered. Indeed, in the past, the House has expressed concerns about such red tape and bureaucracy and the way in which they impede the expansion of those companies.

Although I welcome the amendment, I caution that it is another example of such bureaucracy.

**Rev Dr Robert Coulter:** I support the motion, and I thank the Minister for tabling it. The Ulster Unionist Party is a strong supporter of the family and of the benefits that it can bring, particularly to children. The party is also a strong supporter of people — women and men — maintaining their ability to put their vital

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skills into the economy while supporting their families and fulfilling their individual potential.

Furthermore, the regulations, which change entitlements under additional maternity leave, will allow employees to achieve a better balance between their working and home lives. People should not be discriminated against for taking their full maternity leave entitlement, and the regulations will mean that many parents will be able to avoid having to make a difficult choice between home and work commitments.

It is also vital and correct that the regulations have been extended to include additional adoption leave. Parents who adopt children have as much a right as any other parents to nurture their families while continuing with their employment.

Some may argue that introducing regulations that will cost business should be discouraged, particularly at this time. However, I note that the costs that the Minister outlined are relatively small, and although the UUP is naturally wary of unnecessary regulation for business, we support good regulation.

This is a good regulation that will, in the long run, help businesses and families alike. It will help businesses to retain those people whom they value and whom they have trained. For some parents — especially women — it will reduce some of the need to make difficult choices between family and working life. I thank the Minister, and I support the motion.

12.15 pm

**Mr Attwood:** I join other Members in welcoming the regulations. This debate — and this afternoon's debate on the maternity hospital — could mean a big day for babies and parents. As an expectant father, I look forward to taking the —

**Mr Kennedy:** You should have declared an interest. *[Laughter.]*

**Mr Attwood:** Yes; I ought to have declared an interest. I look forward to taking two weeks' paternity leave if and when that event occurs.

I note the point that was made by the Deputy Chairperson of the Committee for Employment and Learning about the potential for more red tape for businesses. However, given how well maternity arrangements are embedded in most businesses in Northern Ireland, I do not envisage that the new regulations will prove an undue burden.

My concern is the same as that outlined by the Chairperson of the Committee for Employment and Learning — that there is a risk that some unscrupulous employers may not adhere to the new requirements, particularly in light of the current economic downturn. I join the Committee Chairperson in asking the Minister

to outline what efforts will be made to monitor the new arrangements to ensure that such a scenario does not arise.

**The Minister for Employment and Learning:** I am grateful for Members' contributions, and I will deal with a few of the points that were raised. The Chairperson of the Committee for Employment and Learning indicated that she felt that there may have been some evidence of improper treatment. If she has such evidence, I would be grateful if she forwarded it to me straight away, and I will ensure that it is investigated. I also appreciate her support and that of the Committee.

Mr Newton, Mr Attwood and Rev Coulter mentioned the burden on businesses that may result from additional red tape and bureaucracy. We all understand fully — particularly in respect of sectors that have a high concentration of small businesses — that no one wishes to see that burden increased; nor do we wish to see businesses spending further moneys to deal with that.

However, I shall make two comments on that matter. First, it is important to consider that the genesis of the regulations is European law. A case has been taken to the High Court in London and a judgement has been handed down that makes it absolutely clear that the current legislation is in breach of the United Kingdom's international obligations. As Members will know, under the Northern Ireland Act 1998, the Assembly is obliged to ensure that the United Kingdom's international obligations — as outlined in treaties — are adhered to. Consequently, we have no choice whatsoever in that matter.

I also wish to deal with the issue that was raised by Rev Coulter on work-life balance, and I underline the point that Mr Attwood made: maternity leave is a well-established process in companies. My Department believes that the administrative burden of the regulations will be relatively minor because systems dealing with maternity-leave issues already exist in all companies. The regulations remove the distinction between the first six-month period of leave and the second. Therefore, in some senses, the regulations make the process more straightforward.

There is wide support throughout the House for adoptive parents. The regulations remove any possible distinction between adoptive and biological parents. There is no reason for such a distinction, and we are saying that all parents — adoptive or biological — are equal, and the regulations are translating that into law. I consider that an entirely appropriate thing to do.

Any unscrupulous employer who fails to adhere to the regulations is leaving himself or herself vulnerable to an employee taking a case to an industrial tribunal. Affirming the regulations will ensure that employees' rights are enshrined in law, which means that if anyone

attempts to breach those rights, they can be taken before a tribunal and will have to face the consequences of that.

I am not aware of any arrangements being put in place to deal specifically with implementing that resolution. I am happy to check and write to the Member about how it will be monitored. However, when the proposals become part of employment law, the matter will be subject to action by any employee who feels aggrieved, and it would be a foolish employer who went down that route, because that would be a clear breach of the law. The measure will also provide clarification where that was lacking. Furthermore, it will be introduced throughout the United Kingdom, so everybody will be on the same page, and that is to be welcomed.

I support the fact that, as Rev Robert Coulter said, parents' vital skills will be maintained in the workforce. Indeed, it would be most unfortunate if people had to decide between contributing to the economy and remaining with their children, and most working families have for years had to face that dilemma. Providing that adequate arrangements are in place for raising children, the Department encourages as many people as possible to continue to participate in the economy, because many of those people, particularly women, have acquired skills and qualifications, and we wish to remove, rather than create, obstacles to their participating in the workforce. That being the case, I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

That the Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations (Northern Ireland) 2008 be approved.

## PRIVATE MEMBERS' BUSINESS

### Post-Primary Transfer

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to move the motion and 10 minutes in which to make a winding-up speech. All other Members will have five minutes in which to speak. Two amendments have been selected and published on the Marshalled List. Each proposer will have 10 minutes in which to move their amendment, and five minutes in which to make a winding-up speech. All other Members will have five minutes in which to speak.

**Mr B McCrea:** I beg to move

That this Assembly calls on the Minister of Education to end the uncertainty facing parents and teachers of children in Primary 6 by continuing with the existing post-primary transfer test until a replacement is designed and piloted by CCEA.

One year and six months ago, shortly after the restoration of devolution, the Minister of Education stated:

"My priority in every instance will be to put the welfare of children first."

One year and six months on from the Minister of Education making that statement, the four main Churches last week issued a statement in which they felt:

"compelled to give voice to a deep unease among teachers and parents of primary school pupils, especially those parents with pupils in year 6".

In addition, they expressed the fear that:

"year 6 children are increasingly likely to become anxious or distressed".

Irrespective of recent debates and disputes about general education or about post-primary transfer, it cannot be denied that the deep unease to which the Churches' statement refers emerged on the Minister of Education's watch, and I find that quite incredible. The public is also questioning what the people on the hill do. Therefore, we must tackle those issues.

It is not just the Churches that are making such statements. In September, primary-school principals made their voice heard in the pages of the 'Belfast Telegraph', and it is worth relating some of their comments:

"The 11-plus will come to an end at the end of this year and we do not know what will replace it. That's just crazy."

Another principal said:

"It is time for politicians to face up to reality — no new system will be in place in time for our P6, and even P5, cohort of children. The only option is to reinstate the old system and give children the choice whether or not to sit the Transfer Test. Then the politicians can take all the time they want to debate a replacement."



I could quote from other sources, but the important thing to remember is that those comments were made by educationalists — not the ideological comrades of the Minister. They were made by teachers who have responsibility for children and for delivering education, and who are distressed at having to talk to anguished parents.

An Education Minister in any Administration carries a hefty, even weighty, responsibility. The hopes, aspirations and futures of our children and — to some extent — society rest with the Minister of Education. Year 6 children, and their teachers and parents, want and need certainty about post-primary transfer arrangements. It is the duty and responsibility of the Minister of Education to deliver that certainty. Instead, the Minister has delivered anxiety, unease, threats of chaos, sanctions, and a fear that there is worse to come. Three months into the academic year of the current year 6 children, parents and teachers do not know what transfer procedure pupils will face next year. I am reliably informed that we may hear something soon, but I have been hearing that for the past year and six months.

The prospect of unregulated arrangements — or, as the four Churches described it, rightly, last week, an “abyss” — remains real. Such an outcome would be little more than institutionalised uncertainty; it offers no prospects for the future of our children.

It is difficult to suppose how the Minister of Education could make things worse, but ideologues rarely disappoint. In May, she announced that the Council for the Curriculum, Examinations and Assessment (CCEA) could, after all, design a transfer test, which, admittedly, would be in place for only three years. However, she discovered that CCEA could design such a test — a situation, which, previously, we were told was impossible. The Minister wants the present year 6 children to sit that test.

It is ironic that Westminster's Children, Schools and Families Committee published its report on testing and assessment in May. That report addressed the Westminster Government's intention to introduce a single-level test for Key Stages 2 and 3 in English and maths. It is hard to escape the similarities between that and the proposed CCEA test. The report states:

“When so much is at stake, we consider this haste inappropriate at best. Our predecessors warned the Government about bringing in new tests with undue haste. We recommend that the Government allows sufficient time for a full pilot of the new single-level tests and ensures that any issues and problems arising out of that pilot are fully addressed before any formal roll-out of the new regime to schools.”

CCEA — the education professionals — told us also that one cannot merely introduce a test. It must be prepared, validated and checked to be given a proper chance. It is not possible to introduce a new test in the timescale that is envisaged.

We informed the Minister of those facts, but she did not agree. In a heady mixture of ideology, arrogance and, some might say, incompetence, she said that there was no need for pilots of the new test to be carried out. She said that the year 6 children will sit the test that will be designed by CCEA, the production of which she refused to accept until May. That is part of her plan to exclude academic criteria from the transfer procedures.

Cynics will be forgiven for thinking that the Minister's ideological hostility to the use of academic criteria has led to that decision. Has the Minister's ideological bias led her to condemn year 6 children to an unproven, unpiloted and hastily-designed test? Perhaps she will answer that question when she responds to the debate. I do not believe that those actions are responsible, especially when there is an alternative.

12.30 pm

It might not suit the Minister of Education as regards an ideological position, but it would let year 6 children know exactly what they faced. She could extend, for a limited period, the current arrangements. We would then, as was called for in last week's statement from Church leaders, have the ability:

“to stand back from established positions and to create the space necessary so that, through dialogue between those with different outlooks, the best way forward may be found for all children”.

Surely that is the proper way forward.

I make it absolutely clear that neither I, nor my party, wish the 11-plus to remain beyond such a limited time. We are not defending the 11-plus; we recognise that it is far from perfect and that there are better things that we can do. However, it has several advantages — not least the fact that it has been around for quite a considerable time, it has been tried and tested, people know what they are supposed to do with it, and we can introduce it. Even at this late hour, it is within the power of the Minister of Education to prevent our education system from falling into chaos. She can set aside her ideological prejudice, put the welfare of children first, and extend the life of the present transfer test.

Over the past few weeks, we have heard, through the world media, considerable discussion about change and hope. One of the most significant comments that I heard from the President-elect of the US was that it may take more than one hour, more than one day — even more than one term — to introduce change, but that change is coming. We in the Ulster Unionist Party are not against change: we want to see change introduced. However, we also hope that we will see an end to the sterile politics of sectarianism, to parties representing narrow sectional interests, parties that cannot work together, parties that put ideology before children, and parties that have the arrogance to assume to dictate to parents.

The Ulster Unionist Party is anxious to hear what other parties have to say. However, in reality there is only one alternative, and that is to take away the misery of parents, teachers and children in P5 and P6 and extend the existing arrangements, pending proper negotiations.

**Mr Speaker:** Mr Trevor Lunn is not available to move amendment No 1; therefore, amendment No 1 falls.

**Mr D Bradley:** I beg to move amendment No 2: Leave out all after "Primary 6" and insert

"by presenting to the Executive the papers needed to advance change and avoid the dangers of deregulation; and calls on all parties to show due consideration, responsibility and urgency in the delivery of a sustainable outcome for the schools system which can be defined by both equality and excellence."

Go raibh maith agat, a Cheann Comhairle. Tá an-áthas orm leasú uimhir a dó a mholadh.

When the amendment was originally lodged with the Business Office, it referred to presenting papers without any specific reference to the Executive. However, for some reason, the Business Office saw fit to change the amendment without any consultation with me. Nevertheless, the part of the motion not in contention is the need:

"to end the uncertainty facing parents and teachers of children in Primary 6".

Mr McCrea has already referred to that. We all know that that uncertainty exists, and the Minister also knows that it exists. A serious gap has developed, and the anxieties of parents are flooding in to fill that gap.

The present vacuum is unfair to parents and teachers but, worst of all, it is unfair to the children in P6 who were told that the test was off and then told that the test was on. Those children are bewildered by the whole situation.

Agus, a Cheann Comhairle, ar a son sin agus ar son na bpáistí siúd atá níos óige tá dualgas orainne deireadh a chur leis an éiginnteacht seo agus soiléiriú a thabhairt dóibh.

For those pupils' sake, and for the sake of younger primary-school pupils, it behoves all Members to do all within their power in order to ensure that uncertainty is ended and clarity is brought to the situation. We can continue to table motions that demand this, that and the other, but the public wants us to reach a degree of consensus that will allow for forward movement. We can all bury our heads in the sand and take entrenched positions, but the public will not forgive us for prolonging the uncertainty and anxiety that so clearly exists.

At the moment, unfortunately, there seems to be no prospect that agreement will be reached, and that regulations on how to deal with transfer will be agreed. If that is the situation, schools will have to determine and apply their own admissions criteria, with the

Department of Education offering only guidance. If we continue to disagree, an unregulated system may well come into being, which will create even greater confusion. Schools that use their own tests may face the prospect of legal action, which, sooner or later, will render such a system inoperable. A lack of regulation is not a sustainable solution to the situation with which we are faced. In fact, that would lead to a nightmare scenario, which we must ensure does not arise. It is for that reason that the SDLP amendment calls on all parties, including the Minister's party, to:

"show due consideration, responsibility and urgency in the delivery of a sustainable outcome for the schools system which can be defined by both equality and excellence."

The Ulster Unionist Party's motion suggests that we should continue with the status quo until another test is put in place. As we all know, however, the status quo is not an option. Likewise, we all know that there is general dissatisfaction with the 11-plus, and simply to replace it with another test is not a solution. There are no tests of the current transfer type in reserve or in preparation, and it is too late for the CCEA to commission and trial such tests. In addition, such a proposal is contrary to the will of educationalists and that stated by all political parties. The objective of moving towards long-term certainty will not be achieved by further delay and procrastination, particularly when such behaviour is motivated by political interests rather than an understanding of the context in which education is being delivered or the professional views of teachers and educationalists.

Mr McCrea said that we should continue with the 11-plus in the interim because it has been around for a long time. That is exactly the point: we have tried 12 versions of the 11-plus, and each has been found wanting. Why, then, should we continue with a thirteenth version? I note that the Alliance Party has withdrawn its amendment, and I welcome that, because the Alliance Party amendment proposed only a temporary solution.

**Mr Speaker:** Order. I do not want to interrupt the Member, but I must point out that the Alliance Party has not withdrawn its amendment. Rather, Mr Trevor Lunn was unavailable to move the amendment.

**Mr D Bradley:** I stand corrected. That being the case, I reiterate my point that the Alliance Party's amendment does not offer a solution. It calls for the clarification of a proposed temporary post-primary transfer test, but we need a long-term solution that will address a long-term situation.

Mr McCrea agrees that change is needed. The need for change is being driven by the global economy. The PC report, 'Transforming School Leadership', states:

"The vision articulated in the recent Programme for Government (PfG), of Northern Ireland as a small but thriving, outwardly orientated

export-led economy, will not be realised unless something is done to improve the outcomes our education system is delivering.”

The revised curriculum and the entitlement framework in ‘Every School a Good School’ are designed to achieve those outcomes.

Change is needed because of the ongoing demographic decline. We cannot simply allow some schools to thrive while others wither on the vine, having been starved of pupils by neighbouring schools. Area-based planning and the sustainable schools policy aim to deal with that situation through partnership and collaboration between schools and other education providers. Change may be difficult, change may be painful, but change is needed. To unnecessarily delay change is to damage our future prospects and those of our children.

For too long, the debate has centred on the idea of a test at age 11. There must be greater flexibility if we are to move forward. The use of criteria at age 14 has been mooted recently. That has not been rejected out of hand by all parties, and agreement on the matter is possible. The pupil profile — which was a feature of the Costello Report — may still have a role to play in the process at age 11 and beyond.

Aspects of those proposals formed part of the Churches’ joint statement. As the Church leaders stated, they represent an opportunity for all parties to step back from their stated positions and to look for an agreed way forward. That is exactly what the public wants of us. More of the same will not move things forward; it will only keep us stuck where we are at the moment. No one will benefit from that, least of all primary 6 pupils.

I call on all parties to accept the SDLP amendment and to show due consideration, responsibility and urgency in the delivery of a sustainable outcome for the school system that can be defined by equality and excellence. A Cheann Comhairle, gabhaim buíochas leat. Go raibh míle maith agat.

**The Chairperson of the Committee for Education (Mr Storey):** I will first speak as the Chairperson of the Committee for Education, and then I will say some other things, free from the shackles of the responsibilities of that role.

I draw Members’ attention to the Committee’s scrutiny of the Education Minister’s proposal for transfer from primary to post-primary education in the last year. The facts need to be placed on record, lest there be concern — as some people believe — that the Committee for Education was less than relevant in the debate. Following the Minister’s statement to the House on 4 December 2007 outlining her proposals to reform the education system, the Committee wrote to the Minister with 30 questions regarding the proposals.

Following a most unsatisfactory discussion with the Department’s permanent secretary and senior officials, the Committee wrote to the Minister again on 14 January 2008 in an attempt to clarify her vision statement for post-primary education. That letter sought answers to the Committee’s questions and asked that the Minister attend a meeting with the Committee as a matter of urgency.

*12.45 pm*

The Committee received a written response to its 30 questions minutes before its meeting with the Minister on 31 January 2008 — a process regarding responses from Ministers and Departments that has become wearying not only to the Committee for Education, but to other Committees. There followed a less than satisfactory question-and-answer session with the Minister of Education. In view of the nature of the written and oral answers that it received, the Committee again wrote to the Minister on 8 February, seeking responses to 27 points of clarification and further questions. Another 10 points of clarification were forwarded to the Minister on 18 February.

On 29 February, the Minister wrote to the Committee with answers to its 27 points of clarification and questions. On 14 April, the Minister responded in writing to the Committee’s request for 10 further points of clarification. The Committee received a written update from the Minister of Education on transfer proposals on the evening of 15 May. The Minister appeared before the Committee, would you believe it, on 16 May — surprise, surprise.

The Committee then scrutinised the Minister’s updated proposals and sought views on them from key education stakeholders. As well as the 18 responses that were received, the Committee commissioned specific views on the proposals from the five political parties that are represented on the Committee. The Committee considered all those responses in a number of meetings over June and early July and wrote to the Minister on 4 July. That letter contained copies of the responses and a note of the Committee’s discussions, all of which were published on the Committee’s pages on the Assembly website.

On 8 September, the Minister responded to the Committee’s letter of 4 July:

“the materials you enclose with your letter were extensive and complex and warranted much consideration...and I am pleased that your letter offers the opportunity for some useful engagement.”

That was as much as the Committee got by way of recognition until the Minister came to the House and accused the Committee for Education of not delivering and of not engaging in the debate.

I remove my Committee for Education hat and now speak as the DUP’s education spokesman. It is totally and absolutely unacceptable that, in the context of being just 11 days away from the final 11-plus, the



Education Minister, who sits on the Benches opposite, has not yet got an agreement, a way forward or a replacement. That is not the fault of Members on this side of the House. The Minister has constantly and continually stated that she is the Minister of Education. She said, of course, that there was a growing consensus in the country about the future of education. Catholic head teachers do not believe that there is a growing consensus, and the four main Churches in Northern Ireland do not believe that there is a consensus. The wheels have obviously fallen off the Minister's consensus cart.

On the issue of the statement from the four main Churches, I welcome the fact that there is now a consensus on one issue — academic selection. I recall that the Minister said that academic selection was immoral. I hope that the four Churches are not now advocating something that she deems immoral. I support the motion.

**Mr O'Dowd:** Go raibh maith agat, a Cheann Comhairle. I support the SDLP amendment and oppose the Ulster Unionist Party motion. I listened carefully to Basil McCrea's contribution on behalf of the Ulster Unionist Party. He spoke eloquently for 10 minutes without putting forward any proposals on behalf of his party in relation to the 11-plus. The Ulster Unionists have failed to produce any policy on how to deal with the transfer issue not just for the past 10 minutes but for the past 18 months.

**Mr B McCrea:** Will the Member give way?

**Mr O'Dowd:** I will not give way. I have only started.

One thing that is known is that if legislation is to be passed, agreement must be achieved. Those who advocate academic selection and who claim to have secured it as part of the St Andrews Agreement may well have done so. What they have not secured is agreement from this side of the House on how to move the transfer process forward. Legislation requires agreement in the House.

I listened with interest to last week's statement from the four main Church leaders. Some Members quoted from the statement today, but their quotations have been selective, because they failed to mention the fact that the Church leaders said that it is wrong to have a selection process at the age of 11, and that it is wrong for someone to decide on the future pathway of a child's life at that age. The Church leaders spoke about the use of criteria to access courses at the age of 14 and about the possibility of including academic criteria. Their statement deserves further investigation and clarification, and I hope that, in the coming days and weeks, we will receive that clarification and have further discussions on it.

A wide and diverse group has become involved in the debate, as should be the case. The Institute of

Directors and the trade union movement have told us that selection at the age of 11 is not appropriate, and the vast majority of educationalists agree with that.

The children who sit the 11-plus this year will be the last children to do so. We are clear about that. In the future, there will be no 11-plus in this system. It has failed previous generations, and it should not be allowed to fail future generations. Parents of P6 children, P6 teachers and, indeed, P6 pupils deserve to know, and need to know, what is going to happen. The revised curriculum will prepare children for the future — *[Interruption.]*

**Mr Speaker:** Order, order. The Member has the Floor.

**Mr O'Dowd:** The revised curriculum will prepare children for whatever challenges they will face.

**Mr B McCrea:** When will the parents and children find out about the proposals?

**Mr O'Dowd:** That is a matter for the Minister, not me. If Members fail to reach agreement, the Minister will be dutys bound, in the coming weeks, to make an announcement on the admissions criteria. Therefore, it is the responsibility of everyone in the Chamber to reach political agreement. That is the first step. However, if Members do not reach agreement, we will have to move forward.

People talk about certainty, but what certainty is there for children who have just sat the 11-plus? There is no certainty about their success in that test.

**Mr Storey:** It is said that, if something is repeated often enough, people will believe it, but I am growing weary of that. My son sat his first 11-plus paper last Friday, but he will not be a failure if he does not pass the test, because he knows that his future will be based on hard work and opportunity, which the Minister is not prepared to give to the children of Northern Ireland.

With regard to pupil profiles, they may as well be torn up and thrown in the bin.

**Mr O'Dowd:** Fortunately, no one is suggesting that we use pupil profiles. I wish your son well in the 11-plus, but, at the moment, there is no certainty for a child in P7. Everything depends on the child's results and on how many people applied to any particular school. Children will not know definitively what school they are going to until May 2009.

The parents of P6 children and P6 pupils must have clarity. However, if we do not reach political agreement, the Minister will be duty-bound to make an announcement on the admissions criteria.

I urge Members to exercise caution in their use of language during debates on this subject. Basil McCrea spoke about children being in misery. Children in the Democratic Republic of Congo are in misery, children



in war-torn Afghanistan are in misery and children in Iraq are in misery, but we should not use the word “misery” to describe the state of parents and children who do not know what the future transfer arrangements will be. That is not the correct word to use.

Children should be allowed to enjoy their primary-school experience, and they should be allowed to enjoy the revised curriculum. The one thing that we can agree on — and even the Association for Quality Education can agree on — is that the revised curriculum will prepare children for whatever challenges they will face in the future. Therefore, we should let them enjoy it. We should not use nine- and 10-year-old children as political ammunition to fire at one another, because it is wrong.

**Mr B McCrea:** Will the Member give way?

**Mr O'Dowd:** I have already given way to two interventions.

In conclusion, I support the SDLP's amendment. However, I am opposed to the Ulster Unionist Party's motion; it maintains the status quo, so we cannot support it.

**Miss McIlveen:** It will come as no surprise that I support the motion. The DUP has consistently called on the Minister to provide leadership and end the mess and confusion that she has created. It is disappointing that we are still asking for that to happen, even after one of the last 11-plus tests has been taken.

It is astonishing that we have to keep coming back to this issue, and it is amazing that the Minister continues to ignore the Members of the Assembly, principals, teachers, parents and even the leaders of the four main Churches when they tell her that her attitude is harming children. How many calls do people need to make before the Minister realises that she has not provided clarity and that she does not have stakeholders' support? How many grammar schools, or schools under the aegis of the Council for Catholic Maintained Schools (CCMS), have to state that they wish to retain academic selection before she realises that that is something that schools want? The Minister's role is not an impossible one, but it requires her to listen. Unfortunately, she has yet to listen.

I do not wish to labour points that I have made before in the Assembly on numerous occasions. I merely wish to call on the Minister to show maturity and to recognise that it is not the will of the people or of the Assembly to dispense with academic selection. The DUP has made it clear how it feels that progress can be made. Even if the Minister was able to dispense with academic selection, she has left matters too late to implement her plans, whatever they may be. It is time that she recognised and accepted that she is harming children with her actions.

The Minister waxed lyrical at a recent public meeting in Newry, when she talked about how she understood the importance of education. I do not agree with her at all, and I believe that the majority of people in Northern Ireland do not agree with her either. If she genuinely understood the importance of education, she would not be following her present course of action. Similarly, if she had the educationalists behind her, she would not have to resort to bullying schools.

The DUP feels that there may be a way to break the present impasse, and it has presented proposals to that effect. However, the Minister must realise that she is on a course that she cannot steer alone. In order to create and implement a system that will find support not only from politicians but from the people of Northern Ireland, she must engage with them. Consensus is not just a phrase to be used when walking away from a table when someone does not agree with you. It is something to be sought, not imposed. It is time that the Minister sought consensus and thought of the children and the impact that her intransigence is having on them. If she cared, she would talk, and she would find a solution.

It is clear that Sinn Féin is currently adopting a policy of it being its way or the highway. Indeed, it is living up to its name, “ourselves alone”. That is not the way a coalition, be it mandatory or voluntary, works. Perhaps the Minister believes that, as a Minister for schools, it is appropriate to adopt the politics of the playground. However, this is the real world of the Assembly. We need grown-ups, and we must ensure that we make grown-up decisions and that we do not resort to the tactics of the bully.

There is no reason that the Minister cannot accept the motion, other than her stubborn adherence to an ideological dogma that will be a wrecking ball to our education system. I ask the Minister to show some bravery and seek consensus, rather than continuing to cower behind the Sinn Féin propaganda machine in the vain hope that the problem will just go away.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I support the SDLP amendment; Dominic Bradley delivered his arguments in a constructive and helpful way.

Sinn Féin strongly believes that education can open many doors and should be readily available to everyone who wants it, not just those who can afford it. The education system in the North has had many successes, which have been regularly applauded, and I congratulate all who work to achieve them. However, as we all know, a tail of underachievement has been allowed to develop at the other end of the educational spectrum.

Around 12,000 young people leave full-time education every year with unacceptable levels of ability in literacy and numeracy. The vast majority of those young people

come from areas of social deprivation that have suffered during the conflict. That level of underachievement cannot be tolerated, and we cannot allow our education system to fail young people in that way. Sinn Féin is committed to building an education system that gives all young people the opportunity to reach their fullest potential.

1.00 pm

**Mr Storey:** Reference is continually made to the tail of underachievement. The Minister's Department commissioned Deloitte to carry out a survey on underachievement. Of the seven reasons that were given for underachievement, six identified socio-economic factors. The seventh reason made a slight reference to the presence of a selective system. However, the one issue that is continually used to back up the tail of underachievement is the ideological position that the Minister adopts in opposition to academic selection. Why is that the case?

**Mr Speaker:** The Member will have one extra minute in which to speak.

**Mrs O'Neill:** Thank you, Mr Speaker. I thank the Member for his intervention. There are many reasons why children do not achieve acceptable levels of literacy and numeracy, but the 11-plus and the transfer system is one of the main reasons.

Sinn Féin wants an education system that produces creative, articulate young people, who can confidently take their place in the global community. The selective nature of the current education system contributes to the fact that many children leave school with poor qualifications or no qualifications at all. Change is needed for those reasons.

Much education reform is taking place, such as changes to the primary-school curriculum and to the entitlement framework. That reform means that children have more choices. Moreover, literacy and numeracy standards are raised. Further reforms include the establishment of a new education and skills authority and the development of area-based planning. All those changes can cause confusion, and I accept that many parents feel anxious about how their child will transfer to a post-primary school. On numerous occasions in the House, I have said that I am a parent of a child in P6, and, like every parent, I want the best for my son.

**Mr B McCrea:** Will the Member tell the House what she thinks is the best and fairest way for children to transfer, if that is not to be done through the 11-plus or academic selection?

**Mrs O'Neill:** I want my child to transfer to post-primary provision; I want him to receive the same level of education as any other child and to be treated equally. That can be achieved only through political agreement in the House.

The Minister has set out her position for a compromise situation, whereby, over three years, she would allow partial academic selection, in order to allow schools time to adjust. Other parties did not take that compromise on board as a way forward. Sinn Féin wants an agreed way forward that ensures that all children are educated on the basis of equality and nurtured to help them achieve their full potential. If no agreement is reached, there will be an absence of admissions regulations. That is not anyone's favoured option, but it may be the only option and the only way forward. The best way forward is to provide certainty for parents on post-primary transfer through a legislative framework. I urge other parties to put children's needs first.

Sinn Féin understands that parents of P6 pupils want answers, and we are striving to provide those answers. We guarantee that current P6 pupils will not be used as guinea pigs. Sinn Féin puts the needs of children first. Go raibh maith agat.

**Mr Poots:** I welcome the opportunity to speak in this interesting debate. Children are in limbo, and that unacceptable situation has been brought about by the Minister's intransigence. The 11-plus is not going as a consequence of anything that the current Minister of Education has done but as a consequence of a decision that the direct rule Minister who preceded her made. Caitríona Ruane has done nothing to kill off the 11-plus, and the public perception should not be that she has done so. A British direct rule Minister made the decision.

There is an absence of anything with which to move forward. The Minister has not taken the opportunity to introduce and deliver, with the support of the House, a replacement for the 11-plus. No evidence has been demonstrated that that will happen any time soon. Is it any wonder, therefore, that the Catholic heads have spoken out to say that the Minister's proposals are unacceptable? Is it any wonder that, last week, the four main Churches said that time should be taken over the issue? The country needs time to change its education system. The Minister cannot simply bury her head in the sand and declare that this is the way that it is going to be and that everyone else must fall in behind to help her deliver it.

People clearly do not agree with the Minister on the issue. She does not have the support of the Churches, the schools or the other political parties.

She came forward with proposals to the Executive; however, those were not accepted. The Minister needs Executive support to deliver her wishes for education. If she cannot get that support, she cannot deliver: it is that simple. The Minister can continue banging her head against a brick wall, and she can continue to say that she is going to knock that wall down. However, that will not happen, because she needs to get consensus on views about education and, thus far, she has made

no effort to do so. Today, I challenge the Minister to get consensus, because we all care deeply about the education and welfare of our children and we want to provide the way forward for them.

It is nonsense to say that a child who fails the 11-plus has failed in life. Many people who did not achieve a grade A or B, or whatever, in their 11-plus and did not happen to go to grammar school are professionals, successful in business, or are engaged in work that is of great benefit to other members of the community. Failing the 11-plus did not make them failures, and it is a disgrace for Members on the Benches opposite to say that children are failures because they did not go to grammar schools. Many opportunities for people lie beyond grammar school.

However, one school report that does demonstrate failure is that of the Minister of Education. Her report is as follows: adhering to the ministerial code, fail; delivering an alternative, fail; communicating with schools, fail; demonstrating fairness and equality, fail; giving P6 children certainty on their future, fail. Comments on performance include: Caitríona fails to communicate well with her peers; she attempts to bully when others do not carry out her wishes; and she fails to pay attention to qualitative advice and appears to believe stubbornness will overcome rationale.

**Some Members:** Hear, hear.

**Mr K Robinson:** I thank the headmaster for that report; it was very interesting. I declare an interest as a governor of two primary schools and because my grandson sat his transfer test recently.

Mr O'Dowd provided a definition of the word "misery". The word "education" comes from the verb "educare", which is for all those Members who speak Latin, and it means "to lead out". In this instance, the Minister must consider the word "education", because she must lead us out of the mess that she has helped to create.

I have spent decades in the teaching profession, and, in all those years, I have never seen the spectacle of principals queuing to speak in front of a microphone or a television camera to express their exasperation, as well as that of staff and parents, and to reflect the uncertainty of pupils in the manner that we have seen recently. Principals are normally shy retiring people who like to keep out of the limelight. Therefore, when principals start to step forward, Minister, there really is a problem.

Recently, I read the report of a board of governors' meeting in which the school principal sought the board's views on the way forward. He asked the board to tell him what he could do; what he should do; and what he must do. The board, unanimously, told that principal that the school must continue to prepare pupils for whatever lies ahead, as has always been the case. A duty of care exists towards children, and the fact that that uncertainty exists reflects the seriousness of the

debate, which my colleague Basil McCrea expanded on when he moved the motion.

The first momentous step in a child's life is when he leaves the parental home and steps into his nursery or primary school for the first time. That momentous step is embodied in the words from a lovely poem — the more his feet went forward, the more his head turned back. It is a very emotional time. The second momentous step is when the child transfers from the safety of the primary school to the big school, be it a secondary or grammar school. The last thing that we need to do is add to the current uncertainty.

The whole history of making changes to the transfer procedure between primary and post-primary education has been a sorry spectacle. What should have been a thoughtful and measured process has been infected with political dogma and has descended into an unseemly mess. The sad thing is that the Minister must bear the lion's share of the responsibility for that because her fingerprints are all over the matter. Knowing that it was an issue edged with sensitivity and anxiety, it was the Minister's responsibility to implement a process that was genuinely inclusive and consultative and which gave the people a real sense that there was a genuine partnership Government approach to the transfer process. That has not been the case, and I am sorry about that, because it undermines the whole partnership approach to Government that is supposed to be at the core of how the Assembly operates.

The Minister must realise that consultation and achieving consensus is not about articulating her views in the same room as people who clearly disagree with them; it is about constructive dialogue, modifying views and attempting to build consensus. The trouble with the situation that we now find ourselves in is that it has become a real crisis. It did not have to be, but it has become one. Decisions need to be made, not only about current P6 pupils, who are on the very edge of the selection process, but about the children in P5 and P4 whose needs must also be considered. There is no option at this late stage but to retain the current selection test and process for the next three years. That is the only viable option open to us.

Education planning is not a "pick and mix" process; it is a serious business, and it affects the lives and life chances, as referred to by Edwin Poots, of our children, who are our most precious resource. I do not pretend to be happy with the selection process as it stands; the concept of passing and failing is not what we should be about. I am glad that that point was challenged from this side of the House. There are no failures in our education system. Our children are different, not only in their backgrounds but in their families; we all know that there are differences among children in the same family. Our children have talents and areas where they need support.



The selection process should assess children on the basis of their individual aptitudes for school pathways that reflect and minister to their individual strengths. It should also take place within the context of parity of esteem for all schools and for all school pathways available to them. What we need now is a different kind of assessment procedure —

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

**Mr K Robinson:** I will. Having said that, the current debate on academic selection has been mishandled and mismanaged, which means that we need decisions to be taken immediately. Up to now, the Minister has failed abysmally to lead in this case.

**Mr McCausland:** The most pressing problem regarding the whole issue is not academic selection in itself but lack of clarity about academic selection and the way forward. The prevailing uncertainty is having a corrosive effect on the system, whether it is expressed at public meetings, in newspaper columns, or in the views of principals or parents. The consensus is that there is lack of clarity.

The only certainty in all this is that the Minister is failing. Whether she likes it or not, the Minister is impotent — I was going to say incompetent — to prevent unregulated selection. She seems unable to admit or accept it, but that is the case. John O'Dowd came close to acknowledging it when he referred to the St Andrews Agreement and the protection enshrined in it. The Minister cannot prevent unregulated selection.

We are faced with the situation, so what can we do? The DUP, like a number of other parties, has argued for a period of reflection. We must seek to achieve consensus and an agreed way forward. Dominic Bradley referred earlier to the need for consensus. If that need is recognised, we are not going to achieve it in 11 days or 11 weeks. Sinn Féin might talk about consensus, but it does not work to achieve it.

Ken Robinson referred to constructive dialogue. That requires listening as well as talking; listening to people and talking to them rather than at them.

*1.15 pm*

How can consensus be achieved? A period of reflection is needed to allow different parties and sectors to reach the consensus that they all seek. Consensus should not only cover selection; reflection and discussion should cover all the pressing issues in education, including underachievement. The Minister tends to blame underachievement on selection and maintains that it causes the problem. That is not the case, as was pointed out by my party colleague Mervyn Storey. Underachievement starts long before the age of 11; it starts at the age of four or five or even earlier. In order to tackle underachievement, it must be moved up the

agenda. It is tragic that selection has been used as a convenient excuse not to tackle that problem.

The debate on selection has been prolonged for several years; however, we have never had a proper or true debate. A Member who spoke earlier suggested that all academic experts are of one mind on the matter — they are all against academic selection. That is not the case. During the past two weeks, I have listened to two experts from the same department in the same university give two totally contrary views on the matter. Yet the myth is peddled that experts think one way, while we lay folk think differently. There is no one academic view.

How will consensus be reached? I appeal to the Minister to give people time and to work with them to reach it. A transfer system that selects the right school for each child is needed to ensure that every child has a fair deal and gets the best possible start in his or her secondary education. I support the motion.

**Mr Kennedy:** I welcome this important debate and declare an interest as a member of the boards of governors of two schools.

The objective of all democratic Governments and their Departments must, surely, be to lead reform that will improve services and outcomes for wider society. Unfortunately, the present Minister of Education has made much of her belief in the need for change and reform, but has failed miserably to deliver any agreed, meaningful plan that explains exactly what that change will entail. Subsequently, a year and a half after the Minister took office, teachers, parents, pupils and educationalists still wait for her to clarify how year 6 pupils will transfer to post-primary education. Concern, anger and frustration grow daily among parents, teachers, pupils and educationalists. In latter days, even the Catholic head-teachers' organisation and the leaders of the four main Churches have all desperately sought clarity.

Regardless of general debates that surround education and the best way for children to transfer, it is crucial that parents and pupils receive assurances and clarity that a robust and tested system will be in place for children's transfer to post-primary education. It is the Education Minister's duty to deliver certainty and a sensible and practical solution.

**Mr Storey:** The Member says that it is the Minister's duty to deliver a solution. I question her intentions. The Minister referred to a CCEA paper when she made her proposals to the Executive in May 2008. However, her response to a question that she was asked after she made those proposals, which is now posted on the Assembly's website, makes it abundantly clear that all that has emerged from CCEA is a bank of questions for numeracy and literacy. No paper has been formulated, and it has not been extensively trailed, so that is not the issue.

What was the Minister's intention? Was it to force schools into an unregulated system, and try some other plan?

**Mr Kennedy:** I accept the Member's important point. However, the Minister has deliberately run down the clock in a completely irresponsible manner, and she has made the fundamental mistake of pursuing a political ideology instead of practical politics. Current year 6 pupils will, therefore, be the guinea pigs for the Minister's shambles of an education policy.

The Minister knows that there is a sensible and rational alternative to that unfair and unnecessary situation. Although I recognise that her long-term goal is to remove the 11-plus, it surely makes sense to extend — for a limited period — the existing transfer test. Breathing space must be created to allow a reasonable and measured plan for transfer arrangements to emerge. Although the current procedures are not ideal, they are functional, and maintaining them for a limited period would improve the welfare of children and parents.

The threat of unregulated arrangements remains, and those would be in no one's interest. Recently, the four Churches rightly highlighted their concerns about that potentially dangerous situation. At this late stage, I again make an impassioned plea to the Minister to listen, learn and act now to avoid disarray. The Minister must do the right thing, and, in the circumstances that she has inflicted on herself, that means maintaining the current arrangements for a short time. I support the motion.

**Ms Purvis:** Through debating the future of the education system, the parties have created a truly unfortunate situation. An important issue has ended up in a state of chaos and discord, and the Assembly is nowhere close to reaching consensus. The Minister has been accused of a lack of clarity and of creating anxiety and uncertainty over plans for post-primary transfer next year. Unfortunately, in the public debate on the subject, the Minister and her party spokesperson on education are the only ones who are wholly enthusiastic about her proposals.

However, it is inaccurate to suggest that they are the only people who are aware of the proposals. Some grammar schools are fully aware of the Minister's proposals, and 33 of them have defied her by insisting on retaining their own systems of academic selection and testing. Those grammar schools did not take that stand because they do not understand the Minister's proposals for post-primary transfer, but because they do not like them.

If the Minister's proposals for selection based on geographic areas proceed, some grammar schools that have spent their entire existence living in glorious isolation and ignoring the areas of deprivation that are often immediately outside their gates will suddenly have to acknowledge their neighbours. They will have

to share the vast resources that for far too long they kept for themselves and the select few pupils whom they had the pleasure to hand-pick. Those grammar schools' rejection of the Minister's proposals is not fuelled by uncertainty, but by snobbery and, purely and simply, the preservation of social selection.

**Mr Kennedy:** Does the Member accept that underachievement could be best tackled by the earliest possible intervention in schools? Is addressing educational need in early years not key to the solution?

**Mr Speaker:** The Member has an additional minute to speak.

**Ms Purvis:** I thank the Member for his intervention. I do not believe that addressing educational need in early years is the key. It is only one factor in addressing underachievement in schools. The House must examine the disparity in resources directed to secondary and grammar schools and must abolish academic selection.

**Mr B McCrea:** Will the Member give way?

**Ms Purvis:** No, I will not give way.

The Assembly must abolish academic selection, which unfairly disadvantages working-class children. I am at a loss to explain why a unionist party supports the retention of a policy that discriminates against working-class unionists.

**Mr B McCrea:** The Ulster Unionist Party supports academic selection because evidence in the Scottish constituency of Glasgow East — which enjoys a fully comprehensive system with well-paid, well-resourced schools and teachers — shows that 20% of the population is failing to attain accepted educational standards. That failure is a result of multiple levels of deprivation and other social issues. Academic selection and the 11-plus do not contribute to that failure, and people who make such statements without proper research mislead the public. The Assembly must find a solution. The Ulster Unionist Party is prepared to work with others to find a solution. We should be working together.

**Ms Purvis:** I thank the Member for his intervention. However, I disagree with his views. The system of academic selection in Northern Ireland is one of social selection, determined by class. Those children who have the opportunity to take the 11-plus, and who do well in it, are from more affluent backgrounds. Children from lower socio-economic backgrounds usually attend lower-performing primary schools, do not have the opportunity to attend grammar schools and do not have the opportunity to pursue further and higher education. The Member is propping up that system of snobbery and privilege.

The existence of separate school systems for separate communities in the Province is absurd and expensive, and segregates our children based on their religious

background. The current system of academic selection at 11 takes segregation one step further and divides our children based on social and economic class. The motion attempts to maintain a system that benefits few children and fails far too many. There is no point replacing the current system of testing with a different system of testing. The test is only one part of the problem.

The current system of academic selection offers nothing for too many children, particularly those from deprived areas, who have a greater chance of attending lower-performing primary schools that will not prepare them for this system. I hope that the House agrees that children's academic ability is class-proof and has no boundaries. Bright, capable children exist in every home, every neighbourhood, every ethnicity and every social and economic class. A child's academic performance is restricted, depending on the resources and opportunities that he or she receives. Children do not have access to the same educational resources, and, therefore, they do not have access to the same life opportunities.

The Assembly seems to be stuck in a strange cycle whereby Members debate a motion on maintaining academic selection one week and, the next week, express shock at the falling number of 16- to 19 year-olds in education, employment or training.

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

**Ms Purvis:** For the sake of effective financial management and the undeniable value —

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

**The Minister of Education (Ms Ruane):** Go raibh maith agat, a Cheann Comhairle. Since I became Minister of Education, my Department and I have — as everyone would expect — devoted enormous time and effort to the issue of academic selection and to constructing a new transfer system that places the rights, welfare and educational success of the child at its core.

The 11-plus has failed many children and has created division and inequality. It has created elites, and, disgracefully, it has condemned the majority of our children as failures. Any system that inherently condemns even one child as a failure is wrong. A system that condemns the majority of our children as failures at the age of 10 and 11 is an outrage and cannot be sustained or credibly defended.

During the past 18 months, I have sought to balance the urgency of the issue with the need to listen. I want to achieve consensus. I want to move forward by agreement.

The St Andrews Agreement required that new laws on post-primary admissions be agreed and that, if they were not, no new laws would be made when the existing laws lapsed. That provision has led many who are in favour of academic selection to characterise that agreement as saving academic selection. However, it

demonstrates a mindset that refuses to recognise the challenge, handed to us all at St Andrews, to reach consensus on the issue. The St Andrews Agreement means that the absence of consensus and agreement will lead to the absence of admissions law, and ultimately an absence of regulation.

*1.30 pm*

My Department and I have made enormous efforts to reach agreement and to arrive at a robust legislative framework for the vital and pressurised process of schools admission. From 8 May 2007 — the date of the restoration of the institutions — to this debate today, my special adviser, Department of Education officials and I have conducted hundreds of meetings with the full range of education stakeholders. I have listened carefully, and the proposals that I have brought forward show that. They contain elements with which my party and I fundamentally disagree, but that we offer in the interests of consensus.

In respect of my plans for post-primary transfer, I have appeared before the Education Committee seven times and have provided written answers to every one of the Committee's 66 questions. This is my sixth appearance in the Assembly on this subject. I have put two papers to the Executive and have made a formal legislative bid for the post-primary transfer proposals. I have written to request individual meetings to discuss the proposals with each of my Executive colleagues.

The potential for agreement and proper, long-lasting certainty has been vetoed because those in favour of the 11-plus consider the default to be on their side. My efforts have been met by those who have a preference for the absence of law, permanent clarity and certainty. Now the motion asks me, because of an uncertainty that I have striven to avoid and resolve, to tolerate and extend the status quo that has so miserably failed the majority of our children.

Tabharfaidh mé léiriú air seo. Is é an DUP an t-aon pháirtí amháin a tháinig chun tosaigh le moltaí malartacha. Is iad an dá leathanach go leith seo na haon mholtaí malartacha a chuir mo chomhghleacaithe sa Rialtas faoi mo bhráid.

Let me illustrate: the only party that has presented an alternative view in writing is the DUP. That two-and-a-half-page document is the only alternative that has been put to me by my colleagues in Government. I will describe it, so that Members can judge how consensual those views are, and how far they address the inequalities and structural absurdities of the current arrangements.

The DUP proposes that the law should allow schools to opt in to academic selection and that Government should provide schools with an assessment mechanism to use if they make that choice. That is exactly what we have now. Nothing forces grammar schools to use



academic admissions criteria — they opt to use them, and the Department provides a test. In other words, the only other proposal is, in effect, the current failed system. How will it address the fact that academic selection acts as social selection — as Dawn Purvis so eloquently put it? How will it address the challenges and inequalities that demographic decline brings to bear on the system? How does it attempt to face up to the challenge of St Andrews and reach a political agreement?

No one in the Assembly has put forward any realistic alternative proposals. We have had many debates in the Assembly, I have been asked many questions, and we have read endless — *[Interruption.]*

**Mr Speaker:** Order. Every Member has had an opportunity to speak in the debate. The Member who is shouting loudest will have 10 minutes to make his winding-up speech on the motion. The Member should not try to speak from a sedentary position.

**The Minister of Education:** We have read endless press releases. However, the same effort has been singularly absent when it comes to addressing the real issue. Let me put that in simple terms: the proposers of the motion have not done their homework. The absence of any credible alternative proposal demonstrates that many of my colleagues in the Assembly have never had any intention of reaching agreement.

Against my own principles and beliefs, and against those of my party, I have offered three years of partial academic selection. I offered a system that matched children to provision at age 14. That offer was derided, but has it been matched in any sense?

When talking about this issue, I have referred to our excellent academic traditions. I repeat those words to highlight my support for academic excellence in our schools. I want all our schools to be excellent, be it academically or in other areas that give our children and young people the educational opportunities that are best suited to their needs and abilities.

Given the proper encouragement and support, I believe firmly that every one of our children can be a success. Every one of our children is an individual with unique talents and abilities. It is the task of the education system to identify those talents and to encourage every child — not just a minority of children who are identified by questionable academic criteria. None of our children is a failure, but many of them are failed by the current 11-plus. The failure is the 11-plus; not the children.

In the absence of agreement, this motion tells me to retain the 11-plus test to end uncertainty. Just consider what sort of an end to uncertainty that that would be. How did the 11-plus serve us in this year's admissions process? For admissions into the new school year, 73% of the children who are transferring from primary

schools in Holywood transferred to a grammar school. The figure in Hillsborough was 72%, and the figures for the Malone Road and Stranmillis areas were 95% and 85% respectively.

However, only 37% of the children attending primary schools in the Sandy Row area transferred to a grammar school. The figure was 34% in Poleglass and Twinbrook. It was 22% in Rathcoole, 26% in the Shankill area and 20% in the New Lodge. Is that the certainty; the socio-economic determinism that those who proposed this motion would like me to continue? Are they really urging me to maintain an admissions process that, with grim certainty, leads to the appalling statistic that while one in four children in our non-grammar schools is entitled to free school meals, the ratio in the grammar schools is one in 17? That area-by-area situation is a true postcode lottery that has been endorsed and supported by those from the Benches opposite for far too many years.

How has the 11-plus served our primary schools? Do those who propose this motion recognise that they are urging me to continue the certain distortion of teaching in primary schools, as normal lessons are abandoned to put the children through practice papers in preparation for the test?

Some schools begin conditioning children in P5. Those who are not taking the test — one third of all children — are left out of the preparations and are, therefore, in danger of losing interest and falling behind in basic levels of literacy and numeracy. While children in Europe, in the South of Ireland and in every other part of the world learn languages, literacy and numeracy, drama, sport — all the wide variety of education — our children are being prepared for a test that is well past its sell-by date.

Is anseo, le linn na tréimhse dhá bhliana, a chliseann an córas ar pháistí agus nuair a chuireann sé a seasanna scoile ó mhaith.

It is during that two-year period that the system starts to fail children and condemns them to a poor future in school. How has the 11-plus served our non-grammar schools and the children who attend them? How has the 11-plus, and the current process, served Fermanagh, for instance? There are 14 post-primary schools in Fermanagh — four of those are grammar and 10 are secondary. Pupil numbers have fallen in Fermanagh to such a degree that those four grammar schools now educate half of Fermanagh's post-primary schoolchildren. The 10 other non-grammar schools educate the remaining half. One quarter of the desks in the 10 non-grammar schools are empty. Of the children who attend those non-grammar schools, 20-3% are entitled to free school meals. Together, those 10 schools educate 109 children who are in receipt of a statement of special educational needs.

By contrast, the four grammar schools are full, and 7·1% of their children are entitled to free school meals. Nine of their children are in receipt of a statement of special educational needs. Thanks to the 11-plus test and the selection process, Fermanagh has a fundamentally divided post-primary system, with 10 schools absorbing all the area's various challenges. The same can be observed in Belfast, Derry and elsewhere. Is this the divided system with which the proposers of the motion would like us to continue?

Let us consider the current position. My Department stands ready to process — at the first opportunity — legislation for the proposals, which I have developed after lengthy and detailed discussion. That opportunity can present itself only if the Executive engage with me on those proposals. I have always made clear that I am prepared to listen to any ideas that will improve the proposals and that pursue the objectives of equality, urgently needed structural reform and genuine consensus.

There is a great deal in the joint statement that the four Churches issued last week. I view that as a very helpful intervention, and I will meet the four Church leaders tomorrow to discuss their proposals further. I also pay tribute to the trade unions for their helpful intervention. I hope that the Members on the opposite Benches read the contents of those proposals and advertisements carefully.

It is not a question of my way or no way. Given the opportunity, I am keen to engage with people and to discuss matters in the appropriate forum. If agreement can be reached, children transferring to post-primary school for the school year 2010-2011 will have the option of sitting a test, and grammar schools will be able to determine part of their intake with reference to the results of those tests. If we do not achieve political agreement, there will be an absence of admissions regulations. Some schools have declared that in the event of that scenario, they will continue to apply academic admissions criteria, based on their own tests. I consider that to be an awful prospect for the system and for the children whom it is there to serve.

In the absence of political agreement, I am duty-bound to inform parents, pupils and teachers of the way forward. I have instructed my officials to draw up admissions criteria, and, in the absence of agreement, I will issue guidance.

To conclude, we have a collective responsibility to reach a settlement on this issue. Avoiding or postponing that responsibility, as the motion demands, will not bring certainty. We need to do what the majority of countries, in every continent of this world, have done and create a system that is based on equality. Everywhere else has grasped the nettle and got rid of outdated, academic criteria. This is not rocket science.

The motion demands the retention of the current flawed system, which divides, segregates and condemns the majority of our children as failures and which perpetuates and deepens inequality. For most children, the 11-plus means academic rejection. I prefer a legislative framework, and in the absence of political agreement, I will act as I am duty-bound to do. Parents, teachers and politicians have stated clearly that they require admissions criteria for transfer in 2010 as soon as possible. In the absence of political agreement, I will provide such criteria. We may then get fair and long-lasting certainty.

**Mrs M Bradley:** I am delighted to make the winding-up speech on amendment No 2.

Basil McCrea referred to the deep unease that exists about the future of the transfer system. No one would disagree with him on that, but the fact is that the UUP motion does not stand up to scrutiny.

As my colleague Dominic Bradley stated, no tests of the current transfer type exist, either in reserve or in preparation, and it is now too late for CCEA to commission and trial such tests. Basil McCrea stated that we should keep the 11-plus because it has been around for a long time. Dominic Bradley answered that clearly when he stated that 12 different forms of the 11-plus have been tried and none has been found to be satisfactory.

The Minister referred to the potential that the St Andrews Agreement created for consensus to be achieved. However, she must admit that with that agreement, Sinn Féin handed the DUP a veto over academic selection. That veto has contributed to the situation in which we find ourselves today.

All parties have agreed that unregulation is a nightmare scenario that is to be avoided at all costs. All parties have also agreed that the best way to avoid that situation is by achieving consensus in the House. The Church leaders made a statement on education last week that opened the door to such consensus. They asked the political parties to stand back from their stated positions and to look at the possibility for consensus for selection at age 14. Both the UUP and the DUP said that they welcome the Church leaders' statement, and I am glad that they do. I ask those parties to go one step further and respond positively to the proposals.

*1.45 pm*

We should all remember that the issue cannot be resolved if the parties retain their present positions, as is clear from today's debate. In such a situation, children will suffer and politicians of all hues will be punished for that by the parents, who are the voters.

The amendment that was to be proposed by the Alliance Party, asking for clarity on the temporary test,



is not a solution. We need a consensus that will carry us through to the long term. We live in a rapidly changing world with a global economy, as we are all too well aware lately. We need to be able to compete in that global economy. My colleague also referred to the PricewaterhouseCoopers report, 'Transforming School Leadership', which states:

"The vision articulated in the recent Programme for Government (PfG), of Northern Ireland ... will not be realised unless something is done to improve the outcomes our education system is delivering."

We cannot dilly-dally for much longer; otherwise, change will not only overtake us but leave us behind while others prosper. Let us put those who matter at the forefront of the debate and at the heart of this process — that is, the present P6 pupils and their successors.

I appeal to all parties to support amendment No 2, which calls on the Minister to present the required papers, advance change and avoid the dangers of unregulation, and further calls on all parties to show due consideration, responsibility and urgency in the delivery of a sustainable outcome for the school system, which can be defined by equality and excellence.

**Mr B McCrea:** After the comments of Mrs Bradley and the SDLP, I am deeply disappointed — and I say that with a heavy heart — that the people in Northern Ireland who take a different position to either of the two nationalist parties do not get their voices heard. As the Minister knows, people went along to St Mary's University College and explained with great clarity that they want to find some form of solution to the problem. In a democratic system, it is simply not good enough that no one is representing those people's views. Those people are not only parents but headmasters — including those from Catholic schools — and we are doing them a disservice by not having a proper debate.

The SDLP is ambivalent about the issue; I have attended SDLP branch meetings where many people have stated that they are deeply concerned about the position that their party is taking.

The Alliance Party tabled an amendment but decided not to move it or to speak to the motion.

**Mr Speaker:** Order, order. I ask the Member to take his seat. I have clarified that situation on two occasions: the Member who tabled the amendment was unavailable to move it. I do not believe that we should be discussing an amendment that has not been moved.

**Mr B McCrea:** I thank the Speaker for that clarification. The point that I wanted to make was that I would have liked to debate certain opinions that have been expressed by members of the Alliance Party on previous occasions. In particular, Mr Gerry Lynch, who is the director of policy in a north Belfast branch, said that he previously supported the 11-plus but that he had changed his mind recently, and he went on to

give various points of view that went backwards and forwards between the two positions. However, he also said that, regardless of one's point of view, something must be done now for the children in P5 and P6.

It is really disappointing that, when my party proposes a motion that tries to find a bit of space and a way forward, people do not listen to what is being said and seem to be fixated with stating the same old things.

In answer to Mr O'Dowd's assertion that the Ulster Unionist Party has not drawn up any proposals, I have one in my hand now — it is on one of these bits of paper, anyway. *[Laughter.]* It is like the famous blank piece of paper.

Seriously, the Ulster Unionist Party tabled the motion because it is not possible to do anything else in the time that remains. I accept that there are differing opinions about whether academic selection is justified, whether selection criteria are appropriate, whether there should be streaming or setting, or whether we should have all-ability teaching in classes. Many such concerns could be discussed. Furthermore, I have yet to encounter consensus among experts. Nevertheless, the Ulster Unionist Party believes — and evidence of this exists in the House of Commons — that it is impossible for people to consider the rights and wrongs of new tests or any changes to the system without first having a period of reflection. One cannot just impose a solution without wrecking the entire system.

Every party has stated the need for consensus, and, consequently, we propose to meet the Minister half way in order to agree that we need to find a solution. My party will not support the 11-plus in its current form, but it will help to develop a different method for post-primary transfer. However, as Mr Storey said, the problem cannot be solved in 11 days, or even in 11 weeks. The matter requires genuine consensus, politicking and discussion — not press releases and secret meetings.

The Minister said that she wishes to gain legislative support for her proposals; however, she should attempt to gain legislative consensus in this, a legislative Assembly, not with her friends in the trade unions or with other people outside the Assembly. If she attempts to force measures through without achieving some form of consensus, they will be doomed to failure and all our children will suffer. By tabling the motion, the Ulster Unionist Party is attempting to find some means by which to move this sorry state of affairs forward.

I listen to the Minister, and I hear that her position is softening. I hear that she no longer intends to drive her proposals through and that she accepts that unless the problem is resolved, we will enter into unregulated circumstances, which would be far from favourable for everybody. Fair enough, but what should we do next?

I did not intend to provoke — as I evidently have done — mirth from the Minister. I intended to outline a serious position. The parties on this side of the House set out to affirm that consensus is required. However, as Nelson McCausland pointed out, although the Minister calls for consensus, she does nothing to build it. When the findings of experts are trotted out, there is no mention of the fact that they do not all agree. Similarly, not all unions and parents agree, and, when we are attempting to find a way forward, they are entitled to have their positions articulated.

Ms Purvis kindly accepted my intervention when I stated that our point is not that we do not accept that there are areas of educational underachievement and that more resources must be directed towards them, it is that we do not agree that the 11-plus — or any other form of academic selection — is the fundamental cause of that underachievement. As Members on the far side of the House said, many of those who underachieve came from the areas of multiple deprivation that suffered most during the conflict.

When I visited a school on the Shankill, a teacher pointed out a young lady who, at the age of nine, is the principal carer for her family. She has no father, and, unfortunately, her mother has a drink problem. There are days when she cannot come to school because she must look after the family. Such circumstances cause educational underachievement, and the Minister's insistence on clinging to some ideological position on the 11-plus merely distracts us from the real issues in this country that must be resolved. People talk —

*[Interruption.]*

**Mr Speaker:** Order. The Member has the Floor.

**Mr B McCrea:** People talk about some halcyon future in which everyone will attend identical schools. However, they fail to realise that we live in a segregated society, with segregated housing, education and churches. Until such problems are tackled, how can we expect to improve matters?

Education should be child-centric. I urge the House not to misunderstand the Ulster Unionists when we say that we want a three-year moratorium; that does not mean that we will back the 11-plus for ever more. We are saying that there is no alternative; the Minister cannot introduce anything else that will withstand a legal challenge. She will try to introduce some geographic criteria that will disadvantage rural communities; she will try to introduce some sort of quota for social backgrounds, but that will not work. For instance, one has only to look at the bussing, and the associated troubles, that took place during the civil rights movement in America to see that those sorts of measures do not work.

We have to find the way forward. The eyes of the people of Northern Ireland are on this place, and they

are finding all of us wanting. People do not single out any Member as being particularly effective; they think that we are all pathetic. They think that we spend a lot of time talking about a lot of nonsense. The one good thing about this debate is that it is, at least, on a real political issue about which people are talking. At least the parents of children in P5 and P6 who are at their wits' end are acknowledging that the Assembly is talking about the issue.

**Mr Storey:** Even if the Assembly had reached consensus in August or September, this matter is not the priority of the party opposite. Its priority is to get devolution of policing and justice; that is the test for that party. Let us get away from the smug concern that Sinn Féin has about children. Even if the Assembly had reached agreement on post-primary transfer, Sinn Féin would not be allowing an Executive meeting to take place.

**Mr B McCrea:** I agree with the Member's comments.

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

**Mr B McCrea:** The motion provides a genuine attempt to find a way forward. We must get a period of reflection. We will work with the Minister to achieve a solution for all the people of Northern Ireland.

*Question put, That amendment No 2 be made.*

*The Assembly divided: Ayes 45; Noes 47.*

#### AYES

*Mr Adams, Ms Anderson, Mr Attwood, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Brolly, Mr Burns, Mr Butler, Mr Dallat, Dr Deeny, Mr Doherty, Mr Durkan, Dr Farry, Mr Gallagher, Mrs Hanna, Mr G Kelly, Ms Lo, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Mr Neeson, Ms Ni Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr B Wilson.*

*Tellers for the Ayes: Mrs M Bradley and Mr D Bradley.*

#### NOES

*Mr Beggs, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Dodds, Mr Donaldson, Mr Easton, Sir Reg Empey, Mr Gardiner, Mr Hamilton, Mr Hilditch, Mr Kennedy, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Dr W McCrea, Mr McFarland, Mr McGimpsey, Miss McIlveen, Mr McNarry,*

*Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mrs I Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Savage, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.*

*Tellers for the Noes: Mr Kennedy and Mr B McCrea.*

*The following Member voted in both Lobbies and is therefore not counted in the result: Ms Purvis.*

*Question accordingly negatived.*

*Main Question put and agreed to.*

*Resolved:*

That this Assembly calls on the Minister of Education to end the uncertainty facing parents and teachers of children in Primary 6 by continuing with the existing post-primary transfer test until a replacement is designed and piloted by CCEA.

## PRIVATE MEMBERS' BUSINESS

### New Regional Hospital for Women and Children

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Adams:** I beg to move

That this Assembly calls for funding for a new regional hospital for women and children; and calls upon the Minister of Health, Social Services and Public Safety to provide a timetable for the commencement and completion of the project.

Maith thú, a Cheann Comhairle. Tá mé iontach sásta a bheith anseo le labhairt ar an ábhar an-tábhachtach seo inniu, ar son na mban is na leanaí go háirithe.

Many of us have been campaigning for a new regional hospital for children and women for 14 years; the campaign began in the mid-1990s. About six years ago, the then Minister of Health announced that the new regional hospital for women and children would be sited at the Royal Hospital. The Jubilee Maternity Hospital and the Royal Maternity Hospital were amalgamated soon afterwards, and a new hospital was to follow. Cheann Comhairle, that has not happened.

There is overwhelming evidence that a new regional hospital for women and children is an urgent necessity. I hosted a briefing for MLAs at Stormont on 1 July, and no one who listened to the arguments of the trusts, the staff and the women who had recently given birth can be in any doubt about the significance of the project and the urgent need for it to be commenced.

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

I am aware that the Committee for Health recently visited the Royal Hospital to see conditions there at first hand. I welcome the efforts of the maternity liaison group, others in the community and voluntary sector, and local political parties to unify behind a renewed campaign for the children and women's hospital. I am aware that the campaigners have written to all political parties in the Assembly, and the time-to-deliver campaign will be launched next week.

I also commend the care provided by men and women in our healthcare service over many decades. Providing care for the people in greatest need is made all the more difficult when facilities are outdated and/or poorly maintained. Many sections of the children's hospital and maternity unit are situated in buildings that are between 60 and 70 years old. As a result, there are problems with general maintenance, space for patients and administration.

A LeasCheann Comhairle, no one — not even the Minister — disputes the wisdom of the provision of specialist healthcare for women and children in a new integrated regional hospital for women and children on the site of the Royal Hospital. Therefore, there must be no further delay in the commencement of the project. Inevitably, there is talk about costs and about how much money will be required to commence and complete the project. However, the cost of not proceeding with the project should also be estimated. The cost of not proceeding with — or of further delaying — the building of a women and children's hospital will be counted in the health of our women and children; in the confusion that will be experienced by health trusts across the North; and in the adverse effects on the future planning of those trusts. It makes bad economic sense to delay the project.

Now is the time for firm decisions to be taken. A clear timetable for the commencement and completion of the new regional hospital must be drawn up, and financial commitments must be made in support of the project. The Assembly has a huge opportunity to have a positive impact by endorsing the motion.

2.15 pm

The Minister must grapple with many problems, but he also has the responsibility to end the uncertainty and to begin the real work of providing that essential facility. There must be clarity about the timetable for commencing clearance and the beginning and completion of construction work. If such a facility is to meet the twenty-first-century needs of women and children, it must be a state-of-the-art resource that provides the best and most modern healthcare available. The project, at somewhere in the region of £400 million, will be costly.

The first step is to clear the money in order to enable the required on-site clearance and decanting work to begin. The Department of Health will spend £225 million on capital projects between 2008 and 2011. It is disappointing that the Department has not made the new regional hospital for women and children a priority in that period. In April, the Minister acknowledged that the new regional hospital was "badly needed". However, he has refused to provide, in his words:

"a timetable for the completion of the new hospital at this stage." — [*Official Report, Bound Volume 28, p26, col 1*].

I hope that the Minister takes the opportunity of this debate to announce a timetable for the completion of the new hospital.

The failure to give the new regional hospital the required urgent priority is having a profound and adverse affect on planning for maternity and children's services by the Department and by health boards and trusts across the North. It is understandable and natural

that health boards are reluctant to spend money on the expansion or renovation of smaller maternity units when they expect that a new regional hospital for women and children will be built. A recent example is the public concern around maternity services at Lagan Valley Hospital. This comes at a time when birth rates have been steadily rising across the Six Counties. In the past year, more than 5,500 children were born in the Royal Jubilee Maternity Hospital.

There is nothing more important to society than the provision of health facilities and resources; in particular, facilities that save the lives of women giving birth, of babies and of children. A few months ago, I visited the Royal to witness for myself the care and compassion provided by nurses and doctors to some of the most vulnerable infants. No one disputes the wisdom of the provision of specialist healthcare for women and children in a new integrated regional hospital at the Royal. That is especially true of essential lifeline services for those with serious health complications. Even the smallest baby can be saved today because of scientific advancements. I saw babies smaller than the palm of my hand.

However, once a child has been brought into the world, every moment counts. Therefore, the Minister must now provide clarity about the timetable for commencing clearance work, the beginning of construction and the completion of work at the site for the new hospital. Minister, it is time to deliver. Go raibh míle maith agat.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Mrs I Robinson):**

I am pleased to speak to this motion. The Committee has been concerned about the issue for some time. In September, we met the Royal Jubilee Maternity liaison committee, which raised serious concerns about existing facilities and highlighted the urgent need to make progress on plans for the new hospital.

My Committee subsequently wrote to the Minister, and last month it visited the Royal Jubilee Maternity Hospital and the children's hospital. Committee members had the opportunity to see for themselves the conditions at both, and there was a presentation on the plans and design of the new hospital. Most people accept that the journey towards a new regional maternity hospital in Belfast began approximately 14 years ago, since when it has been the subject of many reviews, consultations, announcements and judicial reviews.

It has been the responsibility of various direct rule and local Ministers. The decision to build a new women and children's hospital was made more than five years ago, and the provision of funding to get the work under way is long overdue. The Minister, in his response to the Committee, said that issues relating to the business case were outstanding and that the trust



would have to address those before making any decision on the funding or timing of the project. During the Committee's recent visit to the hospital, the trust assured members that all outstanding issues have been addressed and that the matter is now clearly in the Minister's court. One wonders who to believe in such situations.

In the short time available to me, I will mention some of the main concerns about the existing facilities which have been brought to the Committee's attention. The Royal Jubilee Maternity Hospital is in a 1930s building, which has long passed its sell-by date. The general standard of accommodation is poor, and there are major health and safety concerns about standards and about the infrastructure of the building. The hospital has a minimal number of single rooms to provide privacy.

When the Jubilee Maternity Hospital closed in 2000, it was anticipated that there would be approximately 4,900 births a year. However, last year, there were 5,600 births, and that number is rising, which is causing serious overcrowding problems in all departments, including antenatal appointments, antenatal wards, delivery suites, post-natal wards and the neonatal unit.

The Royal Jubilee Maternity Hospital fulfils two important roles. It is the local maternity hospital for women living in the greater Belfast area and it is the regional hospital for specialist maternity services for the whole of Northern Ireland. The services include fertility treatments and those for pregnant women with severe medical complications. The hospital does not have direct links to other parts of the system; therefore, women and babies are often transported by ambulance in crisis situations for diagnostic tests, to adult intensive care or to the children's hospital for paediatric services.

The children's hospital is suffering from many of the same problems as the maternity hospital. It is mainly in a 1930s building, with similar poor standards of accommodation, overcrowding, lack of single rooms for very ill children, infrastructural problems and health and safety concerns. It is also the regional centre for paediatric services, and many children and their families travel from all parts of Northern Ireland to attend the hospital. However, unlike the maternity hospital, where mothers and babies generally have a short stay, some children with chronic or severe conditions often have repeated admissions or lengthy stays in what are totally unsatisfactory conditions.

The Minister acknowledged that the provision of a new women and children's hospital is one of the Department's priorities, but a firm commitment and timetable have not yet been given. That must happen now without further delay. The estimated capital cost of the project is around £400 million, and it will cost almost £30 million and take up to two years to clear

the proposed site and relocate the services based there. Even if the green light were given today, it would be several years before the new facilities would be ready. In the meantime, it will take considerable investment to maintain the existing buildings.

During the Committee's recent visit to the hospital, the difficulty in maintaining staff morale was also highlighted. Therefore, the Minister must act now. I support the motion.

**Mr McCallister:** I thank the Members who brought the important motion to the House. However, it should be remembered that the Jubilee Maternity Hospital was closed in 2000 by the then Sinn Féin Health Minister, Bairbre de Brún, despite the fact that many health experts were against the closure. However, following the closure, it was recognised that a new regional women and children's hospital was needed for Belfast.

Northern Ireland has 11 trust sites providing acute maternity services, and although the range of annual birth numbers across the trusts is lower in hospitals here than in those in England, there is still a need for the development. Not least, that is because maternity services cannot be considered in isolation, and a range of services for women and children must be taken into account. There is a need for a specialist facility that caters for prenatal and post-natal care as well as caring for children.

The Minister is aware of the situation, and in an ideal world, I know that he would give the go-ahead for the development of a new regional women and children's hospital as soon as possible. However, it must be recognised that the Department of Health, Social Services and Public Safety does not exist in the best of all possible worlds. The health budget is limited, and would be even more limited had it not been for the Minister's strong response to the draft Budget — a response that was questioned and criticised by some in the Chamber.

**Mrs I Robinson:** Name me.

**Mr McCallister:** I am, of course, happy to name you, Mrs Robinson.

The build capital for the development of a regional women and children's hospital, as was stated earlier, is about £400 million. The capital available for the three-year budgetary period is £728 million, all of which has already been spoken for. As part of an investment strategy, the Minister made a bid for £5.7 billion in 2008, but he received only £3.3 billion to cover the 10 years. That highlights the fiscal constraints that the Minister faces. Given those constraints, the Department of Finance and Personnel undoubtedly has a key role to play in this matter.

We are all aware that many hospital facilities and buildings in Northern Ireland are too old, and, in many

instances, have deteriorated to worrying levels. That is a legacy of decades of under investment. Far from being removed from the issue, the Minister has been closely involved with the latest developments. Departmental officials have worked closely with the Belfast Health and Social Care Trust in order to finalise proposals for the women and children's hospital. The business case for the development is with the Department of Health, Social Services and Public Safety.

In light of the competing needs of potential capital projects, and the limited money that is available, the Minister has instigated a review of capital priorities, within which this, and other capital schemes, is being considered. I look forward to the Minister's response, while recognising the difficult choices that he has to make.

Maternity services are facing various challenges. The birth rate is increasing across Northern Ireland, but we must recognise where that is happening. There is an increasing demand in the Southern Trust area, as well as in the east of the Province. Although the Minister has considered the need for a new regional hospital, he also recently announced plans to review all maternity services in the greater Belfast area. Although we — and the Minister — may not get all the outcomes that we want, I am confident that he will deliver the best outcomes possible.

It is worth recognising that the Minister has invested £500,000 towards the improvement of maternity services at Daisy Hill Hospital, which serves a large part of my constituency, and has opened a state-of-the-art £13 million maternity unit at the Ulster Hospital in Dundonald. That unit can accommodate an extra 1,000 births, and it is essential that all spare capacity in the Belfast area is used in order to meet the current needs of women and children.

The Ulster Unionist Party recognises the need for a new regional women and children's hospital for the greater Belfast area, and hopes that it can be delivered in the near future.

**Mr Deputy Speaker:** Order. We will continue the debate after Question Time. The next speaker will be Mrs Carmel Hanna. In the meantime, Members may take their ease until 2.30 pm.

*The debate stood suspended.*

2.30 pm

## Oral Answers to Questions

### HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

#### Childhood Vaccinations

1. **Dr McDonnell** asked the Minister of Health, Social Services and Public Safety what steps he is taking to ensure that all illegal immigrant children or children with non-EU status (i) arriving and (ii) born in Northern Ireland are given the complete course of childhood vaccinations, in the interests of public health. (AQO 952/09)

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** All children who are born in Northern Ireland are entitled to the full range of childhood immunisations, irrespective of their parents' immigration status. For children who arrive in the United Kingdom, the expression "non-EU" includes many possible categories of immigration status. Many non-EU families are, in fact, legally ordinarily resident in Northern Ireland. In the interests of public health, the trusts use a range of means to reach undocumented migrant families and to ensure that all children are immunised.

**Dr McDonnell:** I thank the Minister for his answer. Is he aware that the nature of their status means that many of those children are transient? Equally, language barriers result in many parents being unaware of the health objectives here. Can some sort of assessment be made of the effectiveness of the various trusts' outreach programmes? From the information that has come my way, many of those children slip through the net on the various vaccination programmes that are in place.

**The Minister of Health, Social Services and Public Safety:** UK-wide practice is that, if children who come to the UK are not known to have been completely immunised, they are assumed not to have been immunised at all, and a full course of vaccinations should be given. It is difficult to document illegal migrant children, so the trusts take any opportunities that present themselves to reach such families. Effective communication, translation and interpreting approaches, such as the use of information packs and translation services, are important ways in which to reach a migrant population, including people who are considered to be here illegally. The Health Service follows that approach in order to find those children.

**Mr Deputy Speaker:** I call Mrs Michelle O'Neill, the Chairperson of the Committee for Health, Social Services and Public Safety.

**Mrs O'Neill:** I am not its Chairperson.

Will the Minister confirm that public-health workers who are attached to schools and communities to deliver services and information on vaccinations and other healthcare will not be affected by the cuts that are proposed in the current comprehensive spending review (CSR)?

**The Minister of Health, Social Services and Public Safety:** The CSR proposes efficiencies, not cuts. Those efficiency savings are placed as a responsibility on me by the Executive and, by definition, the House, and I have no choice other than to make them. If Mrs O'Neill has better ideas or knows another way in which to find money, I am all ears.

The child-health system includes a range of functions that helps us. The system helps with the monitoring and scheduling of immunisations, and it tracks children according to their schools. It may also track children through their addresses having been registered with GPs and through recording of test results. The follow-up system, therefore, is fairly elaborate.

**Mr Newton:** Do parents or guardians have the right to object to the complete course of childhood vaccinations on the grounds of religion or culture, or for any other reason?

**The Minister of Health, Social Services and Public Safety:** The universal practice, or principle, is that for there to be any healthcare intervention, including for vaccinations, consent must be given.

**Mr Deputy Speaker:** Question 2 has been withdrawn.

### Ambulance Service: Omagh District

3. **Mr McElduff** asked the Minister of Health, Social Services and Public Safety how much money will be invested in the Ambulance Service in the Omagh district and specifically how this money will be spent. (AQO 1028/09)

**The Minister of Health, Social Services and Public Safety:** I am investing an additional £3 million over the next three years to improve emergency services in Fermanagh and west Tyrone. In the Omagh area, £500,000 will be used to fund an additional 24/7 accident and emergency ambulance and crew, and £110,000 will be used to purchase a new accident and emergency ambulance. Omagh will also benefit from additional funding allocated to provide 24/7 ambulance cover in Castlederg, to roll out paramedic-administered thrombolysis, and to train additional paramedics. The area will also benefit from £100 million in capital

funding, which I announced in October, to enable the Ambulance Service to modernise its estate and replace its fleet across Northern Ireland.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for the investment in ambulance provision in the Omagh area and in other parts west of the Bann, as has been detailed. I ask him to intervene to ensure that those intermediate-care ambulance vehicles are deployed and remain in Omagh. I have been told by patients and ambulance staff that the ambulances are often used for less urgent work outside the area. I ask the Minister to ensure that resources are used efficiently and that ambulances are deployed in Omagh, where they are needed.

**The Minister of Health, Social Services and Public Safety:** That is precisely my point; the issue is about efficient use of resources. The Ambulance Service is a regional service. If it cannot address a challenge locally and immediately, it will search for spare resources in other areas to do so. It is quite normal for patient-care vehicles to be based in Omagh and to serve people in other towns, as happens with accident and emergency ambulances. Resources are targeted where they are required. I assure the Member that the Ambulance Service in the Omagh area provides an excellent service. It receives approximately 800 category-A — life-threatening — calls a year. In March 2008, the Ambulance Service aimed to attend 70% of those calls in eight minutes. It is very close to that target.

**Mr Bresland:** My question has been partly answered. What progress has been made on 24/7 accident and emergency ambulance provision in the Castlederg area?

**The Minister of Health, Social Services and Public Safety:** The investment has meant the introduction of one additional accident and emergency ambulance, which is based in Omagh, and the appointment of 12 staff. Four staff will provide 24/7 accident and emergency ambulance cover in Castlederg, which amounts to 1,773 additional hours per annum, and a roll-out of thrombolysis. That will take approximately two to three years to put in place, because extra paramedics must be trained.

In the meantime, pending training and the introduction of the new crew, we will increase accident and emergency cover in Omagh at the weekends to 24/7, which will provide 36 additional hours of cover. We will also increase immediate-care ambulance cover 24/7, which will provide an extra eight hours of cover, seven days a week. That package of measures includes Castlederg, which did not have a 24/7 ambulance station until I intervened and provided it.

**Dr Deeny:** My question is on the effective and efficient use of ambulance resources. I am not sure whether the Minister is aware of this, but according to



clinical governance and patient safety, ambulances must transfer patients to the appropriate hospital. If the Minister is aware of this, why are my patients, who have potential fractures and who live east of Omagh, being driven past the Tyrone County Hospital, which has an excellent radiology department, and taken to the Erne Hospital, which has no orthopaedic services? If the patient's fracture is diagnosed, and orthopaedic treatment is required, he or she is then being transferred to Altnagelvin Hospital in Derry.

The Minister knows that such practice is putting patients' health at risk. It is also a medically inefficient use of ambulances, because they are being driven around the west and are, therefore, out of circulation for hours.

I am sure that the Minister would agree that those patients should be scanned and/or X-rayed at Tyrone County Hospital, and then transported to Altnagelvin if necessary.

**Mr Deputy Speaker:** Please ask your question, Dr Deeny.

**The Minister of Health, Social Services and Public Safety:** Like you, Mr Deputy Speaker, I was waiting for the question. Ambulance cover in the Omagh area is about getting the appropriate treatment to the patient as quickly as possible. That is what the service does in Omagh, and throughout Northern Ireland. I am confident that the correct principles and protocols are being followed, and that patients are being taken to the hospital that will provide appropriate care.

### Agency Nurses

4. **Mr Burns** asked the Minister of Health, Social Services and Public Safety how much his Department has spent on the employment of agency nurses in the last financial year. (AQO 956/09)

**The Minister of Health, Social Services and Public Safety:** Trust expenditure on agency nurses ensures that safe and effective services are sustained for patients and clients at all times. In the past year, the cost of employing agency nurses — approximately £13 million — represents less than half of 1% of the total health and social care budget. Nonetheless, trusts have been asked to examine reliance on agency staff, and my Department will continue to monitor expenditure closely.

**Mr Burns:** How will the loss of 700 jobs impact the front-line service of nursing?

**The Minister of Health, Social Services and Public Safety:** As Members are aware, efficiency proposals are the subject of consultation. Among those is a proposal for a cumulative reduction of 700 nursing posts across Northern Ireland, as the service realigns

and modernises. I remind the House that that number is out of a total of approximately 18,000 nurses. That is a matter for consultation. No decision has been made, and I will examine the results of the consultation early in the new year.

As for agency nurses, vacancies occur through natural staff turnover in the nursing workforce — through promotion, career breaks, retirement, career progression, maternity leave, and so on. The use of agency staff is one of the ways of managing short-term vacancies, sickness and maternity leave. Although the cost of employing agency nurses has fallen by around £1.5 million over the past three years, I have asked the trusts to do better, and I am looking hard at that particular budget. Reliance on agency staff is caused by historic underinvestment, which we have now moved beyond.

**Mrs I Robinson:** The Minister has kindly provided figures for the cost of agency nursing staff, but will he provide the cost for recruiting all agency staff? Will the Minister's plans to cut hundreds of nursing posts not merely increase the need for agency staff to be employed further down the road, which is a more expensive alternative? Even he would have to agree with that.

**The Minister of Health, Social Services and Public Safety:** I will write to the Member with information on the first two parts of her question, in respect of agency staff. As for the reduction of 700 posts, the proposals came from the trusts, and are under consultation. Mrs Robinson, along with everyone else, will have an opportunity to respond to that consultation.

As Members are aware, I was asked for efficiencies. In fact, some Members virtually screamed and yelled at me to find efficiencies.

**Some Members:** Hear, hear.

**The Minister of Health, Social Services and Public Safety:** Those are the best proposals that the trusts say that they can come up with. If Mrs Robinson has alternatives or other options, I am listening and I am waiting. It is a matter for — *[Interruption.]*

**Mr Deputy Speaker:** All remarks must be made through the Chair.

**The Minister of Health, Social Services and Public Safety:** Thank you, Mr Deputy Speaker — that is how some people got into trouble before.

I will make decisions as necessary. I hope that consensus is reached. If there is a consensus, I have no decision to make. If there is not a consensus, I have a decision to make.

Members need to be aware that I must find £700 million in efficiency savings over the next three years.



That requirement has been imposed on me. If the Assembly does not want me to have to find that £700 million, it must vote that the money is secured for the health budget.

2.45 pm

**Mr Gardiner:** Does the Minister — *[Interruption.]*

**Mr Deputy Speaker:** Order, please.

**Mr Gardiner:** Perhaps you would bring order to the House, Mr Deputy Speaker.

**Mr Deputy Speaker:** I repeat my earlier instruction that all remarks must be made through the Chair. Mr Gardiner, you now have the Floor.

**Mr Gardiner:** Thank you, Mr Deputy Speaker.

Does the Minister agree that the amount of money that is spent on agency nurses demonstrates just one reason why efficiency savings are important if improvements are to be made throughout the Health Service during the next few years? Does he also agree that more must be done to attract new graduates to midwifery and mental-health nursing, and will he consider devolving more resources to meet growing need in those areas?

**The Minister of Health, Social Services and Public Safety:** Although one of the Department's key aims is to strive for efficiency in the Health Service — and bearing in mind that health takes up about 47% of the Budget — there is a shortage of mental-health and learning-disability nurses, for example. In addition, a large number of nurses from overseas work in the private sector. I can say to graduate nurses that there are absolutely no plans to reduce the number of nurses who are being trained. The number is appropriate. There are absolutely no plans in any of those exercises for any form of compulsory redundancies, and I expect that all graduate nurses will find employment.

### **New Regional Hospital for Women and Children**

5. **Mr Adams** asked the Minister of Health, Social Services and Public Safety what communication he has had with the Minister of Finance and Personnel on the release of public investment to commence work on the new regional hospital for Women and Children at the Royal Victoria Hospital site. (AQO 1029/09)

**Mr Adams:** Ceist uimhir a cúig.

**The Minister of Health, Social Services and Public Safety:** I met the Minister of Finance and Personnel in May 2008 to discuss a broad range of issues that relate to funding constraints on the delivery of the capital programme for health and social care.

That discussion included the new regional hospital for women and children.

After the outcome of the recent review of capital priorities, I will meet the Minister of Finance and Personnel to discuss the capital profile that has been allocated to me, and the impact that that will have on the timing and delivery of the new women and children's hospital.

**Mr Deputy Speaker:** I remind Members that if they speak in another language in the Chamber, they must repeat what they have said in English.

**Mr Adams:** I noticed that the Minister did not need any help to translate what I said, so congratulations to him.

I thank the Minister for his answer. It is good that he is having those discussions with the Minister of Finance and Personnel. Will he inform the House where the new hospital is in the priorities that he has set out for capital projects in the coming year? Does he agree that there is a significant health and economic imperative to ensure that his Department and the Department of Finance and Personnel work diligently to fast-track the release of funds for the new hospital? Go raibh maith agat.

**The Minister of Health, Social Services and Public Safety:** I am sure that Mr Adams is aware that we are where we are with regard to funding. I inherited a funding position, which is that during the first three years of the CSR, capital funding is, essentially, bespoke on projects. That is historical. The capital review that I launched through the trusts shows that £7.8 billion of funding is needed. However, £3.3 billion of funds was allocated.

Another problem with the allocation, which I must discuss urgently with the Minister of Finance and Personnel, is the fact that a third of that money will not come through until the last two years of the 10-year project, and that in year six there is virtually no money with which to do anything. Funding comes in a rush, then nothing, and is then followed by a second rush.

From a health perspective, whoever devised the allocation did not think it through. I must examine how the investment strategy for Northern Ireland deals with the capital allocation and how funding from the Budget is allocated to my Department. The funding is not nearly enough to meet demands, and the profile accorded to health does not come close to serving the Department's purpose. If I could, I would launch the project right now and build the women and children's hospital tomorrow. However, the funding is not available.

I will outline the time frame for the women and children's hospital in the debate later, but I do not consider it to be satisfactory.

**Mr Shannon:** I thank the Minister for his response. Does he agree that the provision of a new regional hospital will benefit multiple constituencies and enhance the role of maternity hospitals throughout greater Belfast, particularly the Ulster Hospital at Dundonald?

**The Minister of Health, Social Services and Public Safety:** One option that my Department is considering is to build the hospital in two parts — one part for women and the other for children. However, I do not favour that option because of the critical linkages between the two and throughout Northern Ireland, and the children's hospital in particular will be a key regional resource.

If the Assembly, and particularly my Department, has a goal, it is to look after the most vulnerable members of society, and none are more vulnerable than sick children. As far as I am concerned, the hospital is an urgent priority, but I cannot build it without the proper resources, and my current position is one that I inherited.

**Mr Attwood:** Will the Minister remove doubt and create certainty on two issues? Is he telling the House and the wider community in Northern Ireland that, because the bespoke projects that he mentioned use up the next three years of funding, there is no money in the health budget even to clear the site for the proposed hospital?

The Minister stated that he has completed the review of capital projects and assessed its impact on the timing of projects. Is the project at the Royal Victoria Hospital his number one priority, or is it a catch-all priority?

**The Minister of Health, Social Services and Public Safety:** I am not sure whether Mr Attwood was present when I said that the hospital is a high priority. However, I am working on a 10-year capital programme, the first three years of which are taken up with bespoke projects; for example, the new hospital that is being completed at Downpatrick requires capital, as does phase B at the Ulster Hospital.

The funding for the subsequent two years is entirely taken up by two PFI projects: one at Enniskillen and another proposed project at Omagh. The nature of the capital programme means that there is virtually no money in the kitty for year six. Therefore, I will not be able to start projects over which I have discretion until the year after that, and I confirm that the work on the hospital will start in year seven of the 10-year programme. As things stand, the hospital will be completed in 2017-18. Given the available capital resource, that is the soonest that I can start, and I will build the hospital as fast as I can. As I said, I need extra money; the identified priorities require £7.8 billion, but the allocation is only £3.3 billion. I am

considering clever ways to find the extra money. Perhaps if some schemes prove to be unnecessary, money can be released.

However, we are where we are; I inherited the health profile and, unless extra money can be found, I will not be able to exercise any discretion until year six because capital spending is planned years in advance.

## Respite Care

6. **Mrs D Kelly** asked the Minister of Health, Social Services and Public Safety how many young people under the age of 18 with special needs are currently waiting for respite care. (AQO 981/09)

**The Minister of Health, Social Services and Public Safety:** The most recent estimates from boards and trusts indicate that approximately 400 young people are waiting for respite care provision. That figure is unacceptable. The comprehensive spending review secured a total budget of £43 million — £24 million recurrent over the next three years — to benefit children and adults with disabilities in Northern Ireland. That funding will enable health and social care trusts to provide, over the next three years, an additional 400 new or enhanced respite care packages for people with special needs and their families and carers.

**Mrs D Kelly:** I concur; a waiting list containing more than 400 young people is unacceptable. The Minister said that the money will be spent on all people with disabilities, particularly learning disabilities. Does he mean that the funding will not be specifically directed towards young people? How much money will be spent on young people? How much money will be spent on each child with special needs?

**The Minister of Health, Social Services and Public Safety:** The target is to provide, by 31 March 2011, 200 new or enhanced respite packages to benefit 800 people with learning disabilities. Furthermore, the target is to provide 200 new or enhanced respite packages to benefit approximately 400 children with special needs. I understand the need for such provision and appreciate the difficulties that carers face. The Department must find the resources to support carers, without whom the Health Service would be in a dire situation. Those measures include residential, domiciliary and day-care packages, and respite care is an important support element. Although I hope to benefit that number of people, it is optimistic to think that those measures will address all the problems, which are increasing annually.

**Mr Poots:** Does the Minister recognise that leaving school at the age of 18 causes consternation for many young people with special needs and their parents? Will the Minister ensure that those children have adequate opportunity to enter employment or further

education or to attend resource centres? That is not currently the case.

**The Minister of Health, Social Services and Public Safety:** I recognise that the transition at 18 is difficult for looked-after children and adolescent children with mental-health difficulties and learning disabilities. The Department is keen to address that major transition, particularly for looked-after children. Other help is available for children with special needs. In light of the Bamford Review, we want to work with the Department of Education and the Department for Employment and Learning to provide help, and we will publish an action plan in early 2009.

**Mr F McCann:** Go raibh maith agat. Has the Minister had discussions with the Minister for Social Development about social-housing provision for people leaving respite care under the Bamford Review?

**The Minister of Health, Social Services and Public Safety:** The Minister for Social Development has a key role on the interdepartmental ministerial group on Bamford. We have discussed supported housing for individuals with mental-health problems, learning disabilities, dementia, and so on, on several occasions. As I said earlier, resources are required to address the problem.

The Department for Social Development provides accommodation, and my Department provides care packages — we have a partnership.

3.00 pm

## REGIONAL DEVELOPMENT

### Rapid-Transport System

1. **Ms Ní Chuilín** asked the Minister for Regional Development for an update on the rapid-transport system for Belfast. (AQO 1032/09)

**The Minister for Regional Development (Mr Murphy):** Good progress has been made since the take-note debate in the House on Tuesday 3 June. We have concluded the engagement with key stakeholders. As a result of some concerns that were expressed, we have further explored an alternative route for rapid transit in east Belfast. The result of that work has shown that use of the Upper Newtownards Road for that purpose is not viable.

We are also establishing a dedicated delivery team for rapid transit and are purchasing land for the scheme. In recognition of rapid transit's wider benefits, I have written to my ministerial colleagues to invite their comments on any proposals.

**Ms Ní Chuilín:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his response. Will he outline why certain routes have been chosen for pilot schemes ahead of others?

**The Minister for Regional Development:** The Member, as are some other Members for North Belfast, is particularly concerned about the routes that have been chosen for pilot schemes. However, we anticipate success with the routes chosen, and other routes across the city of Belfast will then be adopted.

The first route chosen runs from the city centre through east Belfast. It is a corridor that suffers from high congestion levels and limited public-transport provision. Along a significant part of that route, there is an opportunity to develop the former Belfast to Comber railway line, and the route will serve the potential development around Dundonald, as is highlighted in the draft Belfast metropolitan area plan 2015.

A second route runs from the city centre to the Titanic Quarter. In light of the large scale of new development proposed for the Titanic Quarter, it is considered essential that an appropriate public-transport scheme connect that area to the city centre during its initial planning stage.

A third route that the pilot plan considers runs from the city centre to west Belfast, which houses one third of the city's population and contains the Royal Victoria Hospital. That hospital serves many people in the city and beyond. The emerging Glenmona development site opens up an opportunity for a rapid-transit route to serve west Belfast and link it to the city centre and beyond.

I reassure the Member, and other Members who have a particular interest in north Belfast, that scope exists for development of rapid transit in north Belfast at a later phase of development. It includes use of the Crumlin Road to serve proposed development at the Girdwood site, Crumlin Road jail and courthouse.

**Mr Poots:** Does the Minister recognise that the draft Belfast metropolitan transport plan's rapid-transit study failed? One of the areas of major traffic movement is between Lisburn and Belfast. The proposed rapid-transit system does not address that problem. Therefore, we have gridlock on our motorways every morning, in spite of the £100 million that has been spent on the Westlink.

**The Minister for Regional Development:** The Westlink and M1 project is not yet finished; it is still a roadworks site. One of the proposed routes for rapid transit runs into west Belfast in the direction of Lisburn. I appreciate that the Member would like to see the project developed — *[Interruption.]*

I know that the Member does not recognise west Belfast as a useful destination to which to take any project. However, he will know, from his time in the



Executive, when the plans were discussed and endorsed, that these are all pilot studies. It is my intention that the rapid-transit system will work and that it will be expanded to other routes across the city and beyond.

**Mr B McCrea:** When I travelled in from Lisburn this morning, I sat for two hours in a traffic jam. What measures will the Minister take to wean people off using their cars? How will he encourage them to use the rapid-transport system? That is the only way in which the system will be made effective.

**The Minister for Regional Development:** This morning, while travelling to Belfast, I sat for more than two hours in a traffic jam, so I am aware of the frustrations and difficulties involved in getting into and out of the city amid the congestion.

Rapid transit is one of a number of solutions to traffic congestion. We have provided park-and-ride facilities — the Member will be familiar with the one at Sprucefield. We are developing other such facilities around the city, as well as improving the quality bus corridors.

Car parking in the city centre must be addressed. We must adopt a carrot-and-stick approach: provide as good a public-transport system as we possibly can while discouraging car usage. Residents' parking schemes are one part of that approach, and car parking in the city as a whole must be considered.

The Department launched a range of measures, including the travel-to-work weeks and Travelwise initiatives. We talked to schools and major employers about people car sharing and children walking or cycling to school, and about trying to improve road safety for that to happen in and around the city.

The rapid-transit system is one of a series of proposals, but we face a huge issue, as the Member pointed out. We have spent hundreds of millions of pounds on road networks and a substantial amount of money on the motorways — the M1 and the ongoing work on the M2 and the Westlink — but we will still experience congestion problems after that work has been completed. That points to the bigger question of how much we are prepared to spend on road improvements as opposed to other measures that are targeted at reducing the number of cars that come into and out of the cities.

**Dr McDonnell:** Is the Minister aware that a light-rail system would be the carrot, and that a stick would not be needed to get people out of their cars? The Atkins Report, which was commissioned some months ago, dismissed a light-rail system as too expensive. Will the Minister tell us what mechanism was used by the Atkins consultant to cost a light-rail system? I subsequently talked to several interests who claim to be able to do the work for approximately 70% of what the report quoted.

**The Minister for Regional Development:** Many people knock on our doors and offer all sorts of propositions and cheap ways of doing things; often, however, they do not stand up to scrutiny when examined. The Member raised this matter previously, when he said that alternative figures were on offer. Following that remark in the Chamber, I wrote to him and asked him to provide the figures, but I have not received them.

Atkins conducted a study on a rapid-transit system, including the light-rail option; but it was substantially dearer than the bus-based option. Cities in Ireland, Britain and Europe of comparable size to Belfast opt for bus-based systems. However, a bus-based system could be upgraded to a light-rail system in future if the numbers and the economic case stack up. That possibility is in the proposals.

## Departmental Information/Services

2. **Mrs O'Neill** asked the Minister for Regional Development what action he is taking to ensure that people from ethnic minorities can access information and services provided by his Department.

(AQO 1058/09)

**The Minister for Regional Development:** My Department is committed to making information about its services as accessible as possible. The Department has developed a guide to making information accessible to help staff to provide customers with accessible information as quickly and effectively as possible. That includes advice on translations and interpretations.

Information is translated into minority-ethnic languages when requests are received or in advance where a need is identified. The guide is updated annually in association with the Equality Forum, which has representatives from business areas and the voluntary and community sector, including representatives from many section 75 groups. The most recent update was completed in September 2008.

To complement the guide — and in recognition of the increasing linguistic diversity that is evident in the North — I launched a multilingual section of the Department's Internet site on 29 September 2008. The site has received more than 2,000 hits since that date. The multilingual section provides a range of background information about the functions that are carried out by the Department for Regional Development and its Roads Service agency in 11 different languages. Useful contact details and links are provided, as well as information about issues of direct interest, such as parking enforcement, and the Blue Badge and Travelwise schemes.

Details of the Department's complaints procedure have also been translated to ensure that members of ethnic groups know how to inform us of any problems or difficulties that they may experience. That helps us to rectify problems and continue to deliver a high-quality service to all our customers. We intend to keep working on the site to refine and improve the information that it provides.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Will he detail whether he intends to expand the site? Are there other similar innovative projects that benefit those who wish to access information in a language other than English?

**The Minister for Regional Development:** I intend to keep working to refine and develop the information on the site. My officials will be reviewing the site with the Equality Forum and with organisations that represent indigenous and ethnic-minority groups. A meeting is planned with Pobal soon.

In addition, my Department supports 18 rural-community transport partnerships to provide specialised transport services in rural areas. Those services are available to all rural dwellers who experience social exclusion.

Partnerships work with local ethnic community-support groups and migrant support workers and promote their services to those groups. A number of partnerships provide transport to English classes to help people to develop their personal language skills. One partnership is developing a Polish leaflet in conjunction with the passenger assistant.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister inform the House of the actions that he has taken to ensure that passengers who seek information on rail and bus services to Derry can do so without exception being taken? Will the Minister confirm that Derry is a recognised destination?

**The Minister for Regional Development:** Of course Derry is a recognised destination. Part of the rationale for developing departmental information services is to help to ensure that people can easily access information from the Department through whatever means they wish.

The Department has a complaints procedure that people can avail themselves of if they encounter any hostility to the type of service that they require, or if they feel that they have been unfairly or rudely treated. If the Member knows of any instances when that has happened, I would be happy to receive the relevant details, or for him to direct the complainants to the relevant officers in the Department.

**Mr Neeson:** What provisions are being made by the Department in relation to signage to assist people from

ethnic minorities travelling on all forms of public transport?

**The Minister for Regional Development:** Initially, the information available on the Department's website relates to documentation that is distributed by the Department or its agencies. I am examining the development of a policy to deal with road signage, which is currently limited to English only.

I have not received any specific communication in relation to signage from people from other language backgrounds who wish to access services. However, the intention is to improve the service as we proceed. If issues arise whereby people find it difficult to use services, the Department will look favourably at attempts to deal with those issues.

## Water Bills

3. **Mr O'Loan** asked the Minister for Regional Development how many premises have been issued with water bills since 1 April 2008. (AQO 941/09)

**The Minister for Regional Development:** I have been advised by NIW (Northern Ireland Water) that 92,317 premises have been billed since 1 April 2008.

**Mr O'Loan:** Will the Minister inform the House how he will address the £400 million gap in his budget? What part will water charges will play in that?

**The Minister for Regional Development:** I can perhaps satisfy the Member's first question by stating that I do not have a £400 million gap in my budget.

As for his second question, the Executive have drawn up proposals in respect of water charges. That was an Executive-led, not a Department for Regional Development- (DRD) led, proposal and the resources to satisfy that proposition will be found from the Executive, not DRD.

Perhaps the information that the Member referred to was contained in a paper that was — unfortunately and regrettably — provided to the media, I believe, by a member of the Committee for Regional Development. In doing so, that Member hampered the good work of that Committee. The purpose of that paper was to make DFP aware of current departmental pressures — something that the Department is required to do and that a number of other Departments have done.

Returning to the issue of water charges, that was an Executive proposition, supported by all the Ministers in the Executive. If any resources are required to satisfy that proposition, those resources will come from the Executive.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister provide information to the House about the bills that have been issued? How

many have been measured and how many have been unmeasured?

**The Minister for Regional Development:** I have been advised by NIW that around 66,000 measured premises and 26,000 unmeasured premises have been issued with water bills since 1 April 2008.

**Mr McFarland:** Does the Minister agree that the miscalculation of approximately 8,000 water bills represents a grave management failure such as might be expected when a chairperson is also acting as chief executive? What does the Minister intend to do about that?

3.15 pm

**The Minister for Regional Development:** That did not inspire confidence, and it was a matter that the Department looked to NIW to deal with.

NIW must have robust and reliable data in order to deliver sustainable efficiencies and improve customer services. As part of its commitment to openness and transparency, NIW has alerted its key stakeholders, including the Committee for Regional Development, about several issues relating to billing and revenue that have emerged as a result of our continuing development of information systems and data quality.

In the area of billing, a number of non-domestic customers have paid more than they should have, while a smaller number have not paid enough for water and waste-water services. Those who have paid too much will be compensated fully, and NIW must still decide its approach to those who have not paid enough. That approach will be based on ensuring fairness of treatment for all its customers and the taxpayer. Importantly, the issue will have no impact on households. I agree that the matter raises issues of confidence, and I have raised those issues with NIW continuously. NIW is working through its systems and trying to improve them, and the sooner that that is completed, the better for all of us.

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

### Water Service Commitments

5. **Mr Bresland** asked the Minister for Regional Development if commitments made by the Water Service to customers before 1 April 2007 will be honoured by Northern Ireland Water. (AQO 987/09)

**The Minister for Regional Development:** I have been advised by NIW that it will endeavour to carry out any capital investment commitments made by Water Service, subject to its statutory obligations under the Water and Sewerages Service Order 2006, the availability of funding, and competing priorities in its capital works programme.

**Mr Bresland:** I thank the Minister for his response. Some years ago, the Water Service agreed to carry out the Grange sewerage scheme at Bready, near Strabane. Assurances were given in 2006 that the scheme, costing £88,000, would be completed within three or four months. That undertaking has been honoured by Northern Ireland Water. What assurance will the Minister give that Northern Ireland Water will complete the sewerage scheme?

**The Minister for Regional Development:** As part of the original Bready sewerage scheme, Water Service proposed to provide a pumping station and pumping mains to transfer sewage from Grange village to the Bready waste-water treatment works. That would have enabled first-time sewerage services to be provided for homes in the area. Unfortunately, land acquisition difficulties concerning the proposed Grange pumping station meant that the scheme had to be completed without the Grange section. Northern Ireland Water is currently reviewing the Grange proposal in line with current legislation and its capital works programme.

**Mr Burns:** Will the Minister explain why it was at least two years before he was informed that customers' water bills were in a mess? What action does the Minister intend to take against the chairman and acting chief executive of Northern Ireland Water in relation to that?

**The Minister for Regional Development:** Based on the evidence that was presented to the Committee for Regional Development, it seems that the current chairman and chief executive was not aware of that problem for a substantial period either, and that issue was raised with officials at the Committee. I was informed of the problem at the point when it was required that I be informed. I asked NIW to explain the problem and take action to deal with it. NIW is taking action currently, and I will make a decision when I see how that pans out.

### Speed Management Review

6. **Mr McClarty** asked the Minister for Regional Development what impact the failure of the Executive to meet is having on the Speed Management Review. (AQO 974/09)

**The Minister for Regional Development:** The failure of the Executive to meet has not had an impact on the speed management review, as the draft policy contains some cross-departmental issues. On 18 September 2008, I wrote to my Executive colleagues asking them to consider the draft policy and requesting their comments before it is issued for public consultation. I have received replies from the majority of Ministers and am making preparations to go to public consultation shortly.



**Mr McClarty:** Will the Minister agree that several reviews and programmes with the potential to benefit the lives of the people of Northern Ireland are presently being blocked because of his party's intransigence? What is the Minister doing to ensure that the Executive meet as soon as possible?

**Mr Kennedy:** The Minister must answer that.

**The Minister for Regional Development:** That is what I am here for.

I assure the Member that I would like to see the Executive meeting as soon as they possibly can. It is my intention — and that of my party — that the Executive meet as soon as possible; however, there are issues that must be resolved before that can happen. Although other parties may wish to behave as if there is a functioning Executive, we intend to ensure that there is equality and partnership at the heart of that Executive.

Those are the issues that we are pursuing, and as much as I would like to deal with all of the pressing issues facing all of the Executive Departments, until we establish that there is genuine equality and partnership at the heart of Government, we are unable to deal with any of those issues. Therefore, the issue of equality and partnership must be dealt with first, and I hope that that will be done in the very near future.

**Mr G Robinson:** Will the Minister state the impact that his party's failure to allow Executive meetings to take place is having on his Department's overall plans?

**The Minister for Regional Development:** Like all other Executive Ministers — I presume — I am carrying on with work in my Department. Last year, the Executive agreed a Programme for Government, and a Budget with which to implement it. Ever since, I have been working away to deliver that Programme for Government. Although I want to see the Executive meet, and there are matters — some that relate to my Department and some to others — that I want us to discuss, I hope that the current discussions will bear fruit and that we will be able to hold an Executive meeting. Nevertheless, I assure the Member that, as he will know from his work on the Committee for Regional Development, we have been getting on with our projects as set out in the Programme for Government and have been spending the budget allocated to us.

**Mr Brolly:** Go raibh maith agat. Will the Minister tell Members his Department's position on providing traffic-calming measures for rural communities?

**The Minister for Regional Development:** Traffic-calming measures to reduce inappropriate speeds and traffic volume will be considered in line with demand and the regional transportation strategy. It is Roads Service policy to provide gateway features at entry points to villages and settlements, in order to highlight

to drivers any changes to the road environment. In many cases, a speed-limit change is associated with a gateway feature. Furthermore, central islands and additional road markings have been used to improve the road environment.

## Rathlin Island

7. **Mr McKay** asked the Minister for Regional Development to detail the work he has carried out in relation to Rathlin Island since taking up office.

(AQO 1052/09)

**The Minister for Regional Development:** I visited Rathlin Island in the summer of 2007 and was struck by the difficulties that islanders face. Consequently, I sought and received endorsement from my Executive colleagues to develop a central policy for Rathlin Island. To date, good progress has been made. I met the islanders twice, and all relevant Departments identified senior officials to liaise on Rathlin matters.

Rathlin now has an enhanced ferry service, and I have increased expenditure levels in order to improve the island's roads infrastructure. In June 2008, I formally switched on the new sub-sea electricity cable, and work continues on a range of projects to improve the islanders' quality of life. In addition, I will shortly be introducing a Rathlin Island policy.

The Department's ongoing contact with the Department of Community, Rural and Gaeltacht Affairs in the South will allow us to learn from its experience of working with island communities to advance sustainable growth and development. In conjunction with Minister Ó Cuív, I am arranging a study visit to an offshore island in the South, during which we will bring Rathlin islanders, Government officials and local islanders together to share experiences and to help shape our ideas for developing a comprehensive island policy. Gabh mo leithscéal, a LeasCheann Comhairle.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer and for his work for Rathlin to date. He said that a policy for Rathlin Island is being developed. When will that policy be announced?

**The Minister for Regional Development:** Significant work has been progressing on two fronts. Having identified specific matters with the islanders, we dealt with several that were our responsibility, and I know that other Ministers also visited the island and dealt with some matters for which they are responsible. Given that Rathlin is our only offshore inhabited island, we wish to develop a specific policy. Therefore, in the next few weeks, I intend to prepare a draft policy for circulation among my Executive colleagues for

their comments, and to bring that before an Executive meeting as soon as possible afterwards.

**Mr Storey:** I thank the Minister for the interest that he has shown in the concerns of the Rathlin islanders.

What is the state of play with his Department's three ongoing investigations, namely, the internal audit; the investigation into the procurement process; and the investigation of complaints against DRD staff? Furthermore, can the Minister assure the House that the concerns about the tender process will be fully investigated and that, first and foremost, the islanders and, secondly, the House and the general public will be satisfied that everything was done appropriately? Moreover, will the Minister take a personal interest in that matter, in order to ensure that no whitewash takes place and that we get to the truth?

**Mr Deputy Speaker:** The Minister can choose whether to answer those questions.

**The Minister for Regional Development:** I have no difficulty in answering that question. I assure the Member that there will be a proper investigation. However, I disagree with him: the complaints have not come from the islanders, and the islanders have not sought reassurance on the issue. Nonetheless, the Department has received a number of complaints and allegations about the tender action which resulted in the appointment of the new Rathlin ferry operator on 1 July 2008. In response, the Department appointed an independent investigation team to review those claims in detail. Until such time as that review is complete, I am not in a position to comment further, but I assure the Member that it will be a full and complete inquiry that will satisfy all concerns.

**Rev Dr Robert Coulter:** Does the Minister accept that maintaining and improving road surfaces on Rathlin Island is a priority? Is the current road maintenance budget sufficient not only to meet the maintenance requirements on Rathlin Island but throughout Northern Ireland?

**The Minister for Regional Development:** Roads Service has committed £250,000 to fund improvements on road surfaces on Rathlin Island by March 2011. It is intended to carry out bitmac surfacing next year and surface dressing in 2010. Roads Service also plans to carry out some limited resurfacing on the Spire Road, but the progress of those works will depend on favourable weather conditions — as the Member will know.

The Member will be aware that Roads Service has secured some £200 million for its overall structural maintenance budget over the next number of years. It has been estimated that some £300 million will be required, but the Department for Regional Development pitched for as much as possible — as did other Departments. Roads Service has benefited from

in-year monitoring returns to supplement the structural maintenance budget, and we will try to secure and spend as much of that as we can. If there is less money in the budget than we require, we will have to prioritise.

### Rail Travel Time: Belfast to Dublin

8. **Mr D Bradley** asked the Minister for Regional Development when he will make an announcement on the reduction in travel time by rail between Belfast and Dublin. (AQO 960/09)

**The Minister for Regional Development:** NIR (Northern Ireland Railways) and Irish Rail have developed Vision 2020. It is a long-term initiative, which includes the reduction in timetable travel time between Belfast and Dublin. The range of options to deliver the reduction in travel time has not yet been tested in a detailed economic appraisal. To achieve the objective of reduced travel time, resources will have to be secured and an economic case made.

Provisional figures suggest that the capital cost of Vision 2020 will be some £500 million to £700 million, most of which will be required for the track and infrastructure upgrades that are necessary to reduce travel time. That estimate does not account for the revenue consequentials that may arise for the two rail companies.

Therefore, there are no plans in the foreseeable future to make an announcement on the reduction in timetable travel time by rail between Belfast and Dublin.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister inform the House how many times the Enterprise service was delayed for more than 20 minutes from June to September 2008? What action is being taken to avoid such delays in the future?

**The Minister for Regional Development:** The Enterprise service has been stopped on a number of occasions, but some of those stoppages were due to circumstances beyond the control of Translink. The Member will be aware that there have been security issues along the line.

Over the period, there were significant issues outside our control that contributed to trains running more than 10 minutes late. After adverse weather conditions in August, which contributed to an embankment slip outside Moira, transport continued along a single line only, and most trains were delayed by up to 30 minutes. That circumstance lasted for several days.

On 4 August, services were disrupted by flooding north of Dublin. In March and April, services were disrupted over several weekends as Iarnród Éireann



renewed track and crossings after a derailment at Skerries in February. From March to August, there was a spate of security alerts, which resulted in line closures and bus substitutions.

To minimise delays outside its control, NIR works in close conjunction with Iarnród Éireann, security personnel and others. It remains committed to delivering service, punctuality and reliability in excess of the passenger's charter targets. However, it is regularly faced with factors outside its control, which have a detrimental effect on punctuality.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. In the meantime, what is the Minister doing to improve the service on the Belfast to Dublin rail line?

**The Minister for Regional Development:** As I said in response to Dominic Bradley's question, the beginnings of a case have been raised with NIR and Iarnród Éireann to improve the overall service.

I had a meeting with the Minister for Transport, Noel Dempsey TD, on Friday in Trim, and that issue was discussed. NIR and Iarnród Éireann are working on a business case to improve the service on the Belfast to Dublin line through the introduction of an hourly service using refurbished, existing spare train capacity.

3.30 pm

The introduction of an hourly service is also part of the Enterprise Vision 2020. The business case includes the possibility of capital investment to improve the reliability of existing trains, which will help reduce delays experienced on the service. Progress so far on the business case suggests that a case exists for the proposal. However, funding for the introduction of an hourly service is an issue.

## SOCIAL DEVELOPMENT

### Lisanelly Army Site

1. **Mr McGlone** asked the Minister for Social Development for her assessment of (i) the regeneration potential of the former Lisanelly army site; and (ii) the benefits such regeneration could bring to the area.

(AQO 984/09)

**The Minister for Social Development (Ms Ritchie):** The 120-acre Lisanelly barracks site lies within the development limits for Omagh, and, with over 200 houses and a wide range of other buildings and facilities, offers great potential for redevelopment for a variety of purposes, most notably the possibility of creating a shared education campus. Many people in Omagh are doing great work in pursuit of that objective.

The adjacent 47-acre St Lucia barracks, with its fine historic buildings, provides a natural development corridor from Lisanelly to the town centre.

The potential development or regeneration of those sites includes the expansion of commercial and residential opportunities in close proximity to the centre of Omagh. If developed for a shared education campus, they would deliver a tangible symbol of the shared future that many of us are working towards. In addition, there are opportunities for expansion of the town's retail and commercial core offered by the potential freeing up of town-centre sites currently occupied by several schools.

I will launch a master plan for Omagh town centre shortly that will take account of the exciting possibilities at Lisanelly and St Lucia.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister provide a progress update on the attempts that are being made to gift some of those Ministry of Defence sites to the Executive?

**The Minister for Social Development:** I raised the issue of the gifting of those and other military sites with my Executive colleagues shortly after entering office. Despite several approaches by the First Minister and the deputy First Minister to the British Government, I understand that, as yet, there is little sign of the Ministry of Defence agreeing to gift further sites. My officials inform me that the Ministry of Defence continues to pursue a determined line in relation to open-market disposal of the sites, which I and many others see as a legitimate part of the peace dividend for the people of Northern Ireland.

For my own part, although the overall gifting issue is a matter for the Office of the First Minister and deputy First Minister (OFMDFM), I engaged the Army on the question of transferring surplus accommodation for use as social housing, and I raised the matter directly with the General Officer Commanding, Mr Chris Brown, at two meetings recently. While others may prefer to direct their energies towards pontificating about the British Army's unsavoury past, I am more focused on the future and the possibility of securing more housing for those who badly need it.

**Mr Bresland:** In his report on the location of public-sector jobs, Professor George Bain highlighted the role of the Lisanelly military base in attracting public-sector jobs to Omagh. Will the Minister give an assurance that her Department is taking the recommendations of the Bain Report into consideration when planning the future of the Lisanelly military site, should it be transferred to the Northern Ireland Executive?

**The Minister for Social Development:** My officials and I are assessing the outworking of Professor Bain's report on decentralisation. I met

Professor Bain on two occasions, and I support fully the principle of decentralisation.

However, I must emphasise that until the British Government, and, in particular, the Ministry of Defence, gift those sites to us, the task we face is insurmountable. The Lisanelly and St Lucia sites are adjacent to Omagh town centre, and I have absolutely no doubt that the development of those sites is pivotal to the town's regeneration and will provide the necessary economic catalyst and job opportunities that Omagh earnestly desires.

**Mr McElduff:** I know that the First Minister, the deputy First Minister and the Minister of Education have recently lobbied strongly for the transfer of the sites. Has the Minister recently directly lobbied the British Government for the transfer, which has such massive potential for the redevelopment of Omagh?

**The Minister for Social Development:** I have lobbied the Office of the First Minister and deputy First Minister on that matter on several occasions. As late as the British Labour Party conference, I spoke to a former Secretary of State for Defence about the importance of gifting former military sites. It is essential that all sites, including the Lisanelly and St Lucia sites, be used positively for the future regeneration of many parts of Northern Ireland. I hope that everyone will lobby British Government Ministers in that respect.

**Dr Deeny:** I thank the Minister for her commitment to securing the Lisanelly site. The proposed projects to redevelop the site are very exciting, and they have generated major public interest in Omagh and the wider Tyrone area. Where do matters stand with the project in general, and with the education campus in particular? Can she say, in her individual ministerial capacity, when she believes the project is likely to become a reality? Are we in stasis?

**The Minister for Social Development:** That is an interesting question. Allow me to put the matter in context: officials from the Department for Social Development (DSD), working with colleagues in the Department of Education and the Strategic Investment Board, recently finalised a draft outline business case for the acquisition of the Lisanelly site and the adjoining St Lucia site to allow for their planned regeneration, which includes a proposal for a shared education campus. That draft outline business case is currently with the Department of Finance and Personnel for comment. However, in the absence of gifting arrangements, affordability remains a key outstanding issue for the Executive. I am sure that the Member will happily agree that this is one of the many issues that the Executive must discuss, if only an Executive meeting could be held.

**Mr Deputy Speaker:** Question No 2 has been withdrawn.

## Andersonstown RUC Barracks

3. **Mr P Maskey** asked the Minister for Social Development what advice she received and the direction she gave, in relation to the development of the site of the former Andersonstown RUC barracks in the immediate aftermath of the withdrawal of commercial development proposals by the Carvill Group. (AQO 1042/09)

**The Minister for Social Development:** I was disappointed by the withdrawal of the Carvill Group's proposals on 4 October 2007. Those proposals — which emerged through a competitive process that was followed by consultative procedure — incorporated a mixed development that had a residential and substantial community element. Subsequently, I received a great deal of advice, both solicited and unsolicited, from inside Government and externally. Much of the external advice called for more consultation and for the site to be gifted to the community. However, there were precious few positive ideas.

Moreover, I considered a range of options for the development of the former Andersonstown barracks site. I decided to broaden the brief to focus on the economic regeneration of the Andersonstown gateway area, in line with the priority given to growing the economy in the Executive's draft Programme for Government and the final Programme for Government. I announced the way forward on that initiative on 20 November 2007. Possibly one of the most interesting and best proposals to emerge from the consultation was for a community police station to be based on the site. Some members of the public wanted that, which reflects the level of crime and antisocial behaviour in west Belfast.

**Mr P Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I take umbrage at the Minister's remark about the level of antisocial behaviour in West Belfast. The problem of antisocial behaviour is no more or no less severe in West Belfast than anywhere else, and the Minister should retain perspective.

Does the Minister agree that the Department has completely mismanaged its dealings in respect of Andersonstown barracks? Will the Minister confirm that she proposed to proceed with another commercial development following the Carvill Group's withdrawal? I have acquired a document, under freedom of information legislation, which indicates that she agreed to go ahead with another commercial development after notifying a second developer. That blatantly ignores the consensus for the site to be developed for community use to be determined by local people.

**Mr Deputy Speaker:** I ask the Member to put a question to the Minister.

**Mr P Maskey:** Did the Minister propose another commercial development on the site following her Department's disgraceful actions in respect of the Carvill Group?

**The Minister for Social Development:** The Member seems to be under some misapprehension — I have no predetermined plans for the future use of the barracks site. The Andersonstown barracks site is one of several sites being considered in the context of the gateway feasibility study. The purpose of that study is to develop various options that can be considered for future action in the context of the wider economic regeneration of the Andersonstown gateway area. It is probably too early to consider the development of any of those sites.

The West Belfast Partnership Board is part of the relevant steering group, which political parties were asked to join. Representatives of both Sinn Féin and the SDLP were asked to participate — the SDLP participated, but Sinn Féin did not. It may not be too late for Sinn Féin to decide to participate fully in a community process that it claims to yearn for so earnestly.

**Mr O'Loan:** What practical steps has the Minister taken to achieve regeneration at the Andersonstown barracks site and throughout Belfast more generally?

**The Minister for Social Development:** The Andersonstown gateway project has been chaired by Pádraic White, who has done much for regeneration and economic development on the island of Ireland. I will receive those proposals for consideration soon.

On the wider policy of regeneration, the Member alludes to the sequential policy for taking forward large retail-led regeneration schemes in Belfast city centre, which requires my Department's support. That policy has delivered the £400 million Victoria Square scheme this year, and it is on course to deliver the £360 million Royal Exchange scheme by 2014. People have said that the pace of delivery that the policy has achieved in Belfast compares favourably with that achieved in any other city that has undertaken regeneration schemes of such magnitude. However, nothing is set in stone. I am prepared to evaluate the policy and assess the impact of the sequential approach to regeneration within Belfast city centre and outside Belfast.

## Neighbourhood Renewal

4. **Mr F McCann** asked the Minister for Social Development to outline what contingency plans she has in place to ensure that vital services, funded by her Department under Neighbourhood Renewal, are not wound up in March 2009 when funding is withdrawn from these programmes. (AQO 1046/09)

**The Minister for Social Development:** The reality is far from funding being withdrawn from neighbourhood renewal services. On 15 October, I announced the provision of significant levels of funding — from March 2009 — for many services that are vital to neighbourhood renewal. My Department also funds services that fall under the core responsibility of other statutory bodies. The contracts are deemed “category 2” because they meet neighbourhood renewal objectives, but are not led by DSD. Those statutory bodies have a role to play in providing financial support for those services in the longer term. As for individual projects, that role continues to be the subject of negotiations with the relevant statutory bodies.

I expect to comment further on the future of those projects before the end of the financial year. I reiterate a basic point that I made to the Committee, in public and in the House: neighbourhood renewal is an Executive strategy. Although my Department will lead and facilitate that strategy, other Departments must play their part.

3.45 pm

**Mr F McCann:** It is right that, like most things in the Assembly, the Executive have the final say. However, the Minister is correct to state that DSD has the lead. Will the Minister confirm that she proposes to withdraw £5 million from programmes across Belfast in April 2009, with disastrous consequences for the community sector in areas of greatest need? I also understand that some groups in Derry are considering legal action over the withdrawal of their funding.

**The Minister for Social Development:** As in most things, Mr McCann does not listen to my initial answer. Therefore, I will repeat it. I would like to make several points. In my initial answer, I said that neighbourhood renewal is an Executive strategy, and that although my Department will lead and facilitate, other Departments must play their part. It may be worth noting that my Department has issued contracts for 92 category 2 projects, with the remaining 59 under consideration. That is a good survival rate, with 23 category 2 contracts issued in west Belfast.

I remind people on this side of the House that neighbourhood renewal should be focused mainly on services, and on mitigating and reducing deprivation and disadvantage. That is what my officials and I intend to do. I hope that that is the message conveyed from the Chamber, rather than Mr McCann scaremongering and trying to undermine the very groups that are trying to do the work on the ground.

**Mr Easton:** The Minister was good enough to visit Beechfield estate in Donaghadee in the summer — a visit that was much welcomed. She assured me at that meeting that she would consider whether Beechfield was a small area of deprivation, and the possibility of



appointing a part-time community worker for the area. I have since heard nothing more. Will the Minister look into that issue and come back to me on it?

I am also deeply concerned about small areas of deprivation for community workers in Rathgill estate and Breezemount, whose funding is due to end soon. Will the Minister assure me that she will consider further funding for those community workers in order that the good work can continue in Rathgill and Breezemount, which is vital for the local community?

**The Minister for Social Development:** As Mr Easton said, I visited Beechfield estate in July of this year, and we had a general discussion about the area's at-risk programme. In the not too distant future, I will make an announcement about the next tranche of funding for areas at risk. As Members know, neighbourhood renewal refers to the 10% of most disadvantaged areas. Areas-at-risk qualifies those areas that are slightly outside that category, but which still have a measure of disadvantage.

In relation to small pockets of deprivation (SPOD) areas, such as Rathgill estate, I am happy to discuss that with the Housing Executive on the Member's behalf, because the Housing Executive has responsibility for SPODS, as they are commonly known.

I assure Members that funding for neighbourhood renewal is secure for the foreseeable future. However, I hesitate to use the term "at all times" because, as we recently discovered, that means "forever" to some Members, and "just this once" to others.

**Mr McCallister:** What steps has the Minister taken to encourage the private sector to become involved in services and social projects associated with neighbourhood renewals?

**The Minister for Social Development:** I have no problem with others outside the general neighbourhood renewal partnerships subscribing to the idea of reducing disadvantage. If the private sector wants to get involved, therefore, that is all to the good because it shows that Government, local government, the community and voluntary sector, and the private sector are subscribed and signed up to reducing disadvantage and deprivation, and are subscribed to working for everyone in the community.

## Fuel Poverty

5. **Ms Lo** asked the Minister for Social Development if her Department will meet its annual commitment to reduce fuel poverty in 9,000 homes.  
(AQO 1024/09)

**The Minister for Social Development:** My Department is on course to meet its target of alleviating fuel poverty in 9,000 homes this year by

implementing energy-efficiency measures. Although that level of alleviation is on target, it will not effectively counter the overall rise in fuel poverty resultant from huge increases in energy prices. My Department is also trying to help people to help themselves. It has developed a television advertising campaign, which aired on 27 October, and will run throughout the winter. The campaign encourages people to seek help and advice on budgeting for energy bills. The television advertisement will be supported by a wider media campaign.

**Ms Lo:** Will the Minister update Members on the progress of the report from the fuel poverty task force, which she set up in May? I understand that the task force's proposals were sent to the Executive.

**The Minister for Social Development:** As Members will be aware, I developed a comprehensive set of proposals after work undertaken by the fuel poverty task force. I circulated a paper to ministerial colleagues in advance of the scheduled Executive meeting of 18 September. The Executive failed to meet, so I took on board the written comments that I received from ministerial colleagues and redrafted my paper in advance of the scheduled meeting in the first week of October. I asked for that paper and its content to be taken by the urgent procedure route, and it was submitted on 2 October. Regrettably, more than one month later, I have not received a response. Therefore, I can conclude only that one or both parties in OFMDFM do not agree with the proposals and may not want to discuss them.

I shall continue to work with the Minister of Finance and Personnel, the Minister of Health, Social Services and Public Safety and the Minister of Enterprise, Trade and Investment to take work forward. However, the issue of fuel poverty merits a considered response from the Executive as a whole, because OFMDFM has responsibility for poverty, the Department of Enterprise, Trade and Investment has responsibility for energy prices and social tariffs, my Department has responsibility for energy efficiency in the home, the Department of Health, Social Services and Public Safety has responsibility for health-related issues — a significant report was compiled by Dr Liddell on the matter — and the Department of Agriculture and Rural Development has a significant responsibility for fuel poverty in rural areas. Therefore, there is a cross-ministerial responsibility in respect of the issue.

I ask only that those who are continuing their blockade of meetings of the Executive stop in the interests of the wider community, because people are concerned about how they are going to keep warm this winter, and that is the issue that is confronting the wider population. Therefore, I urge those who are preventing Executive meetings to stop now.



**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. Does the Minister believe that the warm homes scheme targets the most vulnerable sections of society, in particular, older people? I had an elderly constituent in Strabane who had difficulty applying for the warm homes scheme, but the issue was resolved with the assistance of a DSD official, and I wish to thank that official and the warm homes scheme for dealing with the matter. Go raibh maith agat.

**The Minister for Social Development:** I thank Mrs McGill for her kind comment, which I will pass on to my officials.

The warm homes scheme has been very successful since its inception, and many people in Northern Ireland have benefited from it. However, in order to focus on those who are most in need, I have initiated a consultation process on the scheme. A consultation paper is on my Department's website, and MLAs and members of the public are invited to comment on it. It is only through informed comment from the public that a better, more beneficial policy can evolve.

It is also interesting to note that I have put more money into the warm homes scheme than did the former direct rule Ministers. There is no doubt that the scheme has been successful, but it must be more clearly focused on those who are most in need. That is why there will be a consultation period, inviting comments from Members and the wider public.

**Rev Dr Robert Coulter:** Will the Minister tell the Assembly what the consequences have been for those families and households who are already facing fuel poverty because of the failure of the Executive to meet for almost five months?

**The Minister for Social Development:** I fully sympathise and empathise with the Minister — with the Member — who asked the question.

**A Member:** You were right the first time. *[Laughter.]*

**The Minister for Social Development:** We need a little bit of jocularly in the Chamber now and then.

**A Member:** And spiritual activity, too.

**The Minister for Social Development:** Yes, and spiritual guidance from Rev Coulter.

The Member asked a very serious question. It is time for cross-ministerial activity and discussion in the Executive as well as cross-ministerial response and decision-making. People will be in peril if we do not do that. I am not scaremongering: the most important issue is that those people who are blockading Executive meetings — they know who they are, what they are doing and why they are doing it — are placing the lives of people in severe danger. I ask them to stop it and to give immediate consideration to my paper on fuel poverty, which was submitted in the second week

of September 2008. It is unacceptable that we have not yet had a response from the First Minister and deputy First Minister to my request for that paper to be dealt with by urgent procedure.

## Co-Ownership Housing Scheme

6. **Mr A Maginness** asked the Minister for Social Development for an update on the re-opening of the Co-ownership Housing Scheme. (AQO 962/09)

12. **Mr McCarthy** asked the Minister for Social Development to report on the future of the Co-Ownership Housing scheme. (AQO 1021/09)

**The Minister for Social Development:** With your permission, Mr Deputy Speaker, I will answer questions 6 and 12 together.

The Northern Ireland Co-ownership Housing Association remains an important vehicle for helping people to get into affordable home ownership. There has been a major surge in demand for co-ownership since I took responsibility for housing. At the start of this year, I was able to provide the association with a grant of £15 million, which is almost four times its pre-devolution opening grant. However, unlike many housing associations, the Northern Ireland Co-ownership Housing Association had been entirely dependent on DSD funding and had not taken advantage of its ability to borrow.

The association has used its large asset base in order to secure a private funding package totalling £35 million, which will enable it to meet its Programme for Government target to provide 500 affordable houses this year. The association began to accept new applications from Monday 3 November. I am delighted that the scheme has reopened, and that the association has sought a more sustainable financial underpinning.

I look forward to a future in which co-ownership remains an important element of the housing mix. As many Members will be aware, the new housing agenda, which was announced here on 26 February 2008, envisages further developments in that area.

4.00 pm

**Mr A Maginness:** I thank the Minister for her answer. I congratulate her for increasing the amount of money that is available for co-ownership. Is there any other way in which she can encourage the Co-Ownership Housing Association to invest more money through private funding from the banks and other lending organisations?

**The Minister for Social Development:** The Co-Ownership Housing Association should discuss that issue with its lender, but I will provide some information. Since devolution, the number of people with loans who are in the co-ownership scheme has

increased by 25%. In September 2008, that numbered 4,039 people, compared with 3,242 at the beginning of April 2007. A record amount of more than £80 million was spent in 2007-08, which helped in excess of 920 households. Co-ownership is on course to deliver the target of 500 homes this year, and support for co-ownership has increased dramatically since the restoration of devolution. The facts are available, and they speak for themselves.

## PRIVATE MEMBERS' BUSINESS

### New Regional Hospital for Women and Children

#### *Debate resumed on motion:*

That this Assembly calls for funding for a new regional hospital for women and children; and calls upon the Minister of Health, Social Services and Public Safety to provide a timetable for the commencement and completion of the project. — *[Mr Adams]*

**Mrs Hanna:** I support the motion. I regret that the amendment that the SDLP submitted, which called for a specific budgetary allocation for a regional maternity hospital project, was not accepted for debate. It would have added teeth and substance to the motion, and pressure on Sinn Féin and the DUP to permit the Executive to meet and to make such a vital decision that affects the health and well-being of mothers, babies and children. Babies must be given the best possible start in life; that is where early intervention really begins.

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

I declare an interest as I qualified as a midwife in the Royal Maternity Hospital. I supported the retention of the Jubilee Maternity Hospital on the site of the City Hospital until a firm timetable was put in place for the building and opening of a new regional maternity hospital. At that time, I was a member of the Health Committee, which was chaired by my former colleague Dr Joe Hendron. The Committee asked that the Jubilee Maternity Hospital be kept open until the new regional hospital for women and children was built and in operation. A letter from Dr Hendron to Health Minister de Brún, in June 2000, stated:

“The Committee would prefer that the Jubilee and the Royal Maternity should both remain open until a new regional maternity hospital is built.”

The letter also stated:

“the Committee would implore the Minister when making the announcement, to clearly spell out the timescale for the provision of a new regional maternity hospital and exactly where the funding is to come from”.

As we know, Minister de Brún took the decision to close Jubilee Maternity Hospital in May 2000, and that decision was overturned by judicial review in November 2000. Incredibly, the judge found that, although the sorry saga started in 1995, Minister de Brún took the decision to centralise maternity services within two days of receiving her papers.

However, it is now 2008, and we are where we are. I emphasise that the debate is about a regional, Northern Ireland-wide hospital for women and children; the issue is not about just Belfast. A year ago, my first grandchild, Maeve, was born in the Royal Jubilee Maternity Hospital, and that was a very happy occasion for us.

Two weeks ago, with some colleagues from the Health Committee, I met the Belfast Health and Social Care Trust. The trust has put together a business case, the clinical case has been well made, and the urgency is obvious. Two weeks ago, I also visited the Royal Jubilee Maternity Hospital and the Belfast Hospital for Sick Children. The staff were enthusiastic, busy and positive, but it is evident that there are staff shortages and overcrowding. Although the staff do their best, the situation is not acceptable.

It is now 144 days since the Executive met. That is longer than the Siege of Derry. Even if the Minister of Health, Social Services and Public Safety had his papers tomorrow, he could not be sure of when he would get an Executive decision on expenditure, considering the magnitude of the sum involved — £360 million.

I appreciate the strains of competing resources. However, we want the best possible start for babies and the best circumstances for mothers. It makes sense to have clinical linkages, including joining level 3 of the women and children's hospital to level 3 of the adult theatre and intensive care units of the Royal Victoria Hospital. That would be important if there were an emergency and the mother needed urgent transfer. It makes excellent sense to have the delivery suite, the neonatal unit and the paediatric theatres all on one floor. That would ensure that newborn babies who are desperately sick would have immediate access to all the necessary expertise.

At this stage, it is essential that we anticipate needs and employ best practice to get the plans right; that will avoid the need to amend them later. I regularly meet former colleagues — doctors, midwives and nurses — who are deeply concerned about safety issues in the Royal Jubilee Maternity Hospital, primarily due to staff shortages and overcrowding.

Sometimes morale is low among staff because they feel that they cannot do the best possible job for their patients, and they are worried that patient safety is being compromised. When people are under pressure, they are more likely to make mistakes. Many of the good people —

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

**Mrs Hanna:** The issue is vital. The Executive must meet. Sinn Féin and the DUP are supposed to be running the show to get resources. We are disillusioned by the macho politics.

**Ms Lo:** I support the motion. In 1994, Dr James McKenna chaired the initial project to consider maternity and other services in the Royal Victoria Hospital and Belfast City Hospital. Fourteen years have passed, with decisions made and overturned by five Health Ministers, three judicial reviews and three

further consultations. In June 2003, Angela Smith, the then Minister with responsibility for health, social services and public safety, announced a move to centralise a new maternity hospital on the site of the Royal Victoria Hospital. However, we are still nowhere near seeing that promised state-of-the-art new regional maternity hospital being built in Belfast. It is no wonder that women and their representative groups feel so let down.

At present, maternity services are delivered at the Royal Jubilee Maternity Hospital, which was meant to be an interim measure until the proposed new hospital was built. That 1930s building offers a poor standard of accommodation and cannot meet the requirements of twenty-first century maternity services. I have visited friends in hospital, and I have seen the unacceptable standards there.

An increase in birth rates over the past few years has led to problems of overcrowding in antenatal wards, delivery suites, post-natal wards and neonatal units. Patients have a lack of privacy, and, at times, partners are unable to stay in the antenatal ward because of a shortage of available facilities. We do not want that for our maternity services.

In 2000, Bairbre de Brún, the then Minister of Health, Social Services and Public Safety, stated that the new hospital would be built during the 2005-08 funding period. When I was in Brussels last week, I spoke to Ms de Brún about the issue. She was quite clear that the Royal Jubilee Maternity Hospital was meant to be only a stopgap. Last month, it was announced that another review will be conducted to examine maternity services in Belfast and the surrounding areas. Much money has been spent on reviews, consultations and design work. Rather than talking about it, is it not about time that construction work on the hospital was started?

We understand that the Health Minister has only a limited capital budget that is less than half of what is needed to proceed with proposed priority projects. I, therefore, call on the Executive to consider granting extra funding to the Department in order to fulfil the commitment that previous Ministers gave to building this much-needed hospital for women and children. Our public deserve a modern building that is equipped with first-class facilities. Moreover, a major public-spending project would help the construction industry in Northern Ireland.

**Some Members:** Hear, hear.

**Mr Easton:** Everyone present will recall the decision that the former Health Minister, Miss Brown, made to locate the new hospital for women and children at the Royal Group of Hospitals complex. At the time, the Minister used her power under the divisive — and failed — Belfast Agreement to act

without reference to the Assembly and, as I recall, against the express wishes of the relevant Assembly Committee. Thankfully, under the new dispensation that is growing from the St Andrews Agreement, that level of unaccountable power and the potential to override the democratic process are no longer available to Ministers.

At the time, Miss Brown's behaviour caused a great deal of bitterness in the wider community, especially as her action came from one who was so strident in her demands for equality. The urgent need for a new hospital for women and children in the eastern part of the Province was never in question. One wonders how time passes so quickly, and one reflects on where we would be today had the decision to progress the plans been advanced speedily under a stable Assembly.

The impact on employment opportunities in west Belfast cannot be calculated. However, Miss Brown's party played a major role in ensuring that political and economic progress came to a standstill. Sadly, we find ourselves once again in a situation where the need for the "ourselves alone" party to advance its own selfish agenda is causing delay and deadlock in advancing a range of urgent and important projects, all of which have enormous economic potential and which can create opportunities to provide jobs.

The dedication, skills and humanity of those who work in the Health Service in all circumstances to meet the needs of women having children and the needs of children before, during and after birth are not in question. We must never lose sight of our priorities in Government, and we must never fail — in that context — to put mothers, children and families at the heart of things, along with the provision of all necessary support for our health professionals.

I assume that we have all studied carefully the 2006 report on the 'Audit of Acute Maternity Services', which outlined the potential for economies of scale by the average length of stay in Northern Ireland maternity units and the occupancy levels in smaller units. The report made clear that maternity services, with their important links to other specialties, cannot be considered in isolation. It also reminded us of the opportunities to review the model of maternity care across Northern Ireland. A striking feature of the report was the information on the higher rate that exists here, as opposed to comparable areas in England, of Caesarean sections and instrumental deliveries. One cannot help but feel that that is an area where we might require those who make that form of delivery a lifestyle choice to pay for the privilege.

It is also clear that we must ensure that robust procedures are in place to make sure that we are reimbursed adequately for private-patient maternity activities across various trusts. In that context, the new

direction that was reported by the Belfast Health and Social Care Trust and its list of guiding principles was most encouraging. The underpinning principle was that our top priority must be safe, high-quality care for all parents and their babies. It is clear that the construction of the new hospital for mothers and children is an urgent priority.

The Minister has been in post for long enough to come to terms with the conflicting pressures and priorities that exist in the Health Service. He knows the levels of resources that are available to him and the requirement to provide efficiency savings. He knows the financial cost of delay in such matters. He must be aware of the economic and social advantage, in the present financial climate, of providing employment for those who would build the facility and those who would staff it. He has all the information that he needs to act decisively. We need a declaration of intent. The Minister must by now be in a position to make whatever decisions are necessary in order to establish priorities and to develop a strategic plan for the road ahead, and to share that plan with the Assembly. Members are entitled to ask the Minister where health provision is going and to ask him to lay out a clear and realistic timetable for the commencement and completion of construction of a new regional hospital for women and children.

4.15 pm

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I speak in favour of the motion and commend my party colleagues Gerry Adams and Sue Ramsey for bringing it to the House.

As other Members said, the battle for the new regional maternity hospital at the Royal Group of Hospitals site has been ongoing for many years; there have been consultations back and forth, ministerial decisions and judicial reviews. The motion, however, calls for immediate action.

The structural provision at the Royal Group of Hospitals site is outdated and does not provide adequate facilities for sick women, children and babies. In a lobbying letter that it circulated among MLAs, Sure Start stated that the site's maternity hospital is almost always overcrowded due to the closure of other maternity units and the increase in the birth rate since 2003.

As a representative from west of the Bann, I must put on record my concern about the provision of maternity services in that area. The Minister has said that he does not provide hospital services on a county basis; however, County Tyrone has a population of 166,000, but it has absolutely no maternity services. That said, I understand that the new hospital will provide a regional service and will assist women throughout the North with fertility treatment or help



women who have severe medical complications, while at the same time being Belfast's main maternity hospital.

I commend the excellent job that is done by midwives, often in difficult situations. Last week, I watched UTV's 'Insight', during which Breedagh Hughes from the Royal College of Midwives described the severe pressure that some midwives experience. I am concerned about that issue, which the Health Committee intends to investigate further with the Royal College of Midwives. I want to put on record that the Assembly commends midwives' good work.

The building of the new hospital offers an opportunity to enhance women's services. Recently, the Health Committee visited Scotland to examine its excellent perinatal services, which include mental-health in-bed services for women and children. I ask the Minister to consider the introduction of that service, which is practically non-existent in the North. On that visit, I met women who said that the service had been their saviour and that it was the difference between their being able to keep their children and their children being forced into care. Any specialist service must reflect the needs of women in the North. I urge the Minister to consider those issues carefully.

A regional service is needed that benefits all women and children throughout the North, and there must be a timetable for its implementation. Go raibh maith agat.

**Mr Shannon:** I support the motion and thank the Members who brought it to the House.

Naturally, the miracle of childbirth instils enough fear in the menfolk of the Chamber to make the hair on the back of their necks stand on end; never mind the stories that have accompanied some births about the lack of available beds or anaesthetists, for example, that one occasionally hears in the news. Although they do not happen often in Northern Ireland, such situations must not arise again due to overworked and overcrowded maternity units. That is the crux of the debate. It must be ensured that every mother-to-be has a safe and secure birth, no matter from what town or area of the Province she comes. The children and women's hospital, which can help to ensure that, has been promised but not yet delivered.

Not long ago, I represented my constituency in the campaign to upgrade the maternity unit at the Ulster Hospital in Dundonald. That work was carried out. The hospital now has a state-of-the-art maternity section that should be able to cope with an extra thousand births; however, not enough staff are available to attend that number of extra births. There is no doubt that a specialised women and children's hospital must be based at the Royal Group of Hospitals site. Money must be found to fund it.

The birth rate hes riz bae 6.25% owre the las' 4 yeirs an' thon trend bes expectit tae gae oan, Quhan A

yairned wi' a midwife wha wrochts aa the Ulster Hospital aa Dundonald, she toul me at things ir aa the leemit the noo an' at thair isnae onie room fer a bag increase aa this hospital.

Over the past four years, the birth rate has increased by 6.25%, and that trend is expected to continue. When I spoke to a midwife at the Ulster Hospital in Dundonald, she informed me that the hospital is operating to its limit and there is no room for a substantial increase.

**Mr Poots:** The Minister said that the new hospital will not be built until 2017-18. Does the Member agree that, in the absence of that hospital's development on the site at the Royal Victoria Hospital, it would be lunacy to close other maternity hospitals, such as the one at Lagan Valley?

**Mr Shannon:** I thank the Member for his intervention, and I agree with him. In fact, I was about to comment on Antrim Area Hospital. Whether in mid-Ulster, the Antrim area, Lisburn or Dundonald, the delay in the construction of the new hospital will have a domino effect on the rest of the providers of maternity services. In practice, it means that as Antrim Area Hospital comes under greater pressure, it will send more patients than normal to the Royal Victoria Hospital, which, in turn, will pass on cases that would usually have been within its remit. The effects will be felt right down the line, including at the Ulster Hospital at Dundonald, which is staffed to capacity. That will directly affect the provision of maternity services in my constituency. Therefore, today I ask for a dedicated maternity service to ensure that every woman in every area is catered for.

I was heartened to learn that the rate of satisfaction with services in the Province is quite high; over 57% of women stated that they were very happy, and a further 32% said that they were happy, with the care that they received from the hospital. That compares favourably with the level of satisfaction in England. Northern Ireland is slightly ahead. Although those figures are pleasing, I want that high standard of care to continue, and that will be possible only if the new hospital is built soon.

Politicians hope to entice young people to stay in the Province — a subject that is often debated in the Chamber. As part of the plan to keep young people and young families in Northern Ireland, we want to offer the best jobs, care facilities and schools in the United Kingdom. However, in doing so, and given the increasing number of families moving to Northern Ireland from other European countries, the infrastructure is under increasing pressure. I understand that resources are, unfortunately, not unlimited, but there must be investment in children, and that includes giving them the best possible care.

Not for one moment am I telling the Minister, or any Member, anything new. The Minister knows better than the rest of us that there is a real need for the new hospital. He read the report that was accepted by his predecessor, the details of which culminated in the announcement of a state-of-the-art facility. I simply urge the Minister to begin work on the project, and to give the contract to a local firm that uses local suppliers and is staffed by local tradesmen. That would boost the economy and provide appropriate care.

The figures quoted by the Minister, in conjunction with the predicted rise in births, demonstrate to him that the new hospital is required. He has said that the new hospital is one of his priorities. I simply ask him to turn that priority into a reality and to ensure that midwives and doctors know that there is a light at the end of the tunnel that will ease the pressure on them. I support the motion.

**Mr Gardiner:** It is important to be clear that all hospital services are interlinked. In October 2006, the Department's audit of acute maternity services noted:

"Maternity services cannot be considered in isolation. As a service, it has important links with other specialities and is closely aligned to gynaecology, anaesthetics and paediatric services. This is due to factors such as shared obstetric and gynaecology rotas, the role of the paediatrician in providing clinical expertise at the birth of a baby and the relationship between paediatrics and neo-natal services."

That must be kept in mind when considering the overall level of provision in any area of the Health Service, and it is particularly valid in light of the financial restraints under which the Assembly operates. My party is seriously concerned about a black hole in the Executive's finances. Therefore, any proposals debated by the Assembly must be financially realistic.

The Minister has already told the Assembly that his capital budget is only £3.3 billion — less than half of that required to implement all infrastructure projects that are considered a priority.

Furthermore, the Assembly must consider the geographical spread of births when choosing a location for maternity facilities. The Minister has already provided the finance to enable Craigavon Area Hospital to deliver an additional 500 births a year. My honourable friend John McCallister mentioned that the Minister has supplied funding to Daisy Hill Hospital in Newry and the Ulster Hospital in Dundonald. Therefore, he has taken an active approach to maternity services, and I applaud his efforts thus far.

Has the Minister contacted the Minister of Finance and Personnel in order to obtain additional funds, particularly for the new hospital for women and children in Belfast? The Ulster Unionist Party supports that project. I wonder whether the DUP — during its post-St Andrews negotiations — will raise the matter with the United Kingdom Government. I would have

thought that the new hospital for women and children in Belfast would feature in any peace dividend. Given that Sinn Féin proposed today's debate, I know that it supports the project. Although that party's then Health Minister Bairbre de Brún proposed a location for the hospital, she did not secure the funding for it. Will Sinn Féin now find that funding? Moreover, Sinn Féin might, perhaps, facilitate an Executive meeting with this item on the agenda.

**Mr Attwood:** My contribution to the debate is based on personal experience. Two and a half years ago, my daughter, Nora, was born in the Royal Maternity Hospital, and, for different reasons, I have visited the hospital in the past two weeks. Both experiences characterise the problem in the Royal Maternity Hospital. Two and a half years ago, my wife was under caseload midwifery care. However, the caseload midwives did not have a room in which they could attend to patients. Through no fault of their own, they had to rush around the hospital to identify a room in which they could see my wife. That situation has been experienced by hundreds of women.

Two and a half years later, the same midwife is treating my wife. Although she now has a room for patients, it has no facilities, such as the scanning devices that are necessary to maintain the health of the mother and child. That experience is, unfortunately, typical. Although the midwives and doctors display the highest standards of professionalism, dedication and commitment, the accommodation is not fit for purpose and creates additional anxieties for staff and parents — particularly mothers — over and above the natural stress and anxiety experienced during childbirth.

My experiences — which I am sure are shared in Belfast and beyond — arise 14 years after the McKenna review. After seven consultations and six Ministers, there is still no hospital. The hospital would have cost £15 million to build 12 years ago, whereas now it will cost in excess of £400 million. Those figures highlight how the delay has compounded the problem medically and financially.

I have three questions for the Minister, to which I request that he respond specifically. Those questions arise, in part, from his answers during today's Question Time. The Minister made it clear that, for the next three years, the capital funding for bespoke projects has already been spent.

4.30 pm

Will the Minister rule out definitively any ambiguity that may have arisen? It is estimated that it will take £30 million to clear the site at the Royal Victoria Hospital in preparation for the new building. Is that money available for him to spend during the course of the next three years? During Question Time, the Minister indicated that it may not be; however, that is

not what many people involved in the campaign for the hospital understand. His remarks will confirm their anxieties and frustrate their hopes for the development of the new hospital.

My second point also arises from Question Time. If the Minister has conducted a review of all his spending priorities and now wishes to see the Minister of Finance and Personnel in respect of that, will he, given the unanimous feeling of the House, publish the list of capital priorities for his Department arising from his review? We could then all clearly understand the problems he faces. Will he put the creation of a new hospital for children and women on the Royal Victoria Hospital site at the top of his list? It is understood that there are many competing priorities.

My third point is that OFMDFM's 10-year investment strategy, presented to and endorsed by the House but opposed by the SDLP and a few others, makes no mention of this project although £18 billion is due to be spent in capital projects. Will the Minister explain why that is so?

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

**Mr Attwood:** Will OFMDFM explain to the House why this issue was not mentioned as part of that plan for the next 10 years?

**Mr G Robinson:** Any move towards increasing health provision for children and women, especially as it is on a regional level and targets expert services at this specific area, can only be welcomed. No one can object to provision of the very best of healthcare for our population. I would be amazed if any Member objected to the provision of good services for children and women. However, a project such as this is heavily capital-intensive. Every Member is fully aware of the global crisis that the economy is suffering. The Minister, therefore, must be sure that he can deliver the project within his budget before a decision to proceed is taken.

I also call on the Minister to ensure that the financial resources at his disposal are providing value for money. He is well aware of a serious complaint, made by a constituent of mine, with regard to levels of cleanliness in a leading Belfast hospital over recent months.

The Minister must also address the appallingly long waiting lists, especially for eye treatments and neurological conditions. Outpatient treatment for age-related macular degeneration cannot be delivered because there is a lack of suitably trained staff and accommodation sufficiently spacious for vital sight-saving treatments. My information on that topic comes from a well-placed source.

In principle, I support the idea of a new children and women's regional hospital; however, I hope that the Minister ensures that his guidelines, with respect to

cleanliness and reduction of waiting times for treatment in some specialist areas, are enforced.

Having said that, I support the call for a new regional children and women's hospital, and I support the motion.

**Ms Purvis:** I support the call, made by the proposer of the motion, for a clear timetable for the commencement and completion of a new regional children and women's hospital for Northern Ireland.

As other Members have said, there have been eight consultations or review processes on the provision of maternity services. The Jubilee Maternity Hospital has been gone for eight years, and over that time, money has been set aside, in bits and pieces, for a facility which, we have always known, will have to be built and which will cost in excess of £300 million.

That is not a small price tag: it is a figure that would certainly stand out in any planning document. Why has so little been done to set aside and protect the funds that are needed for that vital facility?

Maternity services are groaning under increased demand throughout the Province for those services. The birth rate is growing, which is an exciting trend. When the Jubilee Maternity Hospital closed in 2000, the maximum number of births anticipated in any year was 4,900, but there were 5,600 births last year. That suggests that more people are staying or settling in Northern Ireland and choosing to raise their families here. Ideally, that means that people are optimistic about this country and its potential, which is good news. However, new people and new families need to be provided for, and that provision was promised when the very controversial decision was made to close the Jubilee Maternity Hospital.

Even without the growing birth rate, it is questionable whether the Royal Maternity Hospital was in a position to absorb all of the patients who would otherwise have gone to the Jubilee Maternity Hospital. Perhaps, as some argued at the time, we should have kept the Jubilee Maternity Hospital in service until the doors of the new women and children's hospital were opened.

Although the quality of maternity services in Northern Ireland is unquestionably exceptional, midwives and consultants must be given the tools and facilities to do their jobs properly. We have all heard stories of women in labour who were turned away from the Jubilee Maternity Hospital because no beds were available or who were jammed into overcrowded wards. That situation adds to the stress of parents, patients and staff alike. The privacy and dignity of women, at what is a very emotional and special time, are undoubtedly compromised in such an environment. That is no way for maternity services to operate.



I appreciate the attention that the Minister has given to the important issue of maternity provision and his decision to invest in maternity services and facilities throughout the Province. I also respect his vision of providing world-class health and social-care services in modern facilities. However, even if the most recent draft timeline in which to have the hospital up and running by is met, that will be 2017 — almost 20 years from the time that the Jubilee Maternity Hospital was flattened to a replacement facility being provided. That would be a long time and a fair amount of money to have been potentially wasted by having to constantly revisit the planning process for something that should already be in place.

I am curious to know why it took so long for the Royal to formulate a business plan for a new hospital when it was clear, from 2003, that the new hospital would be built on the site. I recognise that budgets are getting tighter and that all Departments are currently targeting efficiency savings. However, that service has been promised for a long time and is badly needed. Confidence that the hospital would be built would be renewed if funds were set aside to clear the site. I ask the Minister to give an assurance that funds will be made available and that the site will be cleared.

The new women and children's hospital must be a priority for the Department. I urge the Minister to provide a clear timetable of when action is likely to occur. I support the motion.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I strongly support the proposal for a new women and children's hospital. There is an urgent requirement for additional capacity in Belfast. The new, modern facilities will be a centre of excellence that will provide the most comprehensive and best possible services to mothers, babies and young children in Northern Ireland. Once built, it will bring relevant clinical services — including neonatology, obstetrics and children's services — together in close proximity, as opposed to the current situation in which services are provided at opposite ends of the Royal Group of Hospitals site.

It is clear that our maternity services face a number of challenges. There has been a 10% increase in the number of births in Northern Ireland between 2004 and 2007, and that number continues to rise. Increased demand means that maternity services have to be developed if the immediate pressures are to be met, particularly in relation to the lack of space and capacity in our current hospitals.

To help identify the scale of the problem, I asked the Eastern Health and Social Services Board to conduct a review of maternity services that will consider the existing capacity and the immediate pressures that face maternity services in Belfast and its surrounding areas.

In addition, my Department is also conducting a further nursing and midwifery review this year that will examine the anticipated demand for midwifery services over the next five years.

We must modernise and adapt our service provision to take account of new models of care. For example, we must ensure that we treat children in a child-friendly and safe environment. Furthermore, women in hospital should have the choice of a range of care options.

Other factors must be considered in line with best practice, such as the decision to raise the maximum age of children treated in the children's hospital from 13 to 16. That will involve the transfer of children aged up to 16, who are treated in acute adult wards at present. Additionally, the transfer of services from the Royal, Ulster, Musgrave Park and Lagan Valley hospitals to the children's and women's hospitals must also be taken into consideration.

The Royal Group of Hospitals provides the most comprehensive range of services for some of the most critically ill mothers and babies in Northern Ireland. However, it does so in accommodation that dates from the 1930s and which is now past its sell-by date. We must update the existing maternity and children's hospitals.

In 2003, a decision was taken to locate the central Belfast maternity hospital at the Royal Hospital site; five years later the new hospitals are not in place. The capacity for additional activity in the Royal Maternity Hospital and the Royal Belfast Hospital for Sick Children is limited. Much of the estate is old, many parts are in poor condition, and it is no longer fit for purpose.

To address that, purpose-built accommodation is required to meet the needs of modern clinical practice into the foreseeable future. That accommodation must be able to respond flexibly to future changes and service models as well as physically linking key services for adults, women and children. That is why I am so keen to progress the development of the new children's and women's hospitals.

However, Members will be aware that I recently had to carry out a review of capital priorities with the boards and trusts. I have been forced to make some very difficult decisions over the projects that I can afford to fund and when those developments take place.

That must be seen in the context of years of historic underfunding in our health and social-care infrastructure. This is the sixtieth anniversary of the founding of the National Health Service. In Northern Ireland, that led to a major building programme during the 1960s and 1970s when the vast majority of our larger hospitals were built. As a result, many of those facilities are now almost 50 years old; some are even older. Those buildings are outdated and desperately in need of modernisation. During the past 50 years, there



has been limited investment in our healthcare facilities and that has left us with a huge deficit. I am now faced with trying to rebuild many of those rundown hospitals, all at the same time.

I am committed to building a world-class health service for patients, carers and staff. The public rightly demands and expects high standards of healthcare. We cannot lag behind the rest of the world in harnessing new technologies and developments in medicine that will save lives.

Under the investment strategy for Northern Ireland, I have been allocated £3.3 billion, spread over the next 10 years, to invest in the infrastructure of our health, social care and public safety services. That money will be spent on new and refurbished buildings, modern equipment and technology, and will bring real benefits to staff and public. Several major projects are already in progress, and the planned investment will deliver new facilities such as the new acute hospital at Enniskillen and the next phase of redevelopment at the Ulster Hospital and the critical-care building at the Royal Hospital.

In addition, I will be making a series of announcements over the coming weeks and months, outlining the projects that I intend to implement across the various trusts over the next 10 years. That process has already started: in October, I announced a planned £100 million investment in the Ambulance Service; almost £170 million in the Fire and Rescue Service; and £300 million for information and communications technology — £264 million of which is capital.

4.45 pm

However, although £3.3 billion is a large sum of money, it is simply not enough for all the capital developments that are required. To meet current capital priorities, we need £7.8 billion — more than double what we are getting. Almost one third of the £3.3 billion that has been allocated will become available only in the last two years — that is, in 2016-18. Therefore, we must make the best use of the available resources and target them at areas where they will have the maximum impact on the delivery of high-quality services.

In relation to the new women's and children's hospitals, the current investment strategy for Northern Ireland profile presents us with a major problem. I did not draw up that profile and, in relation to Alex Attwood's point, I stated repeatedly that the allocated resources were not adequate. The profile has a major trough from 2013-16, which is described in the Department as "the valley of death", during which virtually no funding is available to start any major projects.

The reason is that in the profile the period from 2011-13 is designed around two major hospital

projects for the south-west, which are due to be completed then. There is also an issue of equity — I cannot focus on only one geographical area when, across Northern Ireland, there are hospitals and other healthcare facilities that need to be replaced urgently. Nor can I focus solely on the acute sector when there is a pressing need to develop services in the community and primary-care sectors.

All those issues have a significant impact on the timing of the women's and children's hospitals. Therefore, at the moment, we can plan only for a phased implementation. For the women's hospital, that involves site-enabling works starting in 2011 and construction happening in 2015-16, with an expected completion date of 2017-18. Construction of the children's hospital is not due to start until 2017-18, with an expected completion date of 2021-22. That is the best that we can do with the resources that are available.

I do not want to split the development — it makes sense for the women's and children's hospitals to be developed together and it would be more cost-effective to do it that way. However, we are where we are as far as finances are concerned. The timetable is completely unsatisfactory for me and for many others; I want the work to progress much more quickly. However, as I have stated already, I am faced with many competing demands to replace and refurbish buildings that are no longer fit for purpose.

Today, I seek the support of my Executive colleagues to have the investment strategy for Northern Ireland profile improved to allow me to proceed with the development much sooner or to have additional funding provided specifically for this important project. In that regard, the first thing that I must do is have a meeting with the Minister of Finance and Personnel — I have been requesting that for some time and it is now in my diary for 24 November.

In order to pursue this issue, the next important thing that I need is a meeting of the Executive. The Executive must meet in order for me to get agreement on the review of the investment strategy for Northern Ireland profile. If I do not get that, we are stuck with the existing timetable. If I can get the profile changed — which requires a meeting of the Executive — we can bring the project forward. Getting extra money into the budget would be even better, because it would allow me to implement it in a timescale that would be acceptable to most people.

We need an additional £250 million to allow us to complete the full development of the women's and children's hospitals within the 10-year investment strategy for Northern Ireland period and, ideally, to complete both hospitals as one project. I must emphasise that the current amount of capital that has

been allocated to my Department for the next decade is less than half what I require to meet all the demands on the Health Service that have accumulated after years of investment neglect.

Unfortunately, that means that unless additional funds are made available to me, some much-needed projects cannot be funded. Without the necessary investment, the health and social care service cannot become more efficient. The staff of that service — and those from the Fire Service and the Ambulance Service — need, and deserve, to work in modern facilities with the latest equipment so that they can deliver the best services to the public. Our patients deserve no less.

Our clients deserve to be treated in welcoming and well-maintained buildings in order to help with their recovery and sustain their well-being. I am determined to ensure that that happens, and I hope that Members will support me.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I am disappointed with the Minister's response. I will return to that concern, but I do welcome him to the debate. In any debate, it is quite useful for the relevant Minister to attend, so that he or she can take on board any points that are made.

As other Members said, the majority of adults will interact with maternity services at some point in their lives, so it is difficult to overemphasise their importance. However, we must also appreciate that such care is not just about the safe delivery of healthy babies; proper maternity and children's services have significant positive impacts on long-term public-health outcomes.

Although I realise that the Minister cannot reply, I shall ask him several direct questions that struck me as I listened intently to the debate, and I would appreciate it if he would respond to them at a later date.

Several Members outlined the sequence of events following the initial consultation about the merger of the Jubilee and the Royal Maternity Hospitals. In 2005, the then Health Minister, Shaun Woodward, announced that £300 million would be made available for a women's and children's hospital, which would mean that women and children in the North would have access to some of the best facilities in the world. That is no different from what the current Minister is saying. That announcement answered many questions at the time, but I would appreciate the Minister explaining what happened to the £300 million, because it has given rise to further questions.

When the Jubilee Maternity Hospital closed in 2000 — and other Members raised this point — anti-closure campaigners and people here were reassured that a new state-of-the-art hospital would be built on the site. That was supposed to have been in the 2005–08 spending cycle. However, we are now in the 2008–11

spending cycle and not a penny has been allocated to the building project.

The Minister and his officials, who are following the debate, must accept that such uncertainty is bad for staff morale. For every day that we debate buildings and services, morale drops. I wish to take this opportunity to congratulate and commend the staff of the Royal Jubilee Maternity Service and the Royal Belfast Hospital for Sick Children, who, even now, continue to give 100% care for patients. No matter what happens, we depend on their loyalty and goodwill, and it is important to recognise that.

As Members said, services are being delivered in a 1930s building, and the Minister accepted that it has passed its sell-by date; it is "not fit for purpose". Is the Minister now telling us that we are failing — that the Department is failing — women and children because the building is "not fit for purpose"? We are on dodgy territory there, and we need to then try and improve the services.

We are talking about overcrowding. Other Members, including Jim Shannon, have mentioned that birth rates are continuing to rise. We are talking about limited choices for women. We are talking about health and safety standards not being met, and we are talking about women and babies having to be transferred in crisis situations by ambulance.

My party colleague Gerry Adams acknowledged the cost of the project. However, he went on to inform the House that we need to look at it in stages. The first step would be the clearing of the site, and that would send out a clear message that we are serious about this project, especially to the staff and the patients and the campaigning groups. I know that they are in the Public Gallery today. If we give a commitment to that, it will send out a clear message that we are serious about this newbuild.

The Chairperson of the Health Committee, Iris Robinson, outlined the work that the Committee has done in the meetings and the visit which we undertook. I agree with her that funding is long overdue.

I appreciate the support that my Health Committee colleagues have given to the motion. In a recent visit to the Royal Jubilee Maternity and the Royal Belfast Hospital for Sick Children, the Committee saw at first hand the pressures that staff are under. We saw bins in corridors due to the lack of space. That is wrong, and it needs to be examined, especially when one considers hospital-acquired infections. Such a lack of space leads to overcrowding, which, in turn, leads to high-risk infections and potential deaths. That was highlighted in last week's 'Insight' programme. We must therefore be careful about how we achieve a balance.

John McCallister and Samuel Gardiner supported the motion and accepted the need for a new hospital,

but they gave reasons as to why it cannot be built. I acknowledge that a lot of money is involved; it is a frightening amount. However, I accept that the building must be completed in stages. Do Mr McCallister and Mr Gardiner accept that it would be worthwhile to clear the site now? That would cost only 14% of the overall budget and would have a positive impact.

The provision of a new regional hospital would mean that pregnant women here would no longer have to be sent to Dublin, England or Scotland. In a recent case, a pregnant woman — and support staff — had to travel to Dundee by private jet in order to deliver her premature twins. Is it right, in this day and age, that we send people away to deliver premature babies because we cannot provide the necessary facilities? How would Members like it if their partners, wives or family members had to do that? How much do such trips cost? Are we clouding the issue by sending people to Dublin or Dundee? Do we know the overall costs of such travel? Can the Minister inform the House of how much such travel costs? Are we wasting money by sending pregnant women away?

Alex Easton supported the motion — as did his party colleagues — but he spent his time criticising everybody. We have a good working relationship in the Health Committee, but perhaps he could spend some time talking to his party colleague the Finance Minister and ask him to release the necessary money. We all need to work together so that the money can be released and the Assembly can send out a message that the hospital will be built.

**Mr Easton:** Sinn Féin would be better employed meeting in the Executive so that the Minister could formulate a case to get the hospital built. With regard to the new hospital, the Member is failing her constituents in West Belfast, because Sinn Féin Ministers will not meet in the Executive to discuss the issue. The problem lies solely with the Member's party and no one else.

**Ms S Ramsey:** The Member is still clouding the issue. The money is there, and it could be released. The Minister of Finance and Personnel could make that decision, and the Health Minister could spend the money. The Member should not cloud the issue any more.

Jim Shannon was correct to highlight the negative impact that the delay in building the hospital is having on other hospitals such as Lagan Valley Hospital, the Ulster Hospital and others that provide maternity services.

The Minister informed the House that he supports fully the newbuild. However, there has been no movement on it. He said that there had been a review, but there have been continuous reviews. Since the need for the new hospital was announced, how much money

has been spent on reviews, business cases, business plans, consultations and the employment of consultants? If we knew that before the building commences, we would get a flavour of how much money is being wasted.

My party colleague and I tabled the motion in order to bring the issue to the House. We appreciate the all-party support for the motion, and it is important to send out a clear message that the Assembly is serious about ensuring that a new regional hospital for women and children will be built.

In his meeting with Department of Finance and Personnel, the Health Minister should highlight the construction jobs that securing the newbuild would create. Every day, we hear about the lack of construction jobs and about the credit crunch. We are talking about the construction of one hospital only, but that hospital will have positive knock-on effects for the North's economy, and it must be progressed.

I have asked a lot of the Minister this afternoon. However, my last appeal is for him to update Members on the meeting that he had with the Department of Finance and Personnel in order that, collectively, we all know where we stand.

*Question put and agreed to.*

*Resolved:*

That this Assembly calls for funding for a new regional hospital for women and children; and calls upon the Minister of Health, Social Services and Public Safety to provide a timetable for the commencement and completion of the project.

*Adjourned at 5.00 pm.*





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## NORTHERN IRELAND ASSEMBLY

Tuesday 11 November 2008

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

*Members observed two minutes' silence.*

### ASSEMBLY BUSINESS

**Mr Speaker:** I wish to inform Members that the Business Committee has agreed to suspend the sitting for 10 minutes, from 10.55 am to 11.05 am, to accommodate Members who wish to mark Armistice Day.

## MINISTERIAL STATEMENT

### Contingency Arrangements in the event of Apprenticeship Redundancies

**Mr Speaker:** I have received notice from the Minister for Employment and Learning that he wishes to make a statement regarding contingency arrangements in the event of apprenticeship redundancies.

**The Minister for Employment and Learning (Sir Reg Empey):** We are all well aware of the current economic conditions, which affect each and every one of us in so many different ways. We must all make adjustments to how we lead our lives and manage our financial affairs. It is at times like these that businesses naturally look to reduce their running costs to offset loss in revenue. Usually, the apparently easy options are targeted. Often, however, those options, while perhaps effective in the short term and offering a quick fix, are not beneficial in the longer term.

Training is one of the easy targets, but, although cutting that perceived luxury will save money and release staff time for the production line, it can only end up halting the development and improvement of skills that would otherwise improve performance and competitiveness. At the end of the day, we train staff to create a better business. Cutting training provision may offer a short-term fix for cost-saving purposes, but, in the longer term, it threatens future growth. When the upturn comes — and it will — those who have not kept up their training investment will be stuck at the starting gate, while their competitors who did not take the quick fix will be well ahead, grabbing the opportunities that will be there for the taking. We must ensure that continuous professional and technical training is available, so that employers are in a better position to strike when the iron becomes hot again — as it will.

However, I am not so naive as to think that resisting simple cost-cutting measures will sort out all the problems. I understand employers' hesitancy to commit resources when the future appears so uncertain. Unfortunately, people are losing their jobs as the downturn tightens its grip — a situation that is particularly evident in the construction sector. There have been several company closures and attempts to control costs through staff layoffs. Sadly, apprentices are often the first to go because they are the easy target.

Apprenticeship has long been recognised as a respected pathway to good training, a good career and good prospects. Apprenticeships have ensured the continuity of the skills that industries need in order to compete and grow in a vibrant and dynamic economy. We cannot, and dare not, lose that route to skills development. Therefore, I announce several interventions that my

Department will implement to support the sectors that have been hardest hit, namely the construction, engineering and motor-vehicle sectors, and to protect the ethos and value of apprenticeships and preserve the skills pool. These interventions are a measured response that is tailored to suit the point in the economic cycle that has been reached. They can be reviewed quickly and built upon should the situation change significantly.

Aware of the tightening of the labour-market situation, my Department has been working on its response for some weeks. The first step is the Department's engagement with the Alliance of Sector Skills Councils, and other relevant employer bodies, to encourage employers to take on any apprentices who have been made redundant. Employers who have a strong tradition of investing in apprentices will be encouraged to do that, as well as employers who have not yet engaged with the provision. The Department will contribute a modest amount of conditional funding towards the additional wage costs. This is an opportunity for employers to stand up and be counted in this time of need; an opportunity for leading employers to demonstrate why they are leaders; and an opportunity for smaller employers to put their heads above the parapet and to show competitors and customers what sets them apart.

I am delighted to report that several major companies have indicated that they are prepared to foster additional apprentices. I appreciate that a lot is being asked of employers; it is a difficult sell and will demand sacrifices. However, I am already encouraged by the sense of partnership because it demonstrates an acceptance that whatever affects Northern Ireland as a whole affects everyone on an individual level. I am convinced that the co-operation of spirit that has been demonstrated, and the willingness of industry representatives to provide a safety net for apprentices, will go some way to resolving the present difficulties.

The Department is implementing provision to allow apprentices who have been made redundant and cannot find an alternative employer to continue training and to work towards completing their apprenticeship framework. Under the Steps to Work employment initiative, apprentices in the construction, engineering and motor-vehicle sectors who are aged 18 and over will be offered level 2 or level 3 placements with employers for up to 52 weeks. That will allow those apprentices to continue their NVQ training and assessment. Separate arrangements will be implemented for further education colleges to offer technical-certificate and essential-skills training free of charge through evening or weekend classes. Apprentices will be entitled to a benefit-based training allowance and may also qualify for other benefits while they are on the Steps to Work programme.

Apprentices aged 16 or 17 who have been made redundant will be eligible for the pre-apprenticeship component of Training for Success, which allows them

to return to training in order to complete the technical training certificate and essential skills elements of an apprenticeship framework. It is anticipated that the skills and knowledge developed during that training period will make the participants much more employable, thereby allowing them to complete the NVQ after they return to employment.

I recognise that the success of these interventions depends on employer placements, which appears to run counter to the cause of the problem being addressed. However, I appeal to employers to help with the initiatives and to work collectively for a solution. A basic tenet of apprenticeships is that apprentices must be in employment in order to complete the framework and to demonstrate competence in the workplace. No full-time training option can deliver that.

The options that I propose also cost relatively little extra — in the range of £250,000 for every 100 apprentices, either in the fostered employment or in Steps to Work. The pre-apprenticeship intervention will be cost-neutral as part of the normal Training for Success provision. Therefore, at present, the costs are reasonable and the interventions are appropriately measured. I must say, however, that my Department and I will continue to monitor the economic conditions as they change. Should these interventions seem no longer appropriate, I will ask my officials to explore further measures. I also believe strongly that there is no substitute for real work experience while in training. That must always be a prime consideration when arriving at any solution.

My Department remains committed to the provision of apprenticeship training and to the already substantial financial investment that has been made in it. Furthermore, my Department remains committed to ensuring that, despite the current economic predicament, a resolution will be found that ensures the continuous provision of high-quality skills training. I call upon all Members to work with my Department and me in order to promote these interventions and to ensure that they succeed.

**The Chairperson of the Committee for Employment and Learning (Ms S Ramsey):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement, which my Committee will study carefully when it meets tomorrow. I have no doubt that members will have questions for the departmental officials who will appear before the Committee tomorrow on this very issue.

The Minister is aware that the Committee has long been interested in the issue of apprenticeships. The Committee recently produced a report for the Assembly on Training for Success, which is a Department for Employment and Learning (DEL) programme for apprenticeships. In the past few weeks, the Committee has twice written to the Minister about its concerns

over the loss of apprenticeships during the current economic downturn, to which the Minister referred.

As the Minister said, one of the most worrying aspects of losing an apprenticeship with an employer is losing the associated college place. That is often a devastating blow to someone who has set their sights on a particular goal and an occupation, which they cannot work towards once their apprenticeship is lost. That has been highlighted by the Minister.

The Committee has learned from the Department that between September 2007 and the end of October 2008, the six regional colleges lost 230 apprenticeships because employers cancelled them. Construction industry apprenticeships alone accounted for 164 of those places. On 5 November, the Committee heard from the Construction Industry Group about the poor work prospects in the industry and the knock-on effect of the downturn.

Committee members have also been approached by constituents about the situation in relation to apprenticeships, and the Committee wrote to the Minister in order to highlight those concerns. The Committee believes that the interventions announced today may not be sufficient and it again wrote to the Minister seeking further action, which resulted in his statement.

As the Minister pointed out, the measures that he has announced greatly rely on employers stepping forward to take up redundant apprenticeships. It must be accepted by everyone that that will be difficult and that it requires everybody to work together. I also encourage employers to step up to the mark and to take on apprenticeships. The Committee supports employers who help in such a way. However, as we move towards greater economic difficulties, Committee members remain to be convinced that these measures will be enough. It is likely that more and more employers — who often regard apprenticeships as an unaffordable luxury — will have to tighten their belts.

The Minister and his Department should consider measures that fundamentally address the problems in an apprenticeship system that relies heavily on the goodwill of employers and can unravel in an economic downturn, as we are now witnessing. The Committee is aware of that situation and plans to give the proposals further consideration.

I also welcome the statement personally. Will the Minister outline the cost of his proposal to give money to employers who become foster parents to apprentices? From the outset, it is important to find out the cost of that proposal. The Committee is committed to working with the Minister to tackle the crisis. Go raibh maith agat.

10.45 am

**The Minister for Employment and Learning:** I thank the Chairperson of the Committee for her comments.

She said that the measures may not be enough, which may be true. This is a calibrated response — over the past few weeks, we have examined the options open to us, because we could see trends developing. I have made it clear that, rather than being the end of the matter, the measures that I propose are a response to circumstances. Those circumstances may change, and I do not rule out further interventions.

We will pay around £40 a week to an employer who fosters an apprentice. There is no substitute for experience gained in the workplace. A certain amount can be done in a classroom, but work-based experience is essential in order to gain an NVQ. There has been a response from some employers, even in the hard-pressed construction sector, who say that they are prepared to examine the proposal. On a visit to a major factory last week, I received one commitment to consideration of the proposal, and officials will visit that factory in the next couple of weeks. Other significant employers have said that they are prepared to examine my proposals.

Intervention is never easy. The fundamental driving force is that we have encouraged young people to take up apprenticeships, and we have encouraged employers to provide apprenticeships, only for young people to discover that their contracts have been cancelled in the middle of their courses and work placements. There are few more demoralising circumstances that those young people could face. Rather than losing the work that those apprentices have done, we are trying to find a way to continue the apprenticeships so that they can attain the qualifications that they are working for and become more employable. That is the rationale behind the proposals.

The proposals are not perfect. We have concentrated on three sectors, because a critical mass of students is required for technical-certificate classes to be viable, and the students are distributed throughout the countryside. The proposals are by no means perfect and may not be the last word on the issue.

I thank Committee members for their contribution, and officials will explain the detail of the proposals to them tomorrow. We are also thinking about the next stage, in case it comes to that. I hope that the economy does not further deteriorate, but there is little point in having a devolved institution if we are not prepared to respond to local circumstances as they arise. That is one of the main reasons for the Assembly's existence. If necessary, we will make further changes to the proposals.

**Mr Speaker:** I allowed the Chairperson of the Committee some latitude. When there is a ministerial statement, it is only right to afford some latitude to the Chairperson of the appropriate Committee. However, I remind Members that I expect them to ask the Minister questions about his statement.

**Mr Newton:** I welcome the Minister's statement. Like the Chairperson of the Committee, I wish to express my concerns at the increasing number of apprentices who are being made redundant before they have completed their training. All Members will be sympathetic to that situation.

The Department for Employment and Learning has made a great deal of progress on apprenticeship training, but the Chairperson of the Committee made the fundamental point that the current system is subject to economic ill winds. Will the Minister examine policy and operational out-turn in order to ensure that the system is not subject to a downturn in the economy just so swiftly as has happened on this occasion?

**The Minister for Employment and Learning:** I take the Member's point about the economic ill winds, but we are living in the real world and apprenticeships are part of that world. It would be difficult to be completely insulated from the economic tsunami that we have faced in the past few months. I take the Member's point, but the very fact that we become involved in these interventions makes its own point. My Department and the Committee for Employment and Learning need to reflect on the Member's statement rather than give an off-the-cuff reaction to it.

I am very reluctant to go back to classroom-based apprenticeships. Equally, if the employer were removed from the calculation, the quality of the apprenticeship could deteriorate, because the employer will have made an investment in the young person to make the apprenticeship viable. Having said that, we are entering uncharted waters, and it would be unwise for any of us to say definitively what we should or should not do in any circumstance. However, I am prepared to reflect on what the Member has said, and I am sure that the Committee will also reflect on what has been said.

**Mr Speaker:** Before I call Rev Dr Robert Coulter, I ask Members to keep their questions brief as the sitting will be suspended soon.

**Rev Dr Robert Coulter:** I welcome the statement and congratulate the Minister and his Department on the initiative. Will he agree that the problem of apprenticeship redundancies may extend beyond the construction, engineering and motor-vehicle sectors?

**The Minister for Employment and Learning:** Sadly, the answer to the Member's question is yes. We identified the sectors that have been most obvious to us in recent weeks, and, indeed, the construction sector's position is well known. However, I will keep the matter under review.

If a critical mass of apprentices in other sectors were in similar circumstances, and provided there were sufficient numbers that classes could be provided in further education colleges, for instance, to help them to obtain their certificates, we would be prepared to revisit

the matter. At the moment, however, the construction, engineering and motor-vehicle sectors have the most significant numbers of apprenticeship redundancies, but I will keep the matter under review.

**Mr Speaker:** The Business Committee has agreed to suspend the sitting to accommodate Members who wish to mark Armistice Day. I, therefore, propose, by leave of the Assembly, to suspend the sitting until 11.05 am.

*The sitting was suspended at 10.54 am.*



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

11.05 am

**Mr Attwood:** I also welcome the Minister's statement, but I do so with a heavy dose of caution. This matter was raised at a meeting of the Committee for Employment and Learning several months ago. I recall the somewhat passive responses of officials on that occasion, and there is an echo of that in the Minister's statement. Twice during his statement, the Minister told us that officials have been working on the matter for a few weeks, even though the problem has been emerging over many months. Therefore, I view the proposals as a first step only, as does the construction industry, whose representatives referred to them as "broad-brush".

I will ask the Minister a specific question. In Scotland, the contracts that are awarded by public bodies — including Government and public authorities — require a certain percentage of apprentices to be employed in the public works in question. Is the Minister prepared to consider doing the same with regard to the £16 billion of investment that was endorsed in the Assembly — despite some opposition — in the past few months? Is he prepared to consider making the employment of apprentices a condition of contracts for public works for those who have been awarded tenders?

**The Minister for Employment and Learning:** The Member will have heard me say that I am open to examining how the situation that confronts us will evolve. I also said that I am open to further interventions if they are required. I do not necessarily see this as being the end of the matter, because we cannot anticipate the cycle's development.

Several different types of clauses are now written into public-works contracts, and I am happy to write to the Minister of Finance and Personnel, who is responsible for such matters, to draw his attention to the Member's comments. The Department of Finance and Personnel has the overarching responsibility for matters that relate to the construction industry, such as procurement.

I say to the Member that it is not a matter of being cautious, or of not responding to events. It is precisely because of my concerns about this matter that my Department is responding. I have made it clear that further responses and interventions will be made if they are deemed appropriate and necessary.

**Dr Farry:** I welcome the Minister's statement: I hope that it will be part of a series of statements from Ministers trying to address problems in the Northern Ireland economy. I am sure that the Minister agrees that the most important intervention that the Executive could make would be to bring forward several major capital projects, particularly to assist the construction industry.

Has the Minister's Department made any assessment of the risks to the economy that may result from intervention? Is there any danger that subsidising certain members of staff and companies may lead employers to release other members of staff, which would have an impact on the unemployment figures? Has he sought assurances from companies that all staff will be retained if extra assistance is given to apprentices?

**The Minister for Employment and Learning:** I agree that the Executive should consider a series of measures that could be taken, but, without trying to politicise my statement, the first priority for the Executive is to meet. Interventions can be made across a number of Departments, including consideration of the profile of the capital programme and planning policy statement 14.

Undoubtedly, intervention involves risks, and my Department is aware of those. We are concerned that we do not distort the market and we are conscious of the criticism that payments made to young people and the provision of young people to employers lead to a certain degree of exploitation. I assure the Member that we are conscious of those issues and that any involvement that we have with employers will take those matters into account. We have been considering the issues and we are aware that intervention in the market carries risks.

However, that must be balanced with the demoralising plight of many young people who, having put their heart and soul into their work, lose their job at a critical stage, perhaps when they have only a short time to go before achieving a qualification, meaning that all of their work is completely lost. I assure the Member that we will engage closely to ensure that such exploitation does not take place.

**Mr Hilditch:** I declare an interest. I have a son who has just finished a second-year apprenticeship in plumbing but is already on his third employer, having been made redundant twice.

We have seen at first hand in our communities the distress and anguish that the current situation is causing to young people at the outset of their working lives. I welcome the Minister's statement: as he said, it is a start. Will he take the opportunity to pay tribute to and acknowledge the efforts of the frustrated but resilient young people who wish to complete their apprenticeships and remain in their chosen industries rather than walking away and taking another job, such as stacking shelves in the local supermarket?

**The Minister for Employment and Learning:** I thank the Member for his comments; he is one of several Members who wrote to me about individual cases in which people found themselves in such a plight. My Department is trying to encourage young

people to get involved in apprenticeships, because they provide a route to long-term employment.

As I said in my reply to the Member for North Down Dr Farry, we were concerned that those young people, having taken that first step, may suddenly discover that all their effort has been wasted. They may have spent 18 months working towards a qualification, and, through no fault of their own, that may be taken away from them. In such a situation, it would be difficult to motivate that person again. For that reason, the Department has considered options to try to protect those people and to ensure that the work that they have put into their apprenticeships can be carried forward and is not lost to them.

I can think of little else that would demoralise people more. The Member may recall that, in the past, people circulated on various training schemes, time and again, like a merry-go-round, but achieved few qualifications.

11.15 am

I agree with Mr Hilditch, and I commend young people who decide to undertake an apprenticeship. The number of people aged 24 and over who have come forward to start apprenticeships has been encouraging and interesting, and illustrates that it is not only younger people who want to become apprentices. People are prepared to make career changes, and we encourage them to do so because they may start a course when they are 17 or 18 years of age but, after a while, discover that the path that they have chosen is not for them. The age limit has been removed, and we have improved flexibility and provided people with an opportunity to take a different career path. I strongly support Mr Hilditch's view that those people deserve to be commended.

**Mr Butler:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom fáilte a chur roimh ráiteas an Aire. I welcome the Minister's statement.

Recently, I met the director of Belfast Metropolitan College, who said that his biggest concern was the number of apprentices who were unable to complete their courses. Of the 230 apprentices who have been unable to complete their courses, 164 are involved in the construction industry.

The Minister said that, if the measures did not work, colleges would offer full-time training with simulated practical work experience. How long will those measures be given to take effect before that option is implemented? Questions were asked about whether colleges and training organisations could offer those facilities. However, even that would not be an ideal situation, given that the other leg of apprenticeships is work experience. There will be a skills gap, which the Minister mentioned. When the economic climate improves, will colleges be up to speed and ready for

that step change, and will their apprentices be fully skilled and ready to go into the workplace?

**The Minister for Employment and Learning:** It is for precisely that reason that we are examining those interventions, and possibly others. Those measures will ensure that, when there is an upturn in the economy, the workforce is prepared and fully skilled.

The Member will know that companies that invest in their employees, and in their employees' skills, are two and a half times more likely to succeed in the workplace and in their chosen businesses than those that do not. We are examining those interventions to protect apprentices' skills bases and to ensure that our aims, objectives and targets for improving the skills of the workforce are not deflected. A simulated work environment forms part of those measures. The colleges are fully engaged and working closely with the Department. As I said, we are prepared to examine other interventions. To some extent, the issue of timing will be dictated by events. We will want to work closely with the Committee and with Members who are providing feedback about what is happening on the ground in their constituencies. Collectively, we can make a difference.

The measures will involve using a certain amount of resources, because this cannot be done for nothing. Nevertheless, it is incumbent on the Department to put its money where its mouth is and to encourage employers to continue to invest in their workforce, even during the financial downturn.

We are working closely with the colleges. They will be an integral part of the entire process, because they are developing large elements of the courses and qualifications. We are also working on those interventions with the sector skills councils and the Alliance of Sector Skills Councils.

That will, I suspect, be an ongoing process for quite some time — well into next year — and I believe that there will be opportunities to tweak and amend things according to circumstances.

**Mr Cree:** I welcome the Minister's statement. It is a very difficult time for business, and I look forward to other Ministers bringing forward the views of their Departments on how they can help.

Although companies often see training as a cost, does the Minister agree that it is also an investment opportunity that may help to ensure the longer-term viability of companies, even in this time of recession?

**Mr Easton:** I, too, welcome the Minister's announcement. Will the Minister confirm whether his Department will find the foster companies, or will apprentices have to find their own foster companies? Will the Minister's measures cover those apprentices who

have lost their jobs over the past month or two, or will they be covered by the new measures from here on in?

**Mr Deputy Speaker:** I apologise, Minister. Maybe you would like to answer both questions at the same time.

**The Minister for Employment and Learning:** With regard to Mr Cree's question, I said in my statement — and in speech after speech — that companies investing in their workforce is good in principle, but it is good for their future bottom line. We are not asking companies to do it for anything other than their own benefit. All of the evidence points to the fact that companies that invest in training survive recessions and emerge from them in a much stronger position. That is a well-established fact.

We must, however, be realistic. If a company has a huge cash-flow problem, and a wages bill to pay on a Friday, it is easy to stand here and pontificate by saying that all the evidence suggests that companies that invest do better. That is fact. However, I understand the difficulties; I have been in that position myself. I know that it is tough to meet a wages bill of whatever size, and training and maintenance and suchlike are easy to cut. I say to companies — and I do not do so lightly — that leading businesspeople, trade unions, and other Ministers with responsibility for skills throughout the United Kingdom have come together in recent weeks to encourage companies nationally not to slash their training budgets. We are doing that for very obvious reasons.

To answer Mr Easton's question: my Department is, so to speak, going round leading suppliers of apprenticeships. We are, basically, knocking on companies' doors, explaining that we have a particular individual in difficulty and asking if they can help by taking that person on and giving him or her an opportunity to complete an apprenticeship. We are telling companies that it is difficult to predict the numbers involved. Mr Butler quoted figures from September, but I suspect that they have been overtaken by events.

The Member also asked what happens to someone who found themselves in that situation on 20 September — has that person missed the boat, or can that person avail themselves of some of these opportunities? The answer is yes — we will do everything we possibly can. We cannot solve every apprenticeship's problem by these measures.

They are confined to three sectors; therefore, individuals in other sectors will not be covered. The Department's objective is to place as many people as possible in order to give them an opportunity. As long as the time gap is not too great, they ought to be able to be accommodated.

From the colleges' point of view, the new academic year has started. However, it is not too far into it and, therefore, I hope that as many people as possible can

be placed. The Department will be as flexible as it can. However, I cannot guarantee that every individual will be sorted out; that would be misleading. We will do our best to accommodate as many people as possible.

**Mr McCallister:** I welcome the Minister's statement. He is aware of the difficulties in my constituency and in other constituencies. Further to Mr Cree's point; it is important that other Ministers are proactive in tackling problems in these difficult times.

The Minister mentioned the possibility of a wage subsidy for fostered apprentices. Has he raised with the Low Pay Commission the more general problem of maintaining a living wage for younger apprentices who do not fall under minimum-wage provisions?

**The Minister for Employment and Learning:** The Member is aware that the issue has been debated on the Floor of the House on several occasions because it was feared that there could be a degree of exploitation of younger people by employers. One may suggest that the Department, while it has tried to rescue apprentices, has, in the same breath, put an additional burden on employers.

The Member is aware that, some months ago, I made a submission to the Low Pay Commission about how much apprentices are being paid, because, at present, they are not covered by the national minimum wage arrangements. I do not know the outcome of that submission yet. Therefore, the only arrangements in place are between apprentices and employers. Until a decision is made by the Low Pay Commission, the Department will be unable to enforce any particular rate. The Department has decided on the particular rate at which it will intervene. Thereafter, it will be up to the employer and the apprentice to agree terms.

The situation is not satisfactory, and I hope that it will be corrected. The Department has made a clear submission to that effect because, on several occasions, there has been widespread support for that from around the Chamber. I will inform the House as soon as I am aware of the Low Pay Commission's response.

**Mr Dallat:** Earlier, the Minister said that we have entered uncharted waters: that is absolutely true. Will he assure the House that he has set his compass for the future and that he will take every opportunity to ensure that further education colleges and other education providers offer courses that are appropriate for each area of industry?

**The Minister for Employment and Learning:** The Member is aware that substantial investment has been made in further education colleges during the past years. Not only has substantial and ongoing investment been made in the estate, investment has been made in the curriculum and in the variety of courses available.

I assure the Member that the Department regards the further education sector as a critical delivery mechanism:

it is at the core of the Department's view for further education. In fact, in the Programme for Government — and, perhaps, people have forgotten that we have a Programme for Government — the Executive made strengthening the economy the first objective.

11.30 am

Each Department with an input into boosting the economy has several sub-targets. My Department is making further education a major element of its mechanism for economic delivery, although it is more than a purely economic issue. I assure the Member that the colleges are highly capable of dealing with our current demands on them.

However, as the Member said, we are in uncharted waters, and I fear that, as time goes on, we may have to knock on their door again soon. The Department funds the colleges from the block grant. The colleges may argue that ever more is being asked of them by the Department. In trying to salvage as much as possible from the apprenticeship programme, resource issues may have to be considered, and, if necessary, I will do that.

## PRIVATE MEMBERS' BUSINESS

### Alcohol Misuse

**Mr P Ramsey:** I beg to move

That this Assembly considers that the misuse of alcohol in society causes serious damage to the health and social well-being of individuals and communities; and calls on the Executive to formulate, and implement, policies designed to reduce alcohol misuse.

I wish to place it on record that I am a director of Foyle Haven, which is a drop-in centre for street drinkers and alcoholics in Derry. I thank Members and the Minister, who is on his way to the Chamber, for their attendance today.

The abuse of alcohol is the single most challenging social, health and economic problem that faces society. Recently, the Royal College of Physicians of Ireland called on the Dublin Government to take strong action on alcohol abuse, and it proposed several measures. In January 2008, the college detailed the following statistics: 88% of public order offences relate to alcohol; 34% of marital breakdowns —

**Ms S Ramsey:** On a point of order, Mr Deputy Speaker. I support the motion, and I am sorry to have interrupted the Member while he was in full flow. However, when a Sinn Féin Minister is due to respond to a debate, but is not present in the Chamber, everyone in the House highlights that fact. Today, the Minister of Health, Social Services and Public Safety is not present, and I would appreciate being given some idea of his whereabouts.

**Mr Deputy Speaker:** I understand that the Minister is on his way, and it is up to him and the Executive to respond to the debate.

**Mr P Ramsey:** I thank the Member for her comments, but the debate began earlier than scheduled, and I assume that the Minister is on his way.

Alcohol is cited as the major cause of 34% of marital breakdowns, and Members will have seen many such breakdowns as a direct result of alcohol. How many families in our communities across Northern Ireland have we watched become estranged because of alcohol? How many families live in poverty and hardship due to alcohol?

One in every eight patients who attends an accident and emergency department in the Republic does so as a direct result of alcohol-related injuries. The recently announced figures for Northern Ireland show that 6,000 people attended accident and emergency departments for the same reason, and many of them were under 18.

I propose the motion because it is difficult to identify another single factor that causes so much damage to people, particularly the young, and to our communities and economy.



I will first consider what signals the Assembly should send to the Executive, drinks companies and the public, after which I will detail the extent of alcohol consumption. Finally, for the record, I will propose several initiatives that I would like to see introduced.

I welcome the Minister to the debate. Members should signal to him and his team that they have the full support of the Assembly for the new strategic direction for alcohol and drugs. A signal must also be sent to the Executive that it is essential that the issue of alcohol misuse is not simply left to the Department of Health, Social Services and Public Safety (DHSSPS), while other Departments consider it a mere add-on. Each of the relevant Departments must treat cross-departmental issues as core responsibilities.

People who are working to reduce alcohol misuse are concerned at the level of buy-in of some of the other Departments. We need to send out a signal to the independent community and voluntary-sector organisations that we endorse strongly their work on alcohol misuse and alcoholism.

It is important to acknowledge the good partnership work that is being done in many areas in Northern Ireland. Derry City Council, the council with which I am most familiar, has a proactive civic alcohol forum that is working hard to reduce alcohol misuse. The council is working with vintners to design and implement responsible codes of practice, and community organisations — such as the Divert project — are offering alternative activities to young people and educating them on the dangers of alcohol misuse.

The PSNI in Derry has worked hard to reduce on-street drinking, particularly among underage drinkers, and many community and statutory organisations deal with addiction problems. Derry City Council passed a proposal recently to ban on-street drinking in more areas, and many residents in Derry — and in many other communities in Northern Ireland — believe that on-street drinking should be banned in all areas.

It is important that we send a strong signal to the people of Northern Ireland that we recognise the damage that alcohol abuse does to communities, families and individuals. Alcohol abuse also has direct health implications, and, most importantly, we must demonstrate that we recognise the associated behavioural, social and economic problems.

The Assembly should also send the signal that it is concerned about, and for, alcoholics, many of whom end up homeless and on the street. I know of three alcoholics who, in the past month, have been found dead on Derry's streets, having committed suicide or died because of physical and mental-health problems that were related to their addiction. The Assembly must demonstrate to alcohol companies and retailers

that we are taking the problem seriously and that we intend to deal with it.

In my introduction, I referred to some of the findings of research that was done on the matter in the Republic. Those findings give a stark overview of the scale of the problem and are similar to statistics and trends in Northern Ireland. Ireland, France, Luxembourg and Denmark top the world rankings for alcohol consumption. Those findings correlate with those of the Department of Health and Children in Ireland, which demonstrate a greater increase in alcohol consumption in Ireland than in any other European country. The Irish Government take the problem seriously and are enacting several measures to reduce alcohol misuse. The Strategic Task Force on Alcohol in Ireland aims to reduce alcohol consumption to the European average, and we should try to do the same.

England has similar problems. According to the UK Department of Health's alcohol needs assessment research project in 2005, alcohol misuse in England costs £55.1 billion a year, which is an extraordinary amount of money. Moreover, the Scottish Government are consulting on a range of robust and imaginative initiatives that are designed to reduce alcohol misuse. Given that all Administrations experience similar problems, the Assembly should conduct its initiatives in partnership with the Republic of Ireland, Scotland, Wales and England. Some jurisdictions are ahead of us in their ideas and in good practice. The Assembly should examine those models.

The Assembly should also examine policy initiatives that are in place — or are being considered — in other regions. The big-ticket issues relate to price consumption, accessibility, regulation and the promotion of a cultural shift away from alcohol abuse towards healthier lifestyles. Some of those measures fall within the remit of the Executive, and some are reserved matters. However, the Assembly should pursue them all.

There is a negative correlation between price and consumption. The higher the price of an alcoholic drink, the lower its consumption rate. Therefore, the Assembly should consider banning price promotions and below-cost alcohol sale. In many supermarkets — which I will not name — a six-pack of beer is much cheaper than milk or water. Furthermore, the Assembly should consider banning alcohol advertising in the same way that cigarette advertising has been banned.

We need to put measures in place to ensure that alcohol can be traced back to the point of sale, and back to the purchaser if that is technically possible. We need to ensure that anyone supplying alcohol to underage drinkers is caught and dealt with effectively.

**Mrs D Kelly:** I thank the Member for taking my intervention. He refers to those who sell alcohol. Yesterday, I met the Quinn family. In south Armagh,

and in other areas across the North, grave concern is caused by the sale of counterfeit alcohol, sold — allegedly — in some pubs and clubs across the North and from the back of ice-cream vans. That particular type of alcohol has devastating consequences; we do not know what all is in it. Some say that after one or two glasses of it, young people are going off their heads. I hope that anyone with information on that will help the PSNI to track down these pedlars of poor health and poor futures for young people.

**Mr P Ramsey:** That is a good point. Alcohol is a poison in itself, but if young people are being poisoned with additional substances, we should hand over any information that we may have on that to the police.

We should raise the age limit for purchasing alcohol from off-licences to 21, in order to prevent alcohol from getting into the hands of children. We should charge a social responsibility tariff on bars and nightclubs so that they contribute to the additional spending on policing and health that is incurred as a result of the sale and consumption of alcohol. We need to ensure that no bar will sell alcohol to a person who is drunk; we have all been in bars where drunk people are standing at, or rather holding up, the counter and yet alcohol is still sold to them. The law on that is only loosely observed, and it needs to be tightened up.

We need a sustained programme of education in the dangers of alcohol to be taught in schools, colleges, universities and workplaces. We need to step up the public-awareness campaign against binge drinking and the antisocial behaviour associated with it. There should be a blanket ban on on-street drinking and drinking in public places, with restricted permission given on a case-by-case basis.

In addition to the legislative —

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

**Mr P Ramsey:** Each of us adults needs to send out a strong signal that drink must be taken responsibly.

Mr Deputy Speaker, I thought that I was entitled to an extra minute for taking an intervention from another Member.

**Mr Deputy Speaker:** You have had your 10 minutes.

**Mr Ross:** I thank the Member for tabling the motion. I have listened to him describe the damage to families and relationships. Later today, I will bring before the House a motion on drink-driving and the difficulties that that creates.

This morning, I wish to talk about issues that relate mainly to younger people. Over the past couple of days, we have heard and seen evidence that more and more people under the age of 30 are showing signs of early-stage liver disease. 'The Irish News' reported

that there has been a 22% rise in referrals for that condition over the past 12 months.

My stance is not anti-drink; it is possible for people to go out and enjoy alcohol responsibly. However, we must examine the damage to health and society that alcohol abuse causes, and see what Government can do about it. Other European countries do not have alcohol-related problems on the same scale that we have in the United Kingdom or the Irish Republic. Here, the culture among many young people is to get as drunk as possible as quickly as possible.

Not so long ago, I was a student in Dundee. I was offered drink promotions of all kinds in virtually every bar and student venue that I visited. It was commonplace for pints of beer to be offered at £1 and vodka at 30p. Those were some of the offers advertised specifically to young people and students. I recall that young people were often carried out of bars and nightclubs or involved in alcohol-fuelled violence at the end of the night. My experience is supported by police evidence to the effect that much of the violence that occurs on our streets — some 45% — is caused primarily by alcohol.

A culture of excessive drinking is now promoted in universities, and the perception of university students is that they go out and get drunk every night. Unfortunately, that image prevails in the media, and students in Belfast conform to that stereotype. In January, the 'News Letter' reported that, last year, Belfast had the highest percentage of emergency admissions to hospital for alcohol-related conditions.

Universities are focusing on violence and antisocial behaviour, and making efforts to stamp them out. Much of the blame has been levelled at the drinks industry; it has a responsibility to ensure that it does not target its drinks at teenagers. Ultimately, however, the choice to abuse alcohol rests in many cases with the individual. Guidance must be forthcoming from parents.

*11.45 am*

I am unconvinced that further stigmatising alcohol is the right way forward. When I was a student, I worked in the United States of America for four months. I was struck by the fact that teenagers and other people under the age of 21 did not drink alcohol. Liquor stores did not sell alcohol to people who were under that age, so the age limit of 21 seemed to work very well.

However, I noticed that many of those younger people took recreational drugs as a direct substitute. That led me to believe that the important issue is not so much the price of alcohol or the age at which one can buy it, but the attitude of young people towards alcohol. That is not to say that price is not a contributing factor — because cheap drinks and longer opening hours obviously offer young people more opportunities to abuse alcohol — but there is a bigger issue that must be addressed.

In preparation for the debate, I read a number of articles that argued that we should follow the lead of countries such as Sweden or Iceland and increase the price of alcohol in our bars to somewhere near £6 or £7 for a pint of beer, which is approximately the cost in Iceland. I am not convinced that that is the way to go, because that would penalise people who act responsibly.

However, we must recognise that cheap-alcohol promotions are causing a problem, as Pat Ramsey said. I see merit in ensuring that people are not encouraged to abuse alcohol. In the news yesterday, we heard that the Westminster Home Affairs Committee called for pubs to ban happy hours and for supermarkets to cease their cut-price drinks promotions. Individuals have a responsibility to look after themselves, but it is unfortunately the case that many young people avail themselves of the supermarket drinks promotions and get very drunk before they even go out at night. That is a huge problem.

I support the view that laws on cheap-drinks offers, pub happy hours and advertising campaigns that target young people should be toughened. There is a list of medical conditions — such as heart disease, liver disease, diabetes, strokes and mental-health issues — that young people do not seem to care about at all when they go out and get drunk.

Unfortunately, many parents are also to blame. We have talked about individuals' responsibilities, but parents also have responsibilities. Right across the country — from the most socially deprived areas to the more affluent ones — parents buy alcohol for their children and send them out for the night to drink on the streets. That is a problem that society must tackle.

Some of the statistics that I read yesterday — such as the fact that 648 children under the age of 10 had been hospitalised due to alcohol — are shocking. The Assembly must take the lead in tackling the problem.

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak in the debate. I apologise in advance because there is another engagement that I must attend later, so I will miss some of the debate.

The misuse of alcohol can have a devastating effect on the physical, emotional and mental health of individuals, their families and the wider community. We have already heard about the direct and indirect costs of alcohol misuse — those are very well documented. Although there is a clear onus on individuals to ensure that they use alcohol wisely, there is also a very clear responsibility to put controls and adequate preventative measures in place to warn people — particularly the young — about the long-term effects of binge or heavy drinking.

There has been a marked change in patterns of drinking, among young people in particular, over the

past 10 years. Statistics increasingly show that young people are misusing alcohol. Sometimes, children begin drinking alcohol as young as 11. Ireland as a whole has one of the highest levels of binge drinking among 15- and 16-year-olds in Europe, so those people are particularly vulnerable.

Alcohol abuse can lead to a number of problems for individuals. Young people are more likely to suffer physical, emotional and social harm due to alcohol. It can also lead to their experiencing mental-health problems in later life, or becoming involved in antisocial activity. In some cases, it can lead to more serious crime.

The choices that we make when we are young can often have a long-term impact on the course of our lives. Therefore, there is a responsibility on parents, Government, schools, communities, the police and, particularly, the drinks industry to ensure that young people have positive influences when making those choices.

I do not want to concentrate solely on young people, but some are addicted to alcohol. It is very important to highlight that fact, because they need residential services, help and support to overcome that addiction. That goes for all people who are addicted to alcohol, not just young people.

We must be proactive in deciding how to intervene. I have worked on an initiative that was established by the Inter-Church Addiction Project, which is pushing for a dedicated residential facility to help young people with addiction problems. It is clear that people with such problems need more help and that a strategic approach must be adopted to providing that help, which must include the provision of adequate resources at a community level. I am aware that there is an overall strategic direction with respect to dealing with the problem, but there must be more facilities at a local level.

It is not only the individuals directly affected by alcohol who need that support, but their families. People misuse alcohol for a variety of reasons, some of which may relate to traumatic life experiences. Often, alcohol abuse is a symptom of a wider problem. It is essential that people be treated in a holistic manner and with respect and dignity. We need only consider the case of the young man who died on the streets of Derry a few weeks ago to appreciate that.

More must be done to provide shelter for people with addiction problems. It is hard enough for people to cope with an illness such as alcoholism without having to worry about where their next meal is coming from or where they are going to shelter from the cold each night.

The way in which alcohol is marketed also contributes to the problem. For instance, there is evidence of a link between the number of outlets that sell alcohol in an area and the level of alcohol-related problems there.



There is also a link between the price of alcohol and the level of its consumption. Therefore, there is an onus on off-licences and supermarkets that sell alcohol to ensure that it is done in a responsible manner. Drink promotions need to be more controlled, and advertising should be banned on television or other media outlets to which children and young people are particularly vulnerable.

A voluntary code of practice has been agreed by some off-licences, and some community initiatives have strived to stop the sale of alcohol to minors. Those schemes should be welcomed, but there needs to be more of them. We all have a part to play in ensuring that effective preventative strategies are in place to warn people of the dangers of alcohol misuse to their health and their emotional and mental well-being, including the risk to their family relationships. We must also ensure that adequate support services are available to people with an alcohol addiction, and to their families. Go raibh maith agat.

**Mr McCallister:** I am glad that the House has the opportunity to debate the issue of alcohol misuse. I am pleased to state that the Ulster Unionist Party will be supporting the motion. Alcohol misuse — or, indeed, abuse — is a serious problem in today's society. Not only is it having a devastating effect on the health and well-being of very many people in Northern Ireland, but it is stretching our Health Service to the limit.

It is well known that alcohol has massively damaging effects on the health of those who abuse it. Alcohol can negatively affect almost every part of the human anatomy. It is the second major cause of throat cancer after tobacco, it can lead to high blood pressure and, if consumed regularly, it can lead to an irregular heartbeat. It also has a devastating effect on the lungs and the liver.

Owing to the increase in the overall consumption of alcohol, increased numbers of people are dying as a direct result of alcohol abuse. The figures speak for themselves: in the United Kingdom, the alcohol-related death rate doubled between 1991 and 2006 from 6.9 per 100,000 people, to 13.4. Alcohol has truly become a silent killer in our society.

People can be affected badly in many ways because not only does alcohol have a devastating effect on a person's physical health, but it can lead to emotional problems, placing enormous strains on personal relationships. Unfortunately, alcohol abuse is becoming a key contributor to the break-up of many families here. Alcohol can become an addictive substance and, as such, it commonly contributes to depression and many other mental-health problems. As other Members have indicated, alcohol abuse is also a major factor in instances of suicide and self-harm.

It is well known that young people often abuse alcohol — one only need walk around our town centres on a

Friday or Saturday night to see the evidence of that. I have absolutely no problem with people going out and enjoying themselves at the weekend, but some are abusing that privilege. We need to move away from the mindset that people must get drunk on a night out.

We live in a society in which binge drinking is considered the norm. I wonder whether people would continue to drink such vast quantities of alcohol if they really knew what was going on inside their bodies.

We must adopt a proactive approach to this matter. Therefore, I welcome all public attention that is brought to bear on it. The mindset that has developed over the past decade must not be allowed to continue.

The alcohol industry and the licensed trade have key roles to play in tackling this matter head on. Recently, I have been pleased to see some of the big supermarkets adopting the Challenge 21 initiative, in which people who appear to be younger than 21 are asked for identification. Mr Ross mentioned the time that he spent in the United States — most bars there have agreed to seek identification from anyone who appears to be under 40 years old. On my last visit there, obviously, I was keen to be asked for identification. Hopefully, measures such as Challenge 21 will have the desired effect of limiting alcohol abuse by people under the age of 18.

It is too easy to buy large quantities of alcohol, and Mr Ramsey highlighted the fact that the availability of cheap alcohol is a major contributor to its misuse. I agree with that; however, over taxing alcohol tends to impact too hard on those who drink and act responsibly.

**Mr Ross:** The Member mentioned the tighter regulations on selling alcohol to young people in America. Does the Member also recognise that there is a massive drug problem among young people in America? In many ways, one form of abuse is being substituted by another, so there is a bigger question about attitudes to alcohol and drugs that must be addressed.

**Mr Deputy Speaker:** The Member will have one extra minute.

**Mr McCallister:** Although I accept that a drug problem exists throughout American society, including that in our discussions raises the problem that the people in the United States who are penalised most for drug abuse are often not the heaviest users. There are differences in drug usage even among people from the same ethnic background. Drug abuse in America raises a complex range of issues. Here, alcohol is the drug of choice, and it has enormously damaging effects.

The availability of cheap alcohol must be addressed, and it is encouraging to see some supermarkets acting responsibly and tackling the problem head on.

In 2005, the Church of Ireland released a report on young people's drinking habits. Worryingly, it concluded



that binge drinking among Northern Ireland's teenagers is the highest in Europe. I am glad to see that the Health Minister recognises that trend and is being proactive, and I look forward to the young people's drinking action plan being published.

As other Members said, this matter affects a broad range of Departments, and, therefore, it is time for it to be brought to the Executive table; the Executive must meet and operate in order to tackle the problem. Departments such as the Office of the First Minister and deputy First Minister (OFMDFM), Education and Social Development, which is in charge of licensing, will wish to feed in to any discussions —

**Mr Deputy Speaker:** The Member should conclude his remarks.

**Mr McCallister:** The Ulster Unionist Party is more than happy to support the motion.

**Mr McCarthy:** I thank Pat Ramsey for tabling this important motion, which my party fully supports. However, given that the Executive have been on strike since early summer, the part of the motion calling on them to act on the House's deliberations seems slightly presumptuous. Given the serious legislative shortcomings and worries throughout the community, I say shame on the lot of them; they must get back around the table immediately and show people that they can earn their salaries. The Executive's failure to act tars all Members with the same brush and denies us the means with which to provide everyone in Northern Ireland with a better future.

Alcohol, like everything else, if used in moderation, hurts no one. Indeed, I am reliably informed that, in some instances, it can be good for one's health. When it is abused, horrendous problems can be, and are, created, and every Member is aware of the damage caused by alcohol misuse.

It is not only the unfortunate person who succumbs to the addiction of alcohol who suffers terribly, but their friends, relatives and the public who see the sorry state that such an addiction can inflict on a person.

*12.00 noon*

Only last week, we heard the cries of a mother from Derry who lost her son. He was homeless, because of his addiction to alcohol. I offer the sympathy of the Alliance Party to that mother and her family, and I urge the Assembly to do something that will ensure that such a tragedy does not happen in our society again.

The Alliance Party is thankful for and grateful to the groups that work day and night to help alcoholics, wherever they are. The Link Family and Community Centre in Newtownards does extraordinary work, as do other organisations, which work quietly at all hours of the day and night to help addicts. Statutory groups and

the Health Promotion Agency are also working to overcome the scourge of alcohol.

**Mr P Ramsey:** Does the Member agree that there needs to be cross-departmental action on the proposals that have arisen from the new strategic direction for alcohol and drugs? Such an approach would help to ensure that there was an integrated service and a one-stop shop for people with addiction problems.

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

**Mr McCarthy:** That suggestion is included in my speech; help must come from all Departments. Alcohol abuse causes much despair and is the cause of many horrible road accidents — as has been mentioned — as well as accidents at work and in the home. The cost to hospital services is huge. It is estimated that the Health Service spends some £12 million on the provision of services to those affected by overindulgence in alcohol.

Some of our great sportspeople who are seen as role models have been hooked on drink. They earn high wages and are able to purchase alcohol, but they do not see the disaster that is befalling them until it is too late.

Every effort must be made to steer young people away from alcohol. Advertising by the big suppliers must be curtailed. Pat Ramsey mentioned the ban on cigarette advertising; there is no reason why the same ban could not be imposed on the alcohol trade. Unfortunately, alcohol has become inexpensive and too easily accessible for young people. They are hooked on the scourge of alcohol before they know what is happening.

I support and encourage new policies to tackle the scourge of alcohol misuse. As Mr Ramsey said, the Health Department should take the lead in the fight against alcohol misuse, but the Education, Employment and Learning, and Social Development Departments must also play their part.

Parents and guardians have a major role to play. It is disgusting to hear about some parents encouraging their youngsters to drink alcohol and buying it for them; that is scandalous. The parents should have the sense to know where such habits can lead.

Sellers of alcohol must play a bigger part in ensuring that their products do not get into the wrong hands, and they should refuse to sell alcohol to a customer who has had too much already. Unfortunately, the recent trends and habits of continuous heavy consumption that lead to weekend binge drinking — particularly among the younger generation — make a mind-boggling contribution to family breakdown, loss of employment and damage to health.

The Executive must return to the table immediately; they must lead our people out of despair and into a bright new future. I support the motion.

**Mr Poots:** I endorse Mr McCarthy's comments about the need for the Executive to meet again. The DUP Ministers are available to attend an Executive meeting this Thursday, along with the Ministers from two of the other parties that are represented in the Executive. I trust that the other party will make itself available to attend the Executive meeting on Thursday.

I welcome Mr Ramsey's motion. The human cost to society of alcohol misuse is huge. That is often demonstrated to its worst excesses on our streets, where young people are involved in fights, which can lead to serious injuries. Knife culture is often associated with alcohol misuse. As a consequence of excessive drinking, accident and emergency staff in hospitals are abused, while hospital beds are taken up with people whose injuries come from their drinking alcohol, as well as with people whose injuries were caused by someone who had drunk excessively. Alcohol misuse can also lead to people developing seriously damaged livers and forms of cancer. No one can underestimate the damage that excessive alcohol use can cause.

Having said that, drinking to excess is an individual choice, although many people who choose to take alcohol start very young, because of considerable peer pressure, or because they think that it is cool and trendy or good fun to drink. Many of those young people do not realise the risks involved. Consequently, they end up drinking far more than they ever wanted to, or planned to, and damaging their health.

Pubs are part of the problem, and happy hours, and so on, are a contributory factor. However, to some extent, we must look beyond pubs and the drinks industry to the unregulated drinks industry. By that, I mean those clubs that sell cheap booze that is made available illegally and illegitimately, as Mrs Kelly pointed out. We must do what we can to eradicate those clubs from the marketplace. Everyone has a role to play in ensuring that illegal alcohol is not readily available throughout the country.

I support the view that off-licences should not sell to anyone under 21 years of age. Many 12-year-olds, 13-year-olds and 14-year-olds are getting drink from older brothers and sisters or from friends who are 18 or 19 years of age. Were the legal age at which people can buy drink to rise to 21 years of age, that would make a considerable difference, and that has been shown to be the case in an area in Scotland, where, for a trial period, off-licences were not allowed to sell alcohol to anyone under that age. As a result, antisocial behaviour, crime and underage drinking dropped significantly during the trial period.

We should also ensure that off-licences put the products that they sell in labelled bags. Why is it that, wherever one goes, every shop has its label on its bags, except for off-licences, which use blue bags? Off-licences

should be made to print their names on their bags. If underage drinkers were spotted walking down the street carrying labelled bags, the offending off-licences could be identified. Moreover, supermarkets should not be allowed to use alcohol as a loss leader.

The use of advertising has been mentioned. I remember, from when I was a young lad, a Guinness advertisement that involved folks waterskiing. It showed the surf on the water and beautiful girls, and so on, while a glass filled up with Guinness, with froth appearing on the top. The advertisement made Guinness look very attractive — something that people would want to drink. However, at the same time, people were living in broken homes, lives were being destroyed and husbands or partners were out every night of the week drinking, with no money left over for their families.

Advertisements portray the good side of alcohol consumption, never its negative side. We must address that. Perhaps as much money should be spent on portraying alcohol's negative side.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I, too, support the motion, and I welcome the opportunity to contribute to the debate. In common with other Members, I commend Pat Ramsey for bringing this timely motion to the House. I also want to welcome the Minister. I know that some of his party colleagues were annoyed that I mentioned that he was not present earlier, but it is a case of give and take, John McCallister — Sinn Féin Ministers get it in the neck when they are late. *[Interruption.]*

I did not hear what the Member said, but John will tell me later.

On 1 April this year, my colleague Jennifer McCann and I tabled the following motion:

"That this Assembly expresses concern at the levels of underage drinking and calls on the Minister for Social Development to introduce effective measures to help combat alcohol misuse, including the clear and identifiable marking of carrier bags provided by off-licences." — *[Official Report, Bound Volume 29, p80, col 1].*

That falls in nicely with what Edwin Poots has just said about the marking of carrier bags, which was a key issue during April's debate. Other Members mentioned the problems caused by alcohol misuse, which was useful.

I see that there are many young people in the Public Gallery, and I must point out that a lot of the damage that occurs in our communities as a result of alcohol misuse is not done by young people. We must be careful to point out that fact, of which I know other Members are conscious. Much of the damage that I see in communities and families as a result of alcohol misuse is caused by adults. We must be careful, therefore, that we do not portray young people as being responsible for all the damage and antisocial behaviour.

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

**Ms S Ramsey:** No, Kieran: I listened to you for six minutes, and that was enough.

I want to emphasise a few points. It is critical that the House unites behind social justice motions and establishes a positive way forward. I thank the BMA (British Medical Association) for its briefing note on alcohol misuse, which gives a useful insight into the medical profession's perspective. The BMA says that there has been an increase in binge drinking. It says that that increase has been fuelled by irresponsible activity such as happy hours and sales promotions, and that those activities should be banned.

As far as I am aware, the Minister of Health, Social Services and Public Safety does not have much of a remit in that area, so we must turn our attention to the role of other Ministers — for example, those with responsibility for health promotion, education in schools or licensing laws. Before I expand on that point, I want to give a special mention to professionals in the community and voluntary sector who work long and hard to tackle alcohol misuse in communities. They are faced with some of the most horrific cases of alcohol misuse day and daily, and they are all too aware of the knock-on effect of such alcohol misuse.

When my colleague and I tabled the motion on underage drinking in April, we wanted to call on the Minister of Health, Social Services and Public Safety to take action but were advised that the Minister for Social Development is the relevant Minister. It is crucial that the Minister for Social Development becomes the lead partner in this matter, because she has responsibility for liquor licensing legislation.

During that debate, she informed us that she would consider all the issues that were raised as part of the licensing review, which started in 2004. We were told that the review's recommendations would be implemented in 2007. However, in the debate in April 2008, we were told that the review was being considered again. It is important that the Minister gives the House an idea of where matters stand with the review and that she takes on board the point about exploring the possibility of putting identifiable markings on carrier bags provided by off-licences. The Minister also told us about a good scheme in Dublin and that she would meet her counterpart there, so it would be useful to get an update on that work.

Mr Deputy Speaker, I would appreciate it if a copy of today's debate could be sent to the Minister for Social Development, the Minister of Education and the junior Ministers in OFMDFM, because they accepted during April's debate that they would take lead responsibility for underage binge drinking and the development of all the strategies that the Departments are promoting.

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

**Ms S Ramsey:** I support the motion.

12.15 pm

**Mr B McCrea:** I declare an interest as a member of the Policing Board. Other Members have spoken about the impact that alcohol misuse has on the health of young people and the work of accident and emergency staff. However, it also affects policing. I was out with the police force over the weekend, and some 70% of the incidents that it deals with are alcohol related.

Members are often tempted to quote statistics, but some of the figures in respect of alcohol are stark. Mr Ross referred to his experiences in the United States, where the legal age for drinking alcohol is generally 21. However, research carried out by the US National Institute on Alcohol Abuse and Alcoholism found that 75% of people of sixth-form-equivalent age in the United States drink alcohol; 66% of people of GCSE-equivalent age drink; and 20% of people of third-form-equivalent age drink. When attempts were made to change attitudes to alcohol in the United States, it was discovered that the initial education measures were not very successful.

Some Members have advocated tackling the problem of alcohol misuse by advertising the associated dangers. However, research in the United States indicated that although such advertising scared people, it did not change their activity. It was found that the problem required more advanced treatment such as norm-setting, addressing social pressures, and teaching young people to say no. Family and parental responsibility is also crucial; parents can influence their children's behaviour.

The Home Office figures on alcohol consumption among young people in the United Kingdom are unbelievable. They show that 88% of 16- to 17-year-olds have drunk alcohol. Some 29% of children aged between 10 and 13 have drunk alcohol. Therefore, some primary-school pupils are drinking. In addition to adversely affecting the health of our young folks, alcohol misuse increases instances of crime. Many people who drink are involved in crime. The Home Office statistics indicate that the 14% of people who drink more than once a week commit 37% of crime. Conversely, the 45% of people who do not drink — or who seldom drink — commit 16% of crime.

The findings of research jointly carried out by the Centre for Public Health at Liverpool John Moores University, Trading Standards North West and the Home Office are incredible. That research found that, on average, 15- to 16-year olds drink 177 pints of beer a year, which is three pints a week. The research also indicated that there are 57,000 people in Liverpool who binge drink at least once a week.

The natural reaction to such figures is that something must be done about alcohol consumption among young people. Who is to blame for the problem? Where, and from whom, do young people get alcohol? Mr Ramsey



referred to the role of supermarkets. However, some Members will be aware that many taxi drivers keep a crate of vodka in the boot of their car and provide a quaint service called “dial-a-vodka”. That vodka is unlikely to be Smirnoff — it is more likely to be cheap and dangerous. Alcohol can also be ordered from reputable retailers online. Who checks that that alcohol is delivered to the intended recipient at a particular house?

The attitude of some parents is the most disturbing aspect of alcohol misuse among young people. A report based on research in Stoke-on-Trent, ‘Underage Drinking, Stopping the Supply’, stated:

“most commonly young people acquire alcohol at their own or their friends’ houses... There is a noticeable reliance on older people and/or relatives to get the alcohol for them”.

The study also stated:

“71 per cent of young people said their parents/carers were aware that their children drink regularly”.

It is not right to point the finger at off-licences in particular.

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

**Mr B McCrea:** I beg your pardon; I was just getting going. However, Members get the gist. It is important that something is done about children drinking and that parents are involved.

**Mrs I Robinson:** Excessive alcohol consumption costs the Department of Health, Social Services and Public Safety an estimated £12 million every year and more than 250 lives. A range of measures can be used to tackle that problem.

Irresponsible promotional activities such as happy hours should be prohibited. There is strong and consistent evidence that price increases result in reduced consumption. The cheaper and more accessible that alcohol is, the more people drink. It has been estimated that a 10% price rise will cut consumption by 10%. Areas in Europe with the highest alcohol prices tend to have the lowest levels of consumption. Reductions in opening hours and the members of outlets selling alcohol are associated with reductions in alcohol use and related problems. The density of outlets that offer alcohol ought to be more carefully considered by planners. Strong enforcement of licensing laws is essential. School-based alcohol educational programmes are positive and should be encouraged.

Alcohol consumption is associated with a wide range of medical conditions. Medical staff are already seeing young people present for treatment with significant liver damage caused by alcohol abuse. Alcohol misuse is associated with crime, violence and antisocial behaviour, and it can impact significantly on family and community life. Alcohol misuse can cause family breakdowns, is a major factor in domestic violence, and ruins job prospects. Alcohol misuse has direct costs for hospital

services and the criminal justice system. There are also indirect costs such as loss of productivity and the impact on family and social networks.

Five years ago, the Department of Health, Social Services and Public Safety estimated that every year of excessive alcohol consumption costs 266 lives, £300 million in total lifetime economic worth, 4,037 expected life years, 140,000 sick days, £13.2 million in lost productivity and £12 million in costs to the Health Service.

**Mr McCallister:** Do the figures, background and problems quoted by the Member provide a good reason to have an agency within the Department of Health, Social Services and Public Safety that will address public health and social well-being?

**Mr Deputy Speaker:** The Member will be allowed an extra minute.

**Mrs I Robinson:** I thank the Member for his question. Public health and social well-being can still be addressed in the same manner and to the same effect within one regional board; therefore, I do not agree that two tiers of bureaucracy are needed.

Addiction problems are an increasing challenge in Northern Ireland and across the rest of the United Kingdom. Treatment for addictions is not regarded as an emergency and does not attract the same resources as other services. Northern Ireland would benefit from many more hospital beds dedicated to addiction services. Having in 2005, 271 people received help for addiction to alcohol and drugs; today, that figure is closer to 1,000. About 15% of those individuals received help for addictions before they were 18 years of age. The number of people under the age of 18 who are admitted to hospital for alcohol-related conditions has increased significantly in recent years.

Habits learned early in life can persist through to adulthood and prove difficult to change. Addictions can have a knock-on affect on so many areas, such as crime. For example, from 2004 to 2005, 359 young offenders committed to Hydebank Wood Young Offenders Centre and Prison declared a dependency on alcohol. Of the inmates, 460 admitted to a dependency on, or misuse of, drugs; only 58 inmates did not declare a dependency on either alcohol or drugs.

Tighter restrictions are required on how and when the advertising of alcohol is permitted. The labelling of alcoholic-beverage containers would be a useful method of explaining recommended drinking guidelines and supporting other alcohol-control policies. In GB, recent voluntary agreements with the alcohol industry have led to the inclusion of some information about alcohol content on containers.

Individuals at risk of misusing alcohol should be identified early, routinely screened and, if necessary, managed appropriately. A detailed strategy paper, the



'New Strategic Direction for Alcohol and Drugs 2006-2011' was published two and a half years ago. Will the Minister outline how many of the desired outcomes in that paper have been realised, particularly those that were short-term goals?

There is also a role for television. Scenes in many programmes are set in pubs or focus on a drinking culture. Often, there is a lot of drinking by young people in those programmes.

Dealing with the effects of alcohol eats into the health budget. In response to a parliamentary question at Westminster a couple of years ago, a direct rule Health Minister told me that the cost of tackling alcohol-related illnesses and crime was more than the total spend on all health promotion that year — that is a scary statistic.

We must try to eradicate the culture of binge drinking, which is not as big a problem in other parts of the world.

**Mr Deputy Speaker:** Will the Member draw her remarks to a close?

**Mrs I Robinson:** In other parts of the world, people seem to be able to drink without doing so to excess. I congratulate the Member for tabling the motion, which I support.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I also support the motion and commend Pat Ramsey for tabling it. I welcome the continued focus on alcohol-related problems since my colleagues Sue Ramsey and Jennifer McCann tabled a similar motion in April.

Other Members have mentioned many of the facts and figures around alcohol misuse, which I will not repeat. However, excessive alcohol consumption costs the Department of Health, Social Services and Public Safety an estimated £12 million and claims 266 lives every year. Those are the most startling of all the statistics, and they must be taken seriously by the Assembly.

The Department of Health, Social Services and Public Safety's strategy to reduce alcohol-related harm is welcome. However, a more co-ordinated departmental approach to the issue is required, and the motion calls for that. Alcohol misuse is associated with crime, violence, and antisocial behaviour, and can impact significantly on family and community life. It also causes family breakdown, is known to be a major factor in domestic violence, and can ruin people's job prospects.

Despite the strategy from the Department, and the various targeted media campaigns in recent years, we have witnessed an increase in the levels of alcohol misuse and in the pattern of heavy drinking and binge drinking. There are concerns about alcohol consumption among young people, particularly young girls. In the information that it sent to all Members, the BMA states

that doctors are reporting instances of serious liver disease in young people because of alcohol intake.

There are several initiatives that can be advanced, and there are issues that must be examined to address the problem, which Pat and other Members mentioned in the debate — for example, the controlling of price. There is an argument that an increase in the price of alcohol will result in less consumption. Some countries, such as Finland and Sweden, have seen a decrease in the alcohol consumption of heavy drinkers after a reduction in licensing hours. As other Members mentioned, strict regulations on marketing and advertising are required to govern the activities of licensed premises, particularly price promotions on alcoholic drinks in supermarkets.

More measures to reduce drink-driving are required — hard-hitting media campaigns that were used in the past should continue because they are very effective and hit home to people. Further qualitative research to examine attitudes to alcohol misuse is required. There are different reasons why people decide to drink too much alcohol, and we must get to the bottom of that. There must be targeted public- and school-based alcohol education programmes as part of the wider strategy.

*12.30 pm*

Some Members mentioned drinking guidelines and alcohol labelling. Much of the strategy to reduce alcohol-related harm focuses on guidelines to reduce drinking, but few people can recall those guidelines, let alone understand them, or even appreciate the relationship between units, glass sizes and drink strengths. More effort must be made to address those issues.

Early detection measures must be increased in order to provide early intervention and the treatment of alcohol misuse. We need dedicated front-line support services in order to assist people in need. The BMA's report states that doctors have serious concerns about the lack of facilities available for people to be referred for assistance. That is poor, to say the least, and we must ensure that the necessary front-line services are in place to address the needs of people who have alcohol-related illnesses.

Those are only a few of the issues that need to be addressed, but it is clear that they are cross-departmental matters. On that basis, I fully support the motion, which calls for a cross-departmental strategy to tackle this very serious issue. Go raibh maith agat.

**Mr Deputy Speaker:** The Business Committee has arranged to meet at lunchtime today. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm.

*The sitting was suspended at 12.31 pm.*

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

2.00 pm

**Mr Simpson:** By the time we reach this stage of the debate, when 11 or 12 Members have made contributions, everything that needs to be said has probably been said. Therefore, I do not wish to be repetitive.

Some people take the view that the real problem begins with the production of alcohol, but I will not dwell on my personal views about that. I will stick to the motion, and congratulate Pat Ramsey for securing the debate on such a worthwhile and serious subject.

There is no doubt that there is a major problem in our community, not only with the abuse of alcohol, but with its misuse. Only last week, one of the local papers in my constituency ran an article about an 11-year-old lad who was taken from his home by the police in connection with alcohol. I understand that the story of that young person was briefly aired on the radio this morning by a member of the YMCA from the Portadown area.

All Members have had experience of similar problems in their constituencies. I have heard of incidents in the Portadown area as well as in Lurgan and Banbridge. It is major problem in society today. It has already been mentioned that crime rates have increased because of alcohol, which plays a major role in incidents of violence and antisocial behaviour.

The sale of alcohol is an important consideration. There are issues about pricing, and we heard calls last week and this week at Westminster to finally face up to the problem. Alcohol pricing is a problem, as are the opening hours of outlets. As we all know, opening hours for public houses and other outlets were extended, and that has caused a problem. We were sold a pup, because we were told that extending the opening hours would solve many problems in society, but it did not; it made things a lot worse. That is something that we must face up to.

Over-consumption of alcohol and the binge drinking culture is a problem in my constituency of Upper Bann. I have had to deal with several complaints about alcohol abuse and misuse from across the political divide. It does not matter which side of the House we are from; the same social issue affects our respective areas.

The statistics are scary. It was mentioned earlier that on average, there are 266 deaths a year as a result of alcohol abuse and misuse. I am sure that the Minister of Health, Social Services and Public Safety will refer to the amount of money that is taken from his budget — about £12 million — in order to help prevent those deaths. There are major difficulties that we must deal

with, but we must also keep in mind that this is a cross-cutting issue that will involve several Departments.

In order for the Assembly to do the job that the motion calls for, the Executive must meet so that decisions can be taken. Anyone who speaks in support of the motion, or votes in favour of it — if it goes to that — must keep that in mind. To voice support for the motion, and to vote for it, only to trot off and refuse to attend an Executive meeting, is nothing but rank hypocrisy of the worst kind, and is immoral, when there are social issues that must be dealt with. The public, quite rightly, will condemn those who refuse to attend the Executive. Members must forget about party wish lists and get down to the nitty-gritty of social issues that affect everyone in society.

I have great pleasure in supporting the motion.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** Alcohol misuse is a major public-health issue in Northern Ireland. Members have estimated the cost to the Health Service in Northern Ireland at £12 million, but I feel that that figure is a gross underestimate: it is at least double that, if not higher. Alcohol misuse leads to considerable costs to society, which are estimated at a further £800 million. The physical and emotional cost to people, to families and to children is enormous.

I can list countless shocking statistics on the serious harm that alcohol causes to society. Each year, 7,000 people are admitted to acute hospitals due to alcohol misuse, about 200 of whom are aged under 18. In 2005, 246 people died as a direct result of alcohol. In 2006-07, there were 387 admissions to hospital for liver sclerosis, which was an increase from 294 in 2002-03. Approximately one in six people who attends hospital accident and emergency departments has alcohol-related injuries or problems. At weekends, which are the peak times, the proportion rises to eight out of ten.

American research suggests that one in three adolescents who attempted suicide was intoxicated at the time. More than 70% of domestic violence offenders had been drinking at the time of the assault. In 2003, almost two thirds of sentenced male prisoners and four fifths of sentenced female prisoners admitted to hazardous drinking prior to imprisonment. I could go on with such statistics.

I recently witnessed at first hand the harmful impact of excessive alcohol consumption when I spent a night with front-line emergency services. It was shocking to see how much time ambulance and accident and emergency staff have to spend dealing with injuries that are the effects of alcohol abuse — time that should be spent dealing with genuine emergencies.

I witnessed what happens on a typical night with young people staggering out of pubs, outside student

unions and at the Odyssey complex. I even saw young people being abusive to ambulance staff who tried to help a man who had been knocked down. I want more parents to see the poor behaviour and lack of respect and control of some of their children after drinking. The Odyssey Trust Company and student bodies must take more responsibility for young people's drinking and for their health and safety.

Alcohol is Northern Ireland's favourite drug, and, worryingly, there seems to be an ongoing process of social collusion. It is difficult to persuade parents to educate their children on the harm that alcohol causes when so many people enjoy a drink. Indeed, the main problem with alcohol in Northern Ireland is our unhealthy attitude towards its use.

Christmas is around the corner, and with it will come the usual excesses. Supermarkets and off licences will start to sell alcohol at ridiculously low prices. We will all stock up and drink and eat too much, and laugh off hangovers and bad behaviour. That attitude is deeply embedded in our culture, and is one that is difficult to change. However, until we adopt a more responsible attitude to alcohol, we cannot become more responsible drinkers.

I am determined to tackle the consequences of alcohol misuse. In May 2006, my Department launched a new strategic direction for alcohol and drugs, which focuses on reducing excessive or binge drinking and increasing public awareness of the real harm that is associated with alcohol misuse. The strategy is supported by a wide range of Government Departments.

Much progress has been made, including the establishment of treatment and support services across Northern Ireland, and the development of a youth-counselling service. Education and information programmes, which provide information for parents and young people, are being taken forward in schools, clubs and local communities. I acknowledge, in particular, the work of the community and voluntary sector, which makes a real contribution to preventing and addressing alcohol and drug misuse and the harm that that causes.

**Mr P Ramsey:** Given the contributions from Members from all parties today, does the Minister believe in and support the concept of establishing an all-party working group to operate in tandem with the new strategy?

**The Minister of Health, Social Services and Public Safety:** Yes, I am more than happy to support such a proposal. Departments work together, and they can introduce and promulgate policy. However, an all-party working group would make a major contribution to tackling the key issue of society's attitude to alcohol, which is at the root of the problem.

The alcohol culture in society must be changed. More must, and can, be done.

My Department has produced an action plan that focuses on key areas in which I want to see rapid progress and decisive and clear action. Alcohol is far too cheap. Drink is 62% more affordable today than it was in 1980. I want to see the price of alcohol increased so that people pay a similar price for it in supermarkets and off-licences as they do in pubs. Some alcohol is cheaper to buy than bottled water, and that creates too much temptation. I want to explore the possibility of introducing minimum unit pricing, meaning that every unit of alcohol will cost a set price. That would mean, for example, that large bottles of strong cider could no longer be sold so cheaply.

Alcohol advertising on television before 9.00 pm should be banned. Our health messages cannot compete with those from the drinks industry, which spends vast sums on advertising. I will, therefore, work with colleagues across the UK to ensure that existing legislation on alcohol advertising is rigorously enforced. I will also raise the matter of not advertising alcohol before the watershed. There must be a rigorous enforcement of the law, with test purchasing in off-licences, pubs and supermarkets. It is clear that young people are not simply accessing drink from friendly adults who buy it for them. Anyone who is caught selling drink to underage buyers must feel the full force of the law.

I will continue to work with my ministerial colleague Margaret Ritchie to ensure that the review of liquor licensing is used to further reduce young people's access to alcohol. The review must also consider licensing hours, branding of carrier bags, and the number of licences issued, which some Members mentioned during the debate. Every alcoholic drink must be clearly labelled with easy-to-understand information about the number of units that it contains and explanations of the damage caused to health because of binge drinking or excessive consumption.

I will continue to push for action on the work that is being implemented across the UK. Happy hours and drinks promotions only serve to encourage excessive alcohol consumption. There must be a clampdown on the number of drinks promotions in shops and bars. If the drinks industry does not behave in a socially responsible manner, we must introduce further legislation to end such practices. I have met representatives from the alcohol industry, including those from the major supermarkets. To date, I have had positive responses from Sainsbury's and Asda; however, it took Tesco some four months to get around to responding to me. It is disappointing that such a major player in the marketplace took so long to respond. Supermarkets have a role to play in helping to promote sensible



alcohol consumption. They must continue to work proactively with Government on the issue.

I will now pull together all the different strands to which I referred. My Department is in the process of developing an integrated action plan to deal with young people's drinking. The plan is cross-departmental, because a wide range of departmental responsibilities is involved in tackling the issue. Although the action plan's emphasis is on young people, it is important to recognise that adult drinking patterns significantly influence young people and society. The plan must also contain actions that will impact on the entire population. I am already encouraged by the work that is being implemented from that agenda.

I mentioned the positive discussions that I have had with each of the major supermarkets and with representatives from the alcohol and drinks industry. Furthermore, I have met police to discuss the enforcement of legislation on the availability of alcohol. However, we must go further in some areas. I note Mr Ramsey's call to extend the designated alcohol-free zones in his constituency.

2.15 pm

Two main issues must be considered in the action plan: first, whether the current legislation is being enforced fully and effectively; and secondly, what further legislation is required. I hope that the Department for Social Development's forthcoming review of liquor licensing will address some of those issues. We need to now consider how we can ensure that alcohol is priced and promoted responsibly. However, that should not be about demonising or criminalising our young people; I understand that they want to enjoy themselves. The point is to ensure that all people are supported in making healthy and responsible decisions about their alcohol consumption. The action plan is being finalised and will be issued in early December. I will examine urgently the actions that are being taken.

The drinking culture that exists in Northern Ireland has been around for far too long. I am determined to take positive action now; however, our biggest challenge is our attitude towards alcohol, and that will not necessarily change overnight. Alcohol misuse is one of the biggest public-health issues facing Northern Ireland. However you measure the cost, whether to the individual, the family, the community, the Health Service, or society as a whole, alcohol misuse is one of our biggest public-health issues.

The new public-health agency that I am creating will have a central role in driving forward the public-health agenda and in reinforcing public-health messages about responsible drinking. We all have a responsibility to tackle the issue, and we need to work together across Departments and sectors. Above all, we

must ensure that we are giving a clear and consistent message about alcohol to our entire population.

**Mr O'Loan:** I thank Pat Ramsey for tabling the motion. I also thank those Members who spoke, and I thank the Minister for his response. We do not often see such a high level of consensus on a motion. That is entirely appropriate, as there is no doubt that the misuse of alcohol is causing enormous social damage. It has huge consequences for individuals, families, and society as a whole. Almost every Member has described the nature of those consequences by discussing the damage that is done to health, the effects that it has on crime rates, and the consequences that it has for our accident and emergency departments and the Health Service generally. It is clearly a problem that is of particular significance in contemporary society. It is also a particular problem where young people are concerned. Members agree that the attitudes of many young people to alcohol need to be challenged. When our doctors report cases of serious liver damage in young people, we cannot be complacent.

My views on the issue have changed over the years. At one time, I would have favoured little regulation on the issue, accepting that individuals must exercise their own responsibility and accept the consequences. However, I now recognise that that will not work. The consequences are simply too great for individuals, families, and society as a whole. We need well-considered regulation and enforcement. It is clear, for example, that increased opening hours are associated with increased alcohol consumption, as is the increased number of outlets selling alcohol. We must respond to that.

These are not new problems in society, although their present manifestation may be different to what has happened previously. The Gin Act was passed in 1751 to reduce the consumption of spirits, which was regarded as one of the primary causes of crime in London. At that time, the consumption of gin averaged two pints a week for every Londoner.

Alcohol abuse was a major problem in Irish society in the nineteenth century, and it was considered to be rampant. There was widespread alcoholism. One response to that was the temperance movement that was established by Father Mathew around 1838 with the taking of the pledge. It had a dramatic effect and became an international movement. It did a great deal to alleviate the problems associated with alcohol.

In 1898, the movement culminated in the creation of the Pioneer Total Abstinence Association, which was set up by Father James Cullen. It did similar excellent work to establish a climate of temperance. Indeed, that organisation continues to do good work to the present day. That movement was founded in the Catholic Church and system: clearly, an equal and strong



temperance movement exists among the Protestant churches and society.

Members will be aware that the Social Development Minister is examining liquor licensing. I have no doubt that she hears clearly the message that comes from the Assembly, the Health Department and many other authorities. The issue of how alcohol is treated in society requires careful consideration and control. In order to make progress, it is necessary for the Executive to meet, as many Members have said, so that the Minister can put her proposals to them.

There are indications that the drinks industry has started to come to terms with the fact that it must demonstrate more responsibility on this matter. The Federation of the Retail Licensed Trade has demonstrated that it is aware of its social responsibilities.

It is important to recognise that there has been a significant shift from drinking in pubs to drinking at home, which means that alcohol is purchased in off-licences and supermarkets. As other Members have mentioned, supermarket drinks promotions are, certainly, cause for alarm. I have seen two litres of cider being sold for £1.18 and a can of beer being sold for 22p. In order to strengthen regulation, the below-cost selling of alcohol must be countered.

I call for much greater responsibility from the industry — both the manufacturers and the retail trade. They must not simply pay lip service to the issue, but accept that their product does immense social damage. They must play a part in the creation of a remedy.

Approaches to the problem will consist of several elements. First, further regulation and enforcement are, undoubtedly, needed. I welcome the Minister's remarks on what is going to happen and what is being considered for future action. Secondly, education and health promotion are needed. I noted the Minister's comments on society's unhealthy attitude towards the use of alcohol. That means, of course, that the answer cannot come simply from the Assembly or the government system: many different sectors of society must take responsibility for a solution to be anywhere near possible. Thirdly, there must be more involvement and responsibility from the drinks industry. I repeat my call for it to be actively engaged in the remedy.

I draw particular attention to the call from the British Medical Association, whose opinion must be taken seriously. It echoes several points that Members have raised in the debate. The BMA calls for:

“prohibiting price promotions on alcohol beverages, and ... establishing minimum price levels ... A statutory code of practice on the marketing of alcohol beverages ... a ban on:

- broadcasting of alcohol advertising at any time that is likely to be viewed by young people
- alcohol industry sponsorship of sporting, music ... events aimed mainly at young people

- marketing of alcoholic soft drinks to young people”.

I fully support all of those policies.

In conclusion, I thank all the Members who have contributed to this useful debate. On its own, the debate will not result in action, but it sends out crucial signals from the Assembly to the range of Departments that have a role in generating action. The debate also sends a message to wider society that the misuse of alcohol is a problem that the Assembly wants to see meaningfully addressed.

*Question put and agreed to.*

*Resolved:*

That this Assembly considers that the misuse of alcohol in society causes serious damage to the health and social well-being of individuals and communities; and calls on the Executive to formulate, and implement, policies designed to reduce alcohol misuse.

## PRIVATE MEMBERS' BUSINESS

### Review of Environmental Governance

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

**Mr Ford:** I beg to move

That this Assembly expresses its concern at the failure of the previous Minister of the Environment to take forward the recommendations of the 'Review of Environmental Governance'; believes that the Northern Ireland Environment Agency is not adequate to deal with the challenges facing Northern Ireland; and calls on the Executive to re-consider this matter urgently.

I have great pleasure in proposing the motion that stands in my name and the names of my colleagues. The motion is similar to one that Brian Wilson and I brought to the Assembly on 25 September 2007:

"That this Assembly calls on the Executive to establish an independent Environmental Protection Agency for Northern Ireland." — [*Official Report, Bound Volume 24, p72, col 1*].

Following debate on a couple of amendments, that motion was passed unanimously — or at least without dissension — by the Assembly. Even the Minister, who subsequently took a different decision, did not oppose the principle of an independent environmental protection agency. However, it is well known that on 27 May 2008, the previous Minister of the Environment refused to implement the recommendations of the review of environmental governance. Rather, she put forward a plan that amounted to little more than the rebranding, on 1 July 2008, of the Environment and Heritage Service (EHS) as the body now known as the NIEA — I am indebted to Friends of the Earth for reminding me that that stands for "Not the Independent Environment Agency". That is not a criticism of the agency's staff, but a simple statement of the fact that, at a time when this region, along with every other region on this island, must be seen to have transparent, open and independent environmental governance, it is the only region not to have made any progress in that respect.

Mr Deputy Speaker, I am sure that you studied the Hansard report of 25 September 2007 in detail. Indeed, I think that you supported my call for an independent agency on that occasion. The House clearly accepted the substantial piece of work that had been submitted by the review of environmental governance (REGNI) team of Mr Burke, Professor Turner and Mr Bell. The

team submitted detailed arguments for significant changes to environmental governance in general, and they argued in particular for the establishment of an independent agency to meet the needs of our economy, society and environment.

Several major issues that were highlighted during that debate do not need to be reiterated today. However, some key points remain, notably the court ruling that was made a short time before the debate. It dealt with the draft northern area plan and the need for the Planning Service to receive independent advice. Mr Justice Weatherup's decision stated:

"By the terms of the Directive it is apparent, as the Department accepts, that there be separation between the responsible authority and the consultation body."

Members are aware that the decision was subject to an appeal by the Department. Nonetheless, it is clear that the Department accepted the fundamental tenet held by the judge that separation is required. The question is whether the Department can argue that there is adequate separation. Patently, the Environment Agency, as currently established, is an executive agency of the Department of the Environment (DOE) that reports to the Minister. To those of us who understand the dictionary definition of the word, the agency is, in no sense, independent.

The Department ought to accept the strong likelihood that it will lose any appeal that it mounts. It could learn a lesson from the Department of Agriculture and Rural Development (DARD) decision this week and not proceed with meaningless appeals and accept court decisions without wasting more taxpayers' money.

2.30 pm

There is no sign that the Department is preparing for the possibility of change. In May 2008, the then Environment Minister told the House:

"The Minister for Regional Development, the Minister of Agriculture and Rural Development and the Minister of Culture, Arts and Leisure have all set out practical, and even constitutional, reasons why the transfer of functions is not appropriate at this time." — [*Official Report, Bound Volume 31, p2, col 1*].

She continued:

"the Programme for Government commits us to a review of Departments by 2011." — [*Official Report, Bound Volume 31, p2, col 1*].

Given that the Executive will not engage in their present responsibilities, Members will appreciate why those of us at this end of the House are not holding our breath for a review of Departments by 2011.

I am interested to know the constitutional objections to the transfer of powers among Departments. It seems that empire building by Departments is not, in any sense, a valid constitutional reason for objection. Since the Minister's decision, agencies and bodies that are appointed to advise DOE have outlined their opinions

on environmental matters. The Historic Buildings Council was less than happy with the proposals, and the Council for Nature Conservation and the Countryside (CNCC) issued a fairly strong criticism in the minutes of its June meeting, in which it noted that the chairman of the CNCC was the only member with an environmental background invited to sit on the Department's better regulation board. The Department seems to have lost sight of its key position.

CNCC reiterated independence issues and noted that an agency staffed by civil servants — regardless of those individuals' skills — will be responsible to a Minister and will not enjoy the necessary degree of independence. As CNCC noted, such an agency will not facilitate the necessary checks and balances. In those minutes — which I presume are not objected to, given that they are published on the Internet — a senior official in EHS explained that the rebranding process is likely to last some years. The fact that that rebranding process, which will merely change the name of a departmental agency, will take some years to complete suggests that taking time to establish an independent agency might have been a better idea.

In recent weeks, an area of special scientific interest (ASSI) at Lisnaragh near Dunnamanagh in Tyrone has had its status rescinded. It has been alleged that there was ministerial interference in that process. I do not make that allegation; I do not know whether there was ministerial interference. However, as long as the Northern Ireland Environment Agency (NIEA) reports to the Minister, a suspicion of ministerial interference in such decisions will remain. The Assembly must avoid that situation in order to secure good environmental governance and meaningful progress. It is not good enough to say that nothing underhand occurred, because the suspicion exists and will remain.

**Mr Weir:** I am shocked at such an allegation. We cannot tolerate the appalling situation of democratically elected politicians taking decisions in this country.

**Mr Ford:** If Mr Weir is incapable of distinguishing political decisions from decisions based on scientific evidence in accordance with European law, he is a worse lawyer than I had thought.

Since that decision in May, flooding has affected people in Northern Ireland during this year's so-called summer. The REGNI report supported not only the rebranding of EHS but the merging of several agencies.

It was specifically recommended that there should be proper river-basin management, and that the Rivers Agency should be in the same body as EHS and that the whole process of sustainable water management should be dealt with by one agency.

The so-called flood map of Northern Ireland has just been launched. Compared to the flood map maintained by the Environment Agency of England and Wales,

which is on the Internet, it is fairly low-level. However, even that required the co-operation of two Ministers. That is an example of how a single agency, with absolutely clear and unambiguous responsibilities for dealing with river management, would have had a much clearer line of responsibility and accountability for dealing with flood prevention and its associated problems. Such flooding is likely to continue, affecting homes, businesses and agriculture across Northern Ireland. That is a fundamental issue that should be dealt with by a single agency. That is what REGNI reported, and that is what Ministers deny.

Other issues that may not have the same day-to-day resonance — such as establishing a national park or further aspects of planning guidance — are clear cases where much-needed independent advice is not yet present. That is why we need an independent agency.

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

"for the establishment of an independent Environmental Protection Agency which must become fully operational within the lifetime of this Assembly."

As the proposer of the motion said, a similar motion was proposed last year. In that debate, I proposed an amendment similar to that which I propose today.

I agree that we need an independent environment agency, such as many other countries have. However, the amendment that I proposed last year asked specifically for that independent agency to be established during the lifetime of this Assembly. When it came to the vote, Alliance Members voted against the amendment. Since then, they — and the rest of us — have seen what has happened. As described by Mr Ford, we have ended up with an agency still within the Department of the Environment and not properly independent.

I appeal to all Members to support the amendment; on this occasion, the amendment is clear, and I ask Alliance Members in particular to give it their support. If we are successful in persuading the House to adopt the amendment, the leverage of elected representatives in support of a fully independent environmental protection agency will be increased.

For too long, environmental issues have been given a low priority here. We have only to look around the Chamber to see how low that priority is. It is well known that, around the Executive table, the needs of many other Departments take precedence over those of the environment. The Department of Enterprise, Trade and Investment is one, and OFMDFM is another.

Since the 1980s and 1990s, countries such as the Republic of Ireland and the other countries of the UK have had independent agencies tackling abuses and properly enforcing environmental legislation. We have fallen behind because we do not have the system and

structures in place with the capacity to produce the outcomes necessary for better protection of the environment. Granted, the Northern Ireland Environment Agency is an improvement on what went before. However, although it has tried to address some of the issues, the fact is that the Government cannot run with the hare and hunt with the hounds. In this case, it is an Irish hare, but that approach does not work.

As I have said, DOE is one of 11 Departments, and it is very often overruled. Internal Government bodies pose other barriers to effective environmental regulation. First, the necessary confidentiality of departmental policy-making processes and interdepartmental debate creates a serious lack of transparency with regard to the making of regulatory decisions. Such decisions cannot command the confidence of the public or be regulated without proper transparency.

Secondly, officials who administer the regulations are exposed to the real and perceived risk of conflict of interest. The effectiveness of the regulation of internal Government bodies is inhibited since modern environmental governance requires a strong, focused regulator that is able to adopt modern risk-based regulatory practices without a loss of public confidence. Northern Ireland needs such a strong, independent voice to champion and safeguard the environment.

The 'Foundations for the Future' report was launched in 2007. It made very clear recommendations about environmental regulation. Following wide-ranging consultations, that report was well put together and very detailed. It set out clearly the functions that should have been retained by the Department in relation to planning and environmental policy. It also spelt out the accountability mechanisms that were necessary for a new environmental protection agency. It recommended that the agency's purpose should be to protect and enhance the environment and, in doing so, contribute to the achievement of sustainable development.

It is quite clear that a well-resourced, independent environmental protection agency would be crucial to building confidence about environmental governance. There also needs to be a shared vision — one that is developed by the Government and the other stakeholders — on local and agreed standards for the protection of the environment. We must develop effective arrangements for the integrated management of important material assets such as our rivers, uplands and coasts.

We live on a small island, and problems such as air or water pollution can spread very quickly. It is an obvious reality that we cannot partition our environment. Therefore, an all-island strategy is needed to manage the environment.

Last week, the catchment-management programme for Lough Melvin, which straddles the border, was

published. That was undertaken by agencies on both sides of the border. The fact that they did that work meant that they have a two-year head start on developing the directives in relation to catchment-management plans. That is an example of the kind of work that can be done when real co-operation occurs. An independent environmental protection agency, to correspond to the same body in the South, would add greatly to such work.

Co-operation is not limited to river catchment. Organisations such as the Royal Society for the Protection of Birds and the corresponding body in the South — BirdWatch Ireland — have been working together for years and have formulated initiatives in the interests of conserving some of the bird populations that were at risk.

The reports from those bodies are examples of how we can highlight water pollution and nature conservation by identifying the risks and responding to them.

2.45 pm

Unfortunately, as I said, environment management systems here are inadequate. We also have a reputation, particularly in Europe, of being behind with much of our work. The threat of fines being imposed by the EU remains a real possibility.

Given the urgency of environmental matters — some of which I have mentioned — and environmentalists' concerns that the time for corrective action is running out, we cannot procrastinate on the issue any longer. The SDLP tabled the amendment because it wants to see action happening during the lifetime of the Assembly.

I welcome the fact that the Minister is present for the debate. When a similar debate was held before, it was clear that one party opposed having an independent environment protection agency — that was the Minister's party. Today, I appeal to him to prioritise the environment rather than his party political interests.

**Mr Ross:** It will come as no surprise that the DUP will be opposing the motion and the amendment. As has been said, many of the arguments have been rehearsed in the Chamber previously, and I doubt whether we will hear much that is new today.

The DUP advocates having a locally elected, devolved institution, so that locally elected people can make decisions. All the parties here adopted a similar view before the Assembly was re-established in May of last year. Yet, all the other major political parties in the Assembly are now supporting an independent environmental protection agency (EPA) and power being handed to an independent body.

We are not a party of big government; we are a party of good government. That is why the previous Minister of the Environment, Arlene Foster, decided on



an environment protection agency that is within Government, rather than one that would not be directly accountable to the Assembly or the Committee for the Environment, and that would result in increased bureaucracy for the people living in the Province. That does not mean that the DUP is not committed to preserving the environment for future generations. However, we would rather do so in a way that keeps the Minister directly accountable.

I listened to Mr Ford's opening comments, in which he mentioned certain things that have happened recently. I agree that we should consider recent events — for example, those involving the energy regulator or Northern Ireland Water. In such instances, Members from all sides of the Chamber are calling for Ministers to take action, or intervene; but, of course, those Ministers cannot do so because power has been devolved to an independent body.

Mr Ford also referred to how, when the Minister of the Environment originally made the decision about the EPA, she noted that many other Ministers had expressed their concerns on the practical difficulties in transferring powers to an unelected, independent body. At that time, various unelected organisations undertook a concerted campaign to establish an independent EPA. However, rather than cave in, as some parties did, we stood firm in our belief that an independent EPA would be expensive, bureaucratic, unaccountable and particularly bad for the farming community in Northern Ireland.

Case studies from around the world have shown that an independent EPA is not a panacea for all our environmental problems — such problems are greater in some regions where independent EPAs operate. We need only look to the Irish Republic or to the Scottish Environment Protection Agency for examples of those. Prosecution for offences involving pollution is sixteen times more likely in Northern Ireland than in Scotland. The new Northern Ireland Environment Agency has hardly existed long enough for Members to come to a view on its successes or failings; therefore, today's motion is premature, if even necessary.

The premise of the motion is that the Northern Ireland Environment Agency has failed, but that is not the case. As was established in previous debates and in the Minister's statement, the board of the proposed, so-called independent EPA would be appointed by the Minister. Therefore, the same people would end up doing the same jobs that they are doing now; the only difference being that they would not be accountable to the Assembly or the Committee for the Environment.

Our focus should be on ensuring that the efforts already made by the Minister of the Environment and his predecessor are implemented successfully and are producing the desired effect. Several convictions have been secured since the new Northern Ireland

Environment Agency was established. Prior to that, the EHS was starting to make some inroads into catching and prosecuting those responsible for environmental crime, particularly illegal dumping, which is a serious issue.

An independent EPA would not be as accountable as the current body. It would cost taxpayers an additional £2.5 million to set up, with additional annual running costs of £500,000. It would be no more effective than the body that has been established within Government. For those reasons, I oppose the motion and the amendment.

**Mr Boylan:** Go raibh maith agat. I welcome the opportunity to speak to the motion and the amendment, and I reiterate that Sinn Féin has continually called for an independent environmental protection agency.

In May 2008, I stated in the Chamber that the then Minister had missed a good opportunity to establish an independent environmental protection agency. Instead, she chose to rebrand the EHS as the NIEA.

Sinn Féin calls on the current Minister to ensure that environmental matters, such as illegal dumping, waste management, the built and cultural heritage, and river pollution, are addressed properly through an independent environmental protection agency.

Recently, we witnessed NIEA's failure to consult properly about declaring Lisnaragh as an area of special scientific interest. Surely that should have caused alarm bells to ring in the Minister's Department. Although the matter received a great deal of press and media coverage and the Minister spoke about it, opportunities were not afforded for a proper consultation. I place on record the fact that Sinn Féin is not opposed to designating ASSIs, but, in this case, the consultation was inadequate.

Anglers throughout the Six Counties are incensed that the pollution of local rivers, leading to numerous fish kills, happens regularly, with NIEA taking little or no action. In addition, illegal dumping, especially in border areas — which I am sure that Mr Ross will be glad that I mentioned — continues unabated, with no co-ordinated response from NIEA.

Mr Ross mentioned expenses. Although I am in danger of becoming parochial, ratepayers in the Armagh City and District Council area have paid to have illegal dumps cleared on numerous occasions, and I want the Minister to take that on board. Armagh people have yet to see results from NIEA —

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

**Mr Boylan:** No; I am sorry.

In short, NIEA is perceived as those who are opposed to it said that it would be; that is, as an ineffective, inefficient entity. The dissatisfaction with EHS, which led to a sustained campaign by a coalition

of environmental organisations for an independent body, continues to be felt about the rebranded, but unchanged, NIEA. The opportunity to replace lost confidence by creating a transparent and accountable independent body was missed.

The latest campaign for an independent body is not new. Between 1962 and 1996, several reports called for — and encouraged — the creation of such a body. It has been argued that an independent body, operating outside Government bodies, would have little impact on policy. However, the same might be said about the EHS/NIEA to date, for all the impact that they have had. If an independent body were given a chance, surely it could do better.

It should be noted that the purpose of an independent body would be to deliver results, rather than to formulate policy. However, I do not mean that policies and guidelines are not required. An independent body would hold everyone — members of the public as well as private and statutory bodies — to account, and Sinn Féin believes that an independent environmental protection agency would get the job done and inspire confidence while doing so, much more so than —

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

**Mr Boylan:** No, I am sorry; I am in full flow. Members from across the Chamber will have a chance to speak later.

Such a body would do so much more than the NIEA is doing. Sustained criticism highlighting the failure of the EHS — and now the NIEA — to deal with environmental governance must cause the Minister to realise that change is required. The Minister must have witnessed the ridiculous role that NIEA has played in planning — it is the last body that people consult in most planning applications.

The only question that remains to be answered is whether the Minister is prepared to accept responsibility and show leadership, or, like Nero, continue to fiddle while Rome burns. Comparing the Minister to Caesar is, perhaps, a bit much; Sid Caesar may be a better comparison — he was a comedian as well.

I hope that the Minister will take the views of the majority of Members — and people beyond — into consideration. He should tell us that he will reconsider the previous Minister's position and revisit the matter of an independent environmental protection agency.

Before finishing, I inform the Minister that I have taken his advice from last week, and I am now drinking from a glass. I tell him that in case he wants to comment on it. *[Laughter.]*

I support the motion and the amendment. Go raibh maith agat.

**The Chairperson of the Committee for the Environment (Mr McGlone):** Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee for the Environment, I thank Mr Ford, Mrs Long, Mr McCarthy and Mr Lunn for tabling the motion on the review of environmental governance, and my colleague Mr Gallagher for his amendment. Indeed, it was he who previously tabled an amendment to a motion on the subject.

In July 2007, Professor Sharon Turner briefed the Committee for the Environment on 'Foundations for the Future: The Review of Environmental Governance', which had been published the previous May. I compliment her and her colleagues for their detailed and comprehensive work on that topic. She informed the Committee that, during the previous year, the then Minister with responsibility for the environment, Jeff Rooker, had appointed a panel of experts to conduct an independent review of environmental governance in the North. The panel's challenge was to identify how the assets that were available to manage Northern Ireland's environment might be better arranged to deliver higher-quality and more consistent environmental outcomes.

In thinking about those assets, the review addressed the focus, structure, roles and relationships among the elements of the governance regime, but it was notable that the review did not include an evaluation of existing environmental policies.

A few months later, the Committee for the Environment considered Criminal Justice Inspection's report on enforcement in the Department of the Environment. In July 2008, the Committee received a briefing from departmental officials, who set out their goals for the future of environmental governance. Those goals focused on the better-regulation agenda of the previous Minister of the Environment, Arlene Foster. In considering her approach to providing effective systems of governance and regulations, Mrs Foster took account of the recommendations contained in the review of environmental governance's final report and Criminal Justice Inspection's report on enforcement in the Department.

The Minister maintained that the restoration of the Assembly and the Executive had changed fundamentally the context of environmental governance, because the initial review had been commissioned under direct rule — we have heard similar comments today from Members on the Benches opposite. She noted that the Department was now being scrutinised by the Committee for the Environment and that accountability arrangements were much improved under devolution. However, that does not mean a great deal at present.

Arlene Foster argued against the review's suggested organisational changes and said that Ministers from

other relevant Departments wanted to retain their responsibilities rather than have them transferred to the Department of the Environment. As a consequence of that, her logic probably leaned towards the establishment of an independent EPA. She also said that the Programme for Government's commitment to a review of the Departments in 2011 meant that then would be a more appropriate time to consider any fundamental restructuring of responsibilities among Departments. Those are the arguments that the then Minister advanced, but we may hear more arguments today.

Minister Foster announced that she would retain the Environment and Heritage Service and reorganise it as a DOE executive agency, but, at the time of the announcement, some compared that to Marathon's transition to Snickers. She acknowledged that some people would be disappointed at that decision but maintained that, as Minister of the Environment, she, along with her Executive colleagues, would make decisions that the Assembly and the Committee for the Environment would scrutinise. She said that such scrutiny would bring some degree of accountability to her Department and allow a close degree of scrutiny that had not been possible under direct rule. She also announced that the new agency's transparency and openness would be increased by the appointment of two new independent members to its board and that board meetings would be held in public.

Committee members asked for details of the new board's position and to see the DOE's finalised action plan in response to Criminal Justice Inspection's report.

Despite the time constraints and priorities placed on the Committee for the Environment, it has kept a close watching brief on environmental governance in the North. However, the Committee is not an agency; it does not have to hand a full-time workforce working to capacity or with the resources that are available to the Northern Ireland Environment Agency — I almost reverted to form and said the EHS in error. I hope that the Northern Ireland Environment Agency has not reverted to form.

The Committee takes its responsibilities in scrutinising the work of the Department seriously and carries out those responsibilities conscientiously, thus ensuring that it plays its full part in the accountability of the Department conferred on it by devolution.

3.00 pm

Speaking as a constituency MLA, I have to say that we have a long, long way to go on environmental governance, and with implementation in full of the review of —

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

**The Chairperson of the Committee for the Environment:** The Committee for the Environment can help and can prepare a watching brief on environmental governance in the North. However, it will be nothing like a well-resourced, independent environmental protection agency with vision, as referred to by my colleague.

**Mr Beggs:** I welcome the debate as an opportunity to raise this important matter. I support the motion and am content with the amendment.

The Ulster Unionist Party engaged constructively with the review of environmental governance group and supported its subsequent recommendations, chief of which was the setting up of an independent environmental protection agency, and we remain committed to our manifesto.

It is worth pointing out that the two main parties in the current Assembly and Executive — the DUP and Sinn Féin — did little to engage with that review of environmental governance at the time. Perhaps it is unsurprising that a DUP Minister decided to cherry-pick the report and ignore its main findings. That decision, and the entire farce of the DUP stewardship of the environment, mirrors the mismanagement of education by Sinn Féin, and the dysfunctional nature of the current non-working Executive. We have the two extreme ideologues that ignore expert opinion and have no comprehension of the importance of achieving a consensus on issues that are important to the people of Northern Ireland.

The authors of 'Foundations for the Future: The Review of Environmental Governance' were tasked to identify — *[Interruption.]*

**Mr Deputy Speaker:** Order, please. The Member has the Floor. Any remarks must be addressed through the Chair.

**Mr Beggs:** Mr Deputy Speaker, the clock continued to move. I hope that you will take that into account.

The authors were tasked:

"to identify how the assets available to manage Northern Ireland's environment might be better arranged to deliver higher quality and more consistent environmental outcomes."

That was supported by the Confederation of British Industry (CBI), which indicated its importance in giving confidence to those who wished to invest that decisions would be taken in a consistent manner. In other words, it suggested the best way to organise our existing resources.

Look at the area of the co-ordination of river-basin catchment management: the report highlights the fact that the Rivers Agency, the then Fisheries Conservancy Board, the Loughs Agency, the Drainage Council and Waterways Ireland were all involved. If anything can be done to reduce the number of bodies that are



involved in discussions in alleviating flooding — which is what we are actually talking about — the bureaucracy would be reduced, leading to better and faster decisions. To run with the line that an environmental protection agency would mean increased bureaucracy is not true. There are many areas where more efficient and better processes can be put in place.

'Foundations for the Future' was first published in June 2007, and the experts set out in detail the reasons for their recommendations. I encourage all Members who have not yet done so to read the report. The failure to follow what the title of the report suggests, supported by such cogent argument and content, does not bode well for the current rebadging process. The report recommended that:

"Responsibility for environmental regulation in Northern Ireland should be transferred to a new independent Environmental Protection Agency",

so that decisions would be:

"immune from unwarranted interference by Ministers or officials."

The report also stated that the EHS, as an executive agency of the Department of the Environment, would be:

"increasingly out of step with good governance practice elsewhere"

in the United Kingdom or the British Isles. A key recommendation was:

"to separate institutional policy making from regulation",

which means that we are presently out of step. The Minister and the Assembly would have the responsibility of setting the policy in which the EPA would operate.

It was proposed that a whole range of functions would co-ordinate into one body, which would result in significant expertise being amassed in one agency. Those resources would enable better and possibly speedier decision-making and better governance.

One finding of the report was that there is a serious lack of transparency around the making of regulatory decisions. We know that there were significant issues around the designation of Lisnaragh as an ASSI. First, there was a lack of transparency in the process. Next, the Minister's management board recommended approval, but the Minister decided against — a lack of transparency, resulting in a conspiracy theory. Clearly, there are failings in the process. How will the geologically significant features in that general area be protected? The Minister must answer that question.

I am aware that there is concern about the percentage targets for ASSIs. ASSI status must be clearly designated based on the quality of the landscape and not purely by geographical area.

**Mr Deputy Speaker:** I ask the Member to draw his remarks to a close.

**Mr Beggs:** I support the motion and the amendment.

**Mr Weir:** It will come as no great surprise that I oppose both the motion and the amendment. Mr Boylan made a somewhat inaccurate reference to Nero fiddling while Rome burned. Given the general attitude towards the establishment of an EPA, the historical character with whom I most feel a connection is perhaps Custer.

A range of issues must be tackled. The proposer of the amendment, Mr Gallagher, said that there must be no more procrastination — I certainly agree with that, but I have reached the opposite conclusion to him. We are faced with several choices. Are we prepared to take action on the environment now, or do we simply want to be seen to be doing something about the environment? If it is the former, the House must reject the amendment and support the NIEA, which can be developed now, rather than support the call for an EPA that might take a couple of years to establish. Would we prefer to see money spent on the environment or on administrative structures? We could take advantage of the fact that an agency has already been set up, or spend somewhere between £2.5 million and perhaps £4 million to set up an EPA. Would that money not be better spent on environmental protection rather than administrative structures? Indeed, it might be better spent in a range of other areas where there are pressures on front-line services.

The nub of the matter is accountability. My colleague Mr Ross mentioned places in which environmental bodies have been set up. It was not that long ago that energy prices were raised, and, at that time, there were many calls — particularly on the Minister of Enterprise, Trade and Investment — to intervene in the work of the energy regulator. However, the regulator was set up in exactly the same way that the independent EPA would be set up. With the best will in the world, the Minister of Enterprise, Trade and Investment did not have control over the regulator and was therefore unable to introduce the range of measures that she would have liked to.

**Dr Farry:** Will the Member give way?

**Mr Weir:** No, the Member will have his chance to speak later.

Likewise, mention has been made of ASSIs. In particular, Mr Boylan mentioned the Lisnaragh ASSI. However, the overturning of that decision — which was done by the Department — would not have been possible if an EPA were in existence. The Member is very much arguing against himself. Having fought long and hard to ensure that there is democratic accountability in Northern Ireland, we should not lightly throw it away.



Similarly, complaints have rightly been made about the level of consultation that EHS has provided for in the past — both about the slowness of the consultation process and the lack of consultation in general. However, if we establish an independent EPA that is completely outside the Department's and Minister's control, who could apply pressure to ensure that the consultation process is improved? The matter would be completely out of our hands, and a level of accountability would be lost.

When considering the effectiveness of an EPA, we must learn from the mistakes that others have made. Have independent EPAs been successful on other parts of this island? No, they have not. We have only to look down South at the shambles over the development at Tara. The matter is supposedly under the control of a Green Party Minister. However, he is presumably not able to intervene as much as he wants to, because the issue is in the hands of an EPA.

The Scottish Government have had major problems with the Scottish Environment Protection Agency. Let us consider the statistics: the number of prosecutions for pollution in Northern Ireland is 16 times the number in Scotland — which has an independent EPA — and four times the number in Wales. Therefore, if this is an argument about effectiveness, the statistics are very much in favour of the current structures.

The current structures are also favourable in respect of consistency and bureaucracy. I pay tribute to the consistency of the proposers of the motion and those who tabled the amendment. The Alliance Party and the SDLP have been fairly consistent on the issue. However, two of the other parties that have spoken in favour of the motion have not been so consistent. The Department for Regional Development (DRD) and DARD were two of the obstacles to drawing in powers that could form part of an EPA. I wonder which party controls those Departments.

The party to my right lectures the DUP on its failure to do this, that and the other in respect of an EPA. Curiously enough, there were two Ulster Unionist Environment Ministers during the last Assembly mandate — Minister Sam Foster and Minister Dermot Nesbitt — but an independent EPA was not established under their tenures, despite UUP assertions that the issue has been on the table since 1962. That party has shown no consistency on this matter.

However, all the parties are consistent in the message that they send out to farmers.

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

**Mr Weir:** The Ulster Farmers' Union is strongly opposed to the substance of the motion. Therefore, I hope that parties will not be mealy mouthed when explaining their position to farmers.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the motion, and the amendment. I recall the hope that was felt when the review of environmental governance was launched in Belfast last year, by many people who work in environment-related occupations on a daily basis. I recall the hope that was felt by non-governmental organisations — which do not hold a particular political opinion — in respect of the review's recommendations.

The review was broadly welcomed across the political spectrum, but not by the predictable, naysaying Democratic Unionist Party. Given the decision taken by the previous Environment Minister, Arlene Foster, the current Minister's position is not surprising.

The independent experts who undertook the review took account of the importance of a high-quality environment for the population's immediate well-being. They also stated that a high-quality environment was a key attractor for inward investment and tourism, and essential to sustain and develop the sectors of the economy that are dependent on the environment.

Protecting our environment can yield many economic benefits, such as increased tourism. Furthermore, if we do not take action on environmental governance and climate change now, damage to the environment could have a massively negative impact on the economy 20 or 30 years down the line.

**Mr Wells:** I have listened to what the Member has said — after he was quite finished striving to cover north Antrim with bungalows. When the then Environment Minister discussed this matter within the Executive, the Sinn Féin Ministers — the Regional Development Minister and the Agriculture Minister — sat on their hands and did absolutely nothing. They were perfectly content with the decision.

In public, they claimed that they were in opposition, but they sat on their hands again when the matter came before the Executive after Mrs Foster's statement to the Assembly. They did not lift a finger to oppose her decision. It is all very well for the Member to say in public that he is in favour of an environmental protection agency, but his party is saying something very different in private.

**Mr McKay:** It is important to knock that nonsense on the head. The decision that came before the Executive clearly stated that an NI environmental agency would be set up.

**Mr Weir:** Did you mean Northern Ireland?

**Mr McKay:** It is the North of Ireland. There was no decision on an environmental protection agency that Sinn Féin could have blocked. Sinn Féin wants an independent environmental protection agency to be established. The Rubicon must be crossed in respect of

that matter before the Committee can discuss what remit that environmental protection agency will have.

**Dr Farry:** Does the Member agree that the establishment of an independent EPA falls under the definition of a “significant and controversial matter” in accordance with the ministerial code of conduct, which can force a collective decision to be taken by the Executive?

**Mr McKay:** No proposal on an EPA has come before the Executive. That would be clear to the Member if he had done his homework. He has had about six months to check the facts, and I urge him to do some research on the matter.

3.15 pm

Independence is absolutely necessary. I agree with Members who said that independence is needed because a regulator must command public confidence and act, and be seen to act, in a consistent manner. Nevertheless, Ministers and elected representatives must have a central voice in environmental regulation while retaining the power to direct an independent agency as well as the right to issue guidance on how its powers are exercised. Therefore it is not a question of an independent environmental protection agency being totally beyond the oversight of this political institution. The remit to do that exists and can be put in place by the Assembly.

In May, the ministerial statement was made to the dismay of many environmental non-governmental organisations. The new Environment Agency was nothing more than a repackage; it has been no more effective than its predecessor. It has been rebranded with no extra substance. The DOE has continued to come under fire since the rebranding of the Environment and Heritage Service, particularly in respect of water pollution.

Therefore it is clear that the new Environment Agency, in common with the new Minister of the Environment, is not fit for purpose and delivers little of substance. On reflection, it seems that over the past two or three weeks, hardly a week goes by without the Minister being criticised by all parties bar his own. Every week more and more is heard about how the Minister is falling behind with his work. He has a great deal more to do for the environment; he must take responsibility for it rather than sit on his hands. Go raibh maith agat.

**Mr I McCrea:** Members will not be shocked to learn that I will not be supporting the motion or the amendment.

On 1 July 2008, I attended the launch of the Northern Ireland Environment Agency. Only four months later, the Assembly is debating a motion more or less calling for the abolition of that agency.

It is unbelievable that, after only four months, some Members can be so certain that the agency is doing such a bad job. If an independent environment agency had been established, I doubt that we would be debating whether it should be abolished after four months. Some Members are so fixated on the idea of an independent environment protection agency that they do not want to see the Northern Ireland Environment Agency succeed. That is why they ask for it to be abolished.

In the debate on 27 May 2008, the then Minister of the Environment, Arlene Foster, stated her belief that an independent review should be carried out in 2011. That review must consider any problems with the Environment Agency and, as the then Minister said, make changes if necessary.

I accept that there were many problems with the EHS, and other Members have spoken about the problems with planning consultations and other issues. It seemed that the EHS was a law unto itself, and it took ages to respond on planning matters. However, while others shouted from the sidelines it was a DUP Minister who faced the issue head-on and took the right decision to form the Northern Ireland Environment Agency — an agency that is accountable to the Minister and to the Assembly and its Committees. The Committee for the Environment is charged with scrutinising the Minister and the Department; as a member of that Committee, I take that responsibility seriously. Yet the Minister is once again being called upon to hand over his powers to scrutinise the Environment Agency by making it independent.

In my Mid Ulster constituency, there was severe flooding in August this year when the Moyola River burst its banks. Many homes were badly damaged and their contents destroyed, and farmers lost livestock, crops, equipment and other material. Many people believe that the flooding was made worse because environmental constraints meant that badgers, fish and even trees were deemed more important than property. That is because there are only a few weeks in the year in which the Rivers Agency can carry out maintenance work — remove debris, cut back trees or repair river banks. Surely, there must come a time when the lives and property of people are put before fish, birds and badgers.

In January 2007, the Ulster Farmers' Union launched its campaign to cut excessive red tape in agriculture and received unanimous support from the Assembly. If Members truly support a reduction of red tape, it is time for them to support the Northern Ireland Environment Agency and reject the notion of an independent environment protection agency that would, ultimately, increase red tape.

**Mr McClarty:** The Ulster Unionist Party regards Northern Ireland's diverse and beautiful natural environment as one of our greatest assets; it is also a

crucial component of our local economy and will be an even greater component in a peaceful future.

However, we are also acutely aware that we have not been good stewards of our natural environment; for decades, we have been one of Europe's sick men and considered a special case. We have continuously failed to meet European regulations and continued to pollute at unacceptable levels. However, times have changed, and we must change with them.

The review of environmental governance held out some hope for the reform that was required. However, as with so many issues, the Minister has proven that he would rather go it alone, centralise power and remain outside the considered mainstream. As a party of the Union, the Ulster Unionist Party is deeply aware of the grave disparity that exists between the levels and mechanisms of environmental protection in Northern Ireland and those in the rest of the United Kingdom.

The review of environmental governance highlighted what has been realised across the rest of the United Kingdom and in the Republic of Ireland for more than a decade — to ensure the required environmental protection, legislative responsibilities must be meaningfully separated from the regulatory and enforcement functions of any environment protection agency. The continual failings of the EHS have proven that over past decades. The Minister is not allowing us to implement best practice.

The previous Minister of the Environment paid homage to that fact in her statement on 27 May 2008, when she outlined proposals for the new Environment Agency:

"I want to see clear blue water between the role of the core Department as policy-maker and legislator and the role of the environment agency as protector, regulator and enforcer." — *[Official Report, Bound Volume 31, p4, col 1]*.

However, despite the former Environment Minister's sleight of hand, it cannot be denied that the new Environment Agency remains firmly under the control of the Department of the Environment and the Executive. No clear blue water has been established and, like the continued pollution of rivers such as the Six Mile Water, there is nothing but a murky opaqueness between the two.

The former Environment Minister went on to make much of the better regulation board, only to inform us that its members would be leaders in the agriculture, construction, water and business sectors. The Minister made no mention of representation from environmental experts or advocates. The former Minister of the Environment called them "critical friends" — I am concerned that in order not to offend a friend people sometimes refrain from telling them the whole truth.

Unfortunately, such lazy thinking and language is what we are coming to expect from the Minister of the

Environment. However, the Ulster Unionist Party does not support regulation for regulation's sake. That has been proven by the actions and decisions of the Minister of Health, Social Services and Public Safety. However, we believe in good and fair regulation, and the creation of an independent environmental agency would be good regulation. The recent incidences of flooding provided a less than obvious example of the benefits that a functioning Department and an independent environment agency can deliver.

Detailed flood risk assessments are produced by the EPA in England and Wales. That information is then integrated into a climate-change adaptation strategy. However, although we have created preliminary flood maps, our inability to join up the dots will mean that we will probably not utilise them to their optimum. We have an Environment Minister who does not believe in climate change, and we do not have an independent environmental protection agency from which independent advice can be sought. Under the DUP's leadership, we will be unable to join up the dots to ensure that good regulation and reform are put in place.

As Mr McGlone said, changing the name of Marathons to Snickers did little to change their flavour. In the same way, the Environment Agency has made little difference during its short lifetime, and it is time that the Minister recognised that fact. I support the motion.

#### **The Minister of the Environment (Mr S Wilson):**

I am not sure whether people who have listened to this debate will welcome it, because the Assembly is becoming more like the BBC, with repeats almost every week, especially on issues relating to the environment. Members trotted out the same old arguments, and no new ideas were suggested. There was no recognition of the good, hard work that the Department is doing on the entire area of the environment.

I want to address as many of the Members' points as possible, but I wish to make something very clear from the start — there will be no review of the current governmental arrangements for the Environment Agency during the lifetime of the Assembly. There are three reasons for that. First, a new agency has been set up, and it needs time to be assessed and to prove itself. We have heard Members speaking nonsense and writing the agency off after only three or four months, without one shred of evidence that it is not doing its job, and without one example of where it has failed. They have simply written the agency off, saying that it is not fit for purpose, it is not up to the job, and it cannot perform as well as other agencies. I could repeat statements that other Members have made.

The proposer of the motion, Mr Ford, said that the Environment Agency is not up to the challenge. Mr Ford was a social worker, and I am sure that if anyone



had dared suggest to him that a social policy could have been evaluated and a judgement made on it after four months, he would have said that they needed to have their heads felt, because he knows that a policy cannot be evaluated in such a short time. He did not do himself or his argument any justice when he came off with the nonsense that we heard in his speech today.

Standards in the Assembly have been criticised at times, but if a GCSE student had proposed some of the arguments that Members made today, they would not even get a grade C for them, because no justification was given for any of the sweeping statements that were made.

Secondly, new members of staff have been appointed to the agency, and independent members have been appointed to the board. Those people must be given some sense of security and a long-term objective to work towards. Time and again, Members raised issues for party political reasons, but that creates a degree of uncertainty. Some Members are simply pandering to groups that will applaud them for it, despite the fact that many of them are not even clear about what they mean when they talk about the role of an independent environmental agency — but I will come to that issue in a moment.

I believe that we owe it to the agency's staff, who have been given rigorous targets, to have some kind of stability over the next few years.

3.30 pm

My third reason for opposing the motion is that I have worked with many of those staff members. They have presented me with policy papers, arguments and plans, and I have visited them at their places of work, some of which are not in very pleasant conditions. I have seen their commitment to the agency. Some of them make their telephone numbers available to members of the public so that they can be called out to incidents, 24 hours a day.

I owe it to those totally dedicated staff who, despite the impression given by some Members here, feel aggrieved when the environment is damaged, when some part of the job for which they are responsible has not been adequately done or when someone has escaped prosecution for a pollution incident. I have spoken to some of those staff members, and when a polluter escapes prosecution, they feel as sore about it — sorer, perhaps — than those who, in their mock rage, make statements to the papers that give the impression that the agency's staff are doing nothing and turning a blind eye to some things that are happening.

For all those reasons, the Assembly, rather than continually sniping at the organisation, ought to fall in behind those dedicated staff. I do not always agree with them; sometimes I have rows with them, and we have words. They may have different views and ideas, but at least they are dedicated. They are owed, until

they have shown otherwise, the support of the Assembly. They do not deserve the headline-grabbing criticisms that are sometimes made of them.

I will turn to some of the issues that were raised. The agency has been criticised because it is not accountable or independent. I did not have time to find quotes from every Member of the Assembly, although I suspect that I could have found examples had I dug long enough. However, every party in the Assembly that has talked about the importance of having an independent environmental protection agency has, at some time or another, questioned the value of having independent regulatory bodies, whether they are for energy or for water. To use the broad language of the proposer of the motion, there is nothing wrong with the objective of cutting back on unaccountable and over-bureaucratic bodies.

Either we have an independent agency, or there must be some regulation. I note that the Ulster Unionist Party's Minister has said that he has no confidence in regulators. He did not want an independent body. He said that, the electricity and gas regulator does not do a particularly brilliant job for the consumer. Independence, therefore, does not guarantee that a good job will be done.

Sinn Féin, of course, demanded in September 2008 that the Minister of Enterprise, Trade and Investment should interfere with the work of the Utility Regulator. We talk about independent regulators and independent bodies in the Assembly, but some Members do not like to see that independence being exercised too strongly. I suspect that they would have the same difficulty were an independent environmental protection agency established.

Mr Boylan and other Members let the cat out of the bag when they mentioned Lisnaragh. I am not sure whether they welcomed the fact that, given that the agency is not totally independent, the Committee for the Environment was able to consider the issue and bring a recommendation to me. Mr Beggs was not sure what recommendation was made because, according to the minute of that Committee meeting, he said that he was not sure what was proposed. He, therefore, sat on the fence on the issue.

Mr Ford thought that it was so important to scrutinise the work of my Department and that of the regulator that he did not even stay to the end of the Committee meeting, so he did not know what decision was made. Therefore, before Members start to criticise the Department and the agency, they ought to consider their own involvement.

Members mentioned transparency. NIEA has open board meetings, and on its website, it publishes papers that show how it reached decisions, what decisions have been made, and what targets have been set. There is information on team briefs, corporate plans, business



plans, performance data, accounts and other matters. The agency is totally transparent, and anyone can see how it conducts its business and how the Department regulates it.

Mr Gallagher's amendment calls for an independent agency to be fully operational before the end of the current Assembly mandate so that it can protect the environment. He ignored the fact that that will involve a cost, but other Members pointed out that perhaps he would prefer £4 million to be diverted to the setting up of a new agency. I, however, would prefer that money to be spent on better regulation and on ensuring that people are in place to make sure that that regulation occurs. His amendment is an example of the naivety of some Members who think that I am able to wave a magic wand tomorrow that, hey presto, will create a brand new, costless, independent environmental protection agency.

Establishing such a body would not be costless, and it could not be done immediately, anyway. Primary legislation would have to be drafted, and the legal entity would have to be set up to cover its management and financial relationships with the DOE. An independent environmental protection agency would have to seek resources from the DOE — money would not fall from the trees or come from the sea. A chairperson and a board would have to be appointed, and there would have to be a shadowing period to allow the chairperson and the management team to bed in. That would not work, and it would not happen overnight. An agency exists that is working towards achieving its objectives.

Mr Gallagher also said —

**Mr Beggs:** The reason that Ministers have given for not setting up an independent environmental protection agency could equally be given as a reason not to review public administration and local government. The redevelopment of local government is progressing, so why does the Minister use that argument against establishing an independent environmental protection agency?

**The Minister of the Environment:** Every time that the Member opens his mouth on such issues, he shows his ignorance. As I will demonstrate, the Northern Ireland Environment Agency serves its purpose well. Local government, on the other hand, will be reformed in order to give it additional powers and to improve it. That is why the review is progressing and why the Northern Ireland Environment Agency should stay.

Arguments were made about the effectiveness of the agency. I will not repeat all the statistics that other Members gave, but the Northern Ireland Environment Agency prosecutes more people than any independent agency in the United Kingdom, even though Northern Ireland is a smaller area. The agency pursues polluters effectively, and its sentencing is effective. It does not

discriminate between semi-governmental bodies and bodies that are unattached to Government; Northern Ireland Water feels the weight of my Department as much as any private individual. Infraction proceedings against other parts of the United Kingdom, whose agencies are independent, occur more often.

Therefore, there is no guarantee that an independent environment agency would lead to a form of governance in which pollution would not occur and the environment would not be damaged.

Cathal Boylan asked about the border areas. The agency pursues the issue of waste management in border areas to the point where it forces councils in the Republic to pay for the removal of waste that was dumped illegally in Northern Ireland. I have pursued that vigorously to the point where illegal dumpers have had their assets seized and some of the illegal dumpers have been put in jail. Therefore, do not tell me that the Environment Agency is not effective. The agency is effective, and, for that reason, we ought to give it the opportunity to prove that is capable of doing the job. In its short life, it has shown that to be the case, and over time, it will continue to show that. The Assembly should fall in behind the agency's staff and give them the help and encouragement to ensure that the environment is cleaned up.

**The Deputy Speaker:** The Minister's time is up.

**Mr Gallagher:** Something of Dr Paisley's legacy has clearly rubbed off on the Minister of the Environment, who began his contribution to the debate with a no, no, never approach.

I want, first, to set the record straight and to correct the Minister's implications that I was attacking staff from the Department of the Environment, or any other staff for that matter. I have never verbally attacked staff, and I know that all staff work hard in difficult circumstances.

The motion, however, is not about staff, but the regulation of the environment. We are debating the issue again because the Minister's predecessor, Arlene Foster, with the support of her party, who contributed to the debate on the day that the new agency was introduced, put the staff in a difficult position. The Department of the Environment is the only Department that tries to have it both ways: to be poacher and gamekeeper. Members from the other side of the House attempted to draw other regulators into the issue. The Department of the Environment is unique in having a regulator that tries to be poacher and gamekeeper at the same time. That does not work. It is clear that the public has no confidence in the agency, and that is why so many Members have again provided their views on the issue.

Furthermore, the views of experts were simply sidelined and dropped. The review of environmental

governance provided several recommendations after long-drawn-out consultations. Yet what we got from the Minister of the Environment was simply moving furniture around and repackaging the EHS. The Minister can shout for as long as he wishes, but he will not change the fact that the public increasingly care about the environment, and this issue will not go away.

We are criticised on this side for daring to say that we need a better body after only four months. The Minister has tried to tell us that the agency is the most effective regulatory body in the UK. May I remind him of a well-known tyres incident that happened under the new Environment Agency not so long ago when an individual was found disposing of tyres illegally. He was intercepted by the agency, taken to court, and fined £200.

It turned out that the true cost of the tyre disposal was £1,000. What has happened to the polluter-pays principle? That is just one example of why this debate must continue until we have an independent environment agency. *[Interruption.]* I will not give way. The scale of protection — *[Interruption.]*

**Mr Deputy Speaker:** Order, please. The Member has the Floor.

3.45 pm

**Mr Gallagher:** The issue is the scale of protection for the environment and, as I have said, that is completely inadequate; the public has no confidence in it. The way in which regulation is being taken forward is not independent, and that is not the fault of the staff of the Department of the Environment.

**Dr Farry:** We are pleased that we have the opportunity to discuss this critical issue today. Although it has only been a few months since the decision was taken by the Minister's predecessor, this is a matter of considerable public concern.

Like many other Members, I have received a large postbag full of letters from constituents on the issue. Ninety-nine per cent of them are in favour of having an independent environment protection agency. People recognise that the arrangements for institutional governance of the environment in Northern Ireland are not fit for purpose and need to be modernised. They also recognise that independence and transparency need to be taken into account when decisions about the environment are made.

There has been a significant evolution in thinking during the decade following the last review. The decision that the previous Minister of the Environment took on the matter was not based on any sound rationale in policy-making; the decision was political, and it was taken to reflect the needs of a narrow section of the community in Northern Ireland rather than the wider needs of society. It ran against the

recommendations of the review of environmental governance set up during direct rule by Lord Rooker — hardly an example of a pro-environment Minister. Nevertheless, he went along with it.

Major environmental issues must be considered by an EPA, including the prevention and control of pollution, waste management, biodiversity, inland and coastal waterways and our built heritage, and some Members have stressed that independent EPAs are the norm, not just in these islands but in the world.

A number of different themes have emerged in the debate, one of which is the notion that having an independent environment protection agency runs contrary to the idea of having a devolved Assembly with local, elected MLAs and Ministers taking decisions. Democracy is more sophisticated than simple majority voting in a legislature followed by a Minister doing whatever he or she likes. Democracy is about having a rules-based system; it is about the rule of law and putting in place proper checks and balances to ensure that the law fully takes its course. Such checks and balances need to exist in an independent environment protection agency. Other democratic jurisdictions — Scotland, which has its Parliament, and the Republic of Ireland — are able to co-exist satisfactorily with an independent EPA. There is no reason why we cannot do the same while not undermining the quality of democracy in the Chamber.

The DUP is not consistent when making its comments. When it comes to private finance initiatives, the DUP is quite happy for major contracts to be handed over to the private sector to run on behalf of Government — for example, the Workplace 2010 contract. Although that is on hold, temporarily, it will potentially cover two-thirds of the Civil Service estate. Once the contract is signed, Members will have no control over how it will roll out because that will be set out in law. The DUP is happy to do that while arguing against having an independent EPA — it is not being consistent. It shows that the argument is more about political expediency than logic.

A rather demeaning comment was made about unelected NGOs. Let me tell the House something about the RSPB: it is a mass-membership organisation throughout the UK that, I dare say, has more members in Northern Ireland than every political party in the Assembly combined. That puts the matter in context. That organisation's views reflect those of its members.

We have been told that there cannot be an EPA because its set-up costs might range from £2.5 million to £4 million and it would incur running costs of £600,000 each year. We do not hear about the costs of not having a proper system of environmental governance in Northern Ireland, which may include financial costs in the increased likelihood of fines and

infraction proceedings, and the wider impact on the economy.

The DUP seems to operate on the notion that developing the economy and protecting the environment are mutually exclusive. They are not at all. Indeed, they are more than simply consistent; there is a social imperative to grow a green economy. In the United States, where there will be a change of leadership in the next few months, one key aspect of the new Obama Administration will be the development of the “green new deal”. It recognises that development of the economy and protecting the environment go hand in hand. That is significant, given the American legacy on the environment. Northern Ireland should be heading in the same direction. Although change does not happen overnight, as Jeffrey Sachs pointed out in today’s ‘Irish Times’, it is important that we start to head in that direction.

Clearly, much of what the DUP says on the issue has been influenced by one sector of society, namely farmers, through the Ulster Farmers’ Union. Other aspects of the economy must also be borne in mind. That is reflected in the support of the CBI, among other bodies, for an independent environmental protection agency. Members are aware that the CBI tends to be hard-nosed when it comes to economic matters; however, even it recognises the new opportunities to rebalance and transform the Northern Ireland economy. Many aspects of the economy depend on a good, clean environment.

Another notion is that there cannot be a review because the Northern Ireland Environment Agency has been in place for a mere four months. The reason for this debate is that there was no sound, policy-making rationale for the decision that was taken on the agency: it was flawed. A proper review has already been conducted — the review of environmental governance. Its recommendation is quite clear: an independent EPA is needed. There is no point in Northern Ireland hanging around for years and missing out on the opportunities that arise from a different way of doing things and for society to lose out as a consequence. Rapid progress must be made now.

The decision-making process must also be examined. Four out of five parties in the Assembly seem to believe in the importance of an independent environmental protection agency. We are not too sure about Sinn Féin; however, we will take it at face value for the purposes of this debate. The DUP is the one exception.

There is supposed to be power-sharing in this society. To me, that means an Executive that can take collective decisions on “significant or controversial” matters. However, the outcome on this important matter is subject to the lucky dip of d’Hondt — the

fact that the DUP, rather than another party, has taken on the Environment portfolio. My understanding was that the St Andrews Agreement would stop that type of outcome. To use another example, there is a risk of the Education Minister being able to take a polarising decision on education simply because Sinn Féin has the Education portfolio. Collective outcomes are needed from the Executive. Mechanisms for that exist through the ministerial code of conduct.

As far as the Assembly is aware, the former Environment Minister informed her Executive colleagues of the decision that she was going to take. However, her decision had a cross-cutting impact on other Departments such as DCAL, DARD and DRD. However, it was also a “significant or controversial” matter under the definition in the code of conduct. At no time did any party in the Executive challenge the Minister’s decision and seek to force a collective vote in the Executive that could have delivered a different outcome.

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

**Dr Farry:** Sorry, I have no time.

After the Minister was challenged on her decision through a petition of concern, the First Minister and deputy First Minister accepted that the issue of environmental governance was a “significant and controversial” matter under the definition in the code of conduct. That means that all future decisions on environmental governance will have to be collective decisions of the Executive.

However, if all future decisions are supposed to be collective, that begs the question of why the first decision was not. Had it been, the outcome and the nature of today’s debate would have been different. Members must bear in mind that major flaws exist in the Executive. I am glad that the Minister was listening to that part of my speech, and I hope that he will heed the remainder when he reads the Hansard report, because he was rather inattentive during the first half.

The Alliance Party is happy to support the SDLP amendment. However, I must point out that the SDLP’s tabling of a similar amendment last autumn was tactically unsound. At that stage, the priority was to seek the maximum level of consensus in the Chamber on the principle of an independent environmental protection agency.

As it turned out, the motion received the support of all parties in the Chamber, including the DUP, on that important topic. Since then, the DUP has wandered off and, rather than acting for the common good, has given in to special interests in society. However, that is a decision for the DUP to justify in due course. I am happy to support the motion and the amendment.

*Question put, That the amendment be made.*

*The Assembly divided: Ayes 48; Noes 29.*

**AYES**

*Ms Anderson, Mr Attwood, Mr Beggs, Mr Boylan, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Brolly, Mr Burns, Mr Butler, Mr W Clarke, Rev Dr Robert Coulter, Mr Cree, Mr Doherty, Mr Elliott, Dr Farry, Mr Ford, Mr Gallagher, Mr Gardiner, Mr G Kelly, Mr Kennedy, Ms Lo, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McClarty, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr Molloy, Ms Ni Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Mr K Robinson, Ms Ruane, Mr Savage, Mr B Wilson.*

*Tellers for the Ayes: Mr Burns and Mr A Maginness.*

**NOES**

*Mr Bresland, Lord Browne, Mr T Clarke, Mr Craig, Mr Dodds, Mr Donaldson, Mr Easton, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr McCausland, Mr I McCrea, Dr W McCrea, Miss McIlveen, Lord Morrow, Mr Moutray, Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mrs I Robinson, Mr P Robinson, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Weir, Mr S Wilson.*

*Tellers for the Noes: Mr Bresland and Mr Ross.*

*Question accordingly agreed to.*

*Main Question, as amended, put.*

*The Assembly divided: Ayes 48; Noes 30.*

**AYES**

*Ms Anderson, Mr Attwood, Mr Beggs, Mr Boylan, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Brolly, Mr Burns, Mr Butler, Mr W Clarke, Rev Dr Robert Coulter, Mr Cree, Mr Doherty, Mr Elliott, Dr Farry, Mr Ford, Mr Gallagher, Mr Gardiner, Mr G Kelly, Mr Kennedy, Ms Lo, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McClarty, Mr McElduff, Mr McFarland, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr Molloy, Ms Ni Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Mr K Robinson, Ms Ruane, Mr Savage, Mr B Wilson.*

*Tellers for the Ayes: Ms Lo and Mr McCarthy.*

**NOES**

*Mr Bresland, Lord Browne, Mr T Clarke, Mr Craig, Mr Dodds, Mr Donaldson, Mr Easton, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr McCausland, Mr I McCrea, Dr W McCrea, Miss McIlveen, Lord Morrow, Mr Moutray, Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mrs I Robinson, Mr P Robinson, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr S Wilson.*

*Tellers for the Noes: Mr Bresland and Mr Ross.*

*Main Question, as amended, accordingly agreed to.*

*Resolved:*

That this Assembly expresses its concern at the failure of the previous Minister of the Environment to take forward the recommendations of the 'Review of Environmental Governance'; believes that the Northern Ireland Environment Agency is not adequate to deal with the challenges facing Northern Ireland; and calls for the establishment of an independent Environmental Protection Agency which must become fully operational within the lifetime of this Assembly.



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

## PRIVATE MEMBERS' BUSINESS

### Drink-Driving Limit

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Mr Ross:** I beg to move

That this Assembly calls on the Minister of the Environment to investigate the viability of reducing the current drink-driving limit.

Earlier, in the debate about alcohol misuse, I said that we would debate this motion, so it is good that we are doing so. Drink-driving is widely recognised as a major problem on our roads, and it is no longer culturally acceptable to drink and then drive home. The person driving puts not only his or her life at risk but also the lives of everyone else who uses roads or, indeed, footpaths.

Far fewer people drive after drinking alcohol than even 10 years ago. Nevertheless, worryingly, a recent survey found that 17% of people said that they had driven home in the knowledge that they were probably over the legal limit. Two people might drink the same amount of alcohol but be affected differently — one person might be over the limit and the other not.

When discussing such matters, it is important that we have public backing, and, in recent polls, 75% of people support lowering the legal drink-driving limit. Public support for a law often means that people abide by it.

Although no specific measures are mentioned in the motion, the most likely reduction would be to 50 mg, which would bring us into line with the rest of Europe. Although I do not usually wish to harmonise our laws with Europe, the UK, Malta, Luxemburg and the Irish Republic are the only countries in which the limit is set as high as 80 mg.

Some people have called for a zero limit; however, that is unworkable and unenforceable. The body maintains a natural level of alcohol, even as a result of digestion. In addition, those who use a mouthwash in the morning and people who might have had a couple of pints the previous night would find themselves in difficulty with the law.

Although we have among the highest drink-driving limits in Europe, we have tougher penalties, and that is important. More than 1,000 people lose their licences

every year for drinking and driving. In Northern Ireland last year, more than 600 drivers were caught drink-driving, and, scarily, despite the fact that we have more campaigns against drink-driving than ever before that is a higher figure than for the previous year.

Many people say that they are unsure of the drink-driving limit and how much they can drink before driving, and we must consider that grey area. Reducing the drink-driving limit would send a clear message from the Assembly that it is unacceptable to drink any alcohol before driving a car. People who argue that they are unaware of how much they can drink before driving would support reducing the limit to 50 mg, because that would make the law much clearer. If one intends to drive, one drink is far too much.

On the other side of the debate, few people would argue against the motion. However, some publicans say that lowering the limit might criminalise innocent people. That is nonsense. Lowering the limit is, first and foremost, about saving lives and reducing the risk of accidents.

In 2007-08, Northern Ireland experienced 431 drink-driving road accidents, in which 18 people were killed and 143 people were seriously injured. In October 2008, 'The Irish News' reported that one third of all road deaths are caused by alcohol-related accidents. Moreover, the proposal to reduce the drink-driving limit is supported by the Government's road safety strategy, which points to evidence that reducing the limit to 50 mg can significantly reduce road deaths. The Chief Medical Officer, Sir Liam Donaldson, and the BMA in Northern Ireland support that opinion, and the association has actively campaigned for a reduction for many years.

The anti-drink-driving campaign is well established, and it is making a particular push as we approach Christmas and the new year. Often such campaigns are targeted at men coming home from sports events on a Saturday or from a night out with their friends, because, unfortunately, men are more likely to drink-drive, and evidence backs that up. However, it is not a problem for men only. In August 2008, the 'Sunday Sport' reported that the ladette culture was responsible for a rise in the number of drink-driving convictions among women in Northern Ireland. The number has doubled in the past decade, and that has been attributed to the fact that attitudes towards drinking have changed, particularly the attitudes of women who go out with their friends and have a glass of wine. Bars are serving bigger glasses of wine than they used to, and that can often put the customer over the limit.

One often thinks that it is older people who disregard drink-driving laws, but that is not always the case. On 22 April 2008, I proposed a motion on graduated driver licences (GDL), and, as part of that, I called for a

lower limit for novice drivers. That part of the motion was supported by most young people; in fact, it was the only part that was supported by young people. It is the law in New Zealand, Australia and many states in the US where GDL is operated. The rationale is that novice drivers are most at risk from road accidents, because they do not have much experience on the road. To add additional risk by permitting them to drink alcohol is inappropriate. In the areas in which GDL operates, the limit is reduced to 20 mg and increased to 40 mg or 50 mg on completion of the driver's restricted period.

The not-a-drop message is the most effective campaign, and lowering the legal limit will reinforce that view. The message is simple, and there are no grey areas. If someone intends to drive, he or she should not drink any alcohol. One drink can impair one's ability to drive. That is because people are two and a half times more likely to be involved in a road accident if they have been drinking. Alcohol is a sedative, and the effects of alcohol can hit the brain in a matter of minutes. It is not acceptable to gamble with drink-driving.

I am sure that over the weekend, other Members were as disgusted as I was to see an Ipswich Town football player, David Norris, mock the fact that his friend had been imprisoned for drink-driving. His friend Luke McCormick, who killed two young boys after driving on the motorway while drunk, is, fortunately, serving seven years in prison for that offence. It is hoped that Ipswich Town Football Club will punish its player for making light of such a serious and tragic event.

**Mr Shannon:** Today's newspapers report that the club has reprimanded the player. He has been fined, and he has apologised to the family and stated that he regrets his actions.

**Mr Ross:** I am pleased that Ipswich Town has taken action against the player. I hope that that will send out a message to many people across the country.

From the moment that we take a drink of alcohol, it starts to close down mental activity, and it progressively damages an individual's ability to perform the complex skills that are required to drive safely. Our ability to observe, implement and process information from our eyes and other senses is impaired by even a low level of alcohol in the bloodstream. Taking that first drink can often be a fatal decision.

At under one eighth of the legal limit, basic driving skills and the ability to concentrate are diminished. We begin to relax to the point of sleep at times, and drivers who fall asleep cause some 16% of accidents on major roads in England and 10% in France.

At one third of the legal limit, visual functions and choice reaction time begin to show serious impairment, and at one half the legal limit, vigilance, alertness and reactions are impaired on half of the scientific tests

conducted. At three fifths of the legal limit, perception and visible functions are impaired, and, at four fifths, the driver's ability to have sound judgement is damaged. Therefore, it is easy to say when a driver increases his or her risk of an accident: it happens the moment that they take one alcoholic drink.

I hold no truck with the assertion that those who go out and enjoy a glass of wine with their meal will be targeted unfairly. Why do they feel that they are different from a young man who has a couple of pints after a football match on a Saturday? The same facts apply for everyone: drinking and driving causes accidents and can also cause death. That is why I am calling on the House to back the motion and send out a strong message from the Assembly that drink-driving is unacceptable. I look forward to hearing the views and comments of other Members and the Minister this afternoon.

**The Chairperson of the Committee for the Environment (Mr McGlone):** Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee for the Environment, I thank Mr Ross and Mr Weir — who are members of the Committee for the Environment — for proposing the motion on the drink-driving limit. The Committee considered the issue earlier this year, following a presentation by the Minister of that time, Mrs Arlene Foster, on her proposals to improve safety on the North's roads. The Committee urged the Minister to ensure that drink-driving limits would be enforced strictly, and it supported the proposal for random breath-testing.

However, in conjunction with that, the Committee noted that it would be essential for enforcement to be consistent on both sides of the border. The Minister advised the Committee that her counterparts down South had announced their intention also to take steps to reduce their current drink-driving limit. The Committee recommended that the Department consider a high-profile media campaign to increase road-safety awareness and that it include the need for compliance with new drink-driving limits.

4.30 pm

Committee members supported the proposal to lower the blood-alcohol limit to 50 mg of alcohol per 100 ml of blood for most drivers. That would bring the North into step with most other European countries. They also backed the idea of introducing an even lower limit of 20 mg per 100 ml for inexperienced drivers, light goods vehicle drivers and motorcyclists. Studies have shown that the accident risk increases substantially for young or inexperienced drivers at blood-alcohol levels of 20 mg per 100 ml. A lower drink-drive limit for novice drivers has been introduced in some countries, with evaluation studies showing that that resulted in fewer alcohol-related fatalities in that age group.

To inform its thinking on the road-safety proposals, the Committee engaged in extensive consultation with many interest groups. It is worth noting that, although all respondents supported the proposals to reduce the drink-driving limit, many stressed the importance of getting across the message of never drinking and driving, rather than focusing on a specified legal limit.

During the consultation, the British Medical Association informed the Committee that, in 2005, Northern Ireland saw 276 road-traffic accidents in which the driver was affected by alcohol. Those accidents resulted in 529 casualties, including 24 people killed and 95 seriously injured. The Minister told the Committee that, in 2006, 18 road deaths were accountable to drink-driving and/or drug-driving. That makes it patently clear that more must be done to address the problems in the North.

However, the Committee did not support in full all the Minister's proposals. The consultation identified inconsistencies in the success rate of alcohol ignition locks in countries that had tested them. In the US, where such locks are fitted in the cars of repeat offenders, either as an alternative to disqualification or as a form of probation after a period of disqualification, they appear to be effective while the order is in force. However, reoffending occurs rapidly once the restriction has been removed. In Canada, where the programme is much more tightly supervised, more long-term improvements have been experienced. Consequently, although Committee members supported the general principle of alcohol ignition locks, they wanted more information on their effectiveness from other parts of Europe before fully endorsing them.

In summary, the Committee for the Environment supports the principle of lowering the drink-driving limit, with an even lower level for inexperienced, motorbike and LGV drivers. The Committee wants to see the drink-driving limit strictly enforced and notes the need for consistent enforcement throughout the island.

I fully support the motion, and I commend Committee members Mr Ross and Mr Weir for tabling it.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. I will not be quoting from any Sunday newspapers, or from any other newspapers.

As road-safety spokesperson for Sinn Féin, I welcome the opportunity to speak to the motion, and I thank the Members who tabled it for doing so. Members should be aware that Sinn Féin has consistently called for zero tolerance on drink-driving and drug-driving, and, therefore, it welcomes any debate on the issue.

I raised the issue in the Chamber with the Minister's predecessor, who, at that time, stated unequivocally that she was in favour of lowering the existing limit.

As Members are aware, the island of Ireland is out of line with the thinking of the majority of European countries. Here, the limit is 80 mg of alcohol per 100 ml of blood, compared with a 50 mg limit in other countries. Indeed, throughout Europe, only Britain, Ireland, Malta and Luxembourg allow such a high blood-alcohol level when driving. Members should show leadership and correct that flawed policy by arguing strongly in support of the motion. If we agree the motion, we should ensure that the Minister acts. He must take responsibility for his Department's actions rather than bemoan the lack of Executive meetings or his reluctance to implement regulations, as he did during last Tuesday's debate on introducing a levy on plastic carrier bags.

As I said, Sinn Féin would welcome a zero-tolerance approach throughout the island, but, beyond that debate, we would certainly welcome a reduction in the current limit, be that down to 50 mg or 20 mg. The previous Minister of the Environment pledged to have a public consultation on the matter, and we still await that. I hope that the current Minister will move the issue on at a pace in keeping with its importance.

I know that the Minister and many of his party colleagues are reluctant to embrace scientific findings. Nevertheless, I hope that they will accept that studies have shown that even one drink can lead to impaired driving. The BMA has stated that a blood-alcohol level of 50 mg doubles a driver's risk of crashing; 80 mg will raise the risk tenfold. Some 56% of motorists who drink believe that it is unacceptable to drive after even one drink, while 61% of drivers and non-drivers surveyed feel that people should not be allowed behind the wheel after one drink. The majority of people have already expressed their support for tougher drink- and drug-driving legislation. We should ensure that their wishes are adhered to.

The 2007-08 statistics for road-traffic collisions and casualties show that drink- and drug-driving was second only to excess speed in being responsible for death and serious injury on our roads. The figures up until September of this year show 14 fatalities involving drink and drugs, accounting for some 18% of road deaths in 2008. It is our duty to ensure that we do all that we can to reduce that figure. Our party would certainly welcome and support any new measure that can be introduced and implemented.

Of course, we can bombard the airwaves with advertisements and try to educate as much as we can. Certainly, we must continue to do everything that we can to make a difference. However, it could be argued that the issue of drug-driving is under-represented in current road-safety advertising, given its increased prevalence. I ask the Minister to take that on board and to address the problem, perhaps through the introduction of new forms of technology.



Reducing the legal limit may put the thought in people's minds that taking that first drink could lead to the loss of their licence, and they would have to consider the effect that that would have on their social and work life. That may lead to drivers making decisions that they do not currently make. In turn, that may lead to someone's life being saved on our roads or the prevention of a serious life-changing injury. For that reason, Sinn Féin is willing to support the motion. Go raibh maith agat.

**Mr Beggs:** I, too, welcome this debate about reducing the current drink-driving limit. PSNI road traffic collision statistics show that in 2007-08, some 37 people were killed as a result of excessive speed. The second highest cause of death on our roads was drink-driving; some 18 lives were lost during that year. In addition, a further 143 people were seriously injured as a result of drink and drugs, so it is a major issue — something happens almost every other day.

As others have said, the legal limit for driving in Northern Ireland is 80 mg of alcohol in 100 ml of blood. There is no fail-safe guide to how to stay under the legal limit or about the number of units of alcohol one can consume and still drive safely. Much depends on age, weight, sex, stress levels, when one last ate, and the amount and type of alcohol that was consumed. Research shows that any amount of alcohol affects one's ability to drive safely, as reaction times are impaired and there is a reduction in the ability to judge speed and distances.

Although the UK, Ireland and Malta have prescribed limits set at 80 mg, most European countries, as a result of painful experience, have now set a level of 50 mg. Given the number of fatalities and lives ruined in Northern Ireland, surely it is time that we followed suit? Organisations such as the BMA are not suggesting a zero limit, because there will be cases in which individuals would register slightly above zero even when they have not been drinking — for example, diabetics and people who have used mouthwash may register above zero. The BMA doubts whether an absolute zero limit would be enforceable and acceptable to the public but argues that a 50 mg level, which would bring the UK into line with most other European countries, would be effective and beneficial.

A study by University College London showed that lowering the limit from 80 mg to 50 mg would prevent 63 deaths and 230 injuries a year in the UK. The head of road safety for the Royal Society for the Prevention of Accidents, Kevin Clinton, makes similar estimates. He says that cutting the drink-driving limit from 80 mg to 50 mg:

“could save 50 lives and prevent 250 serious injuries...each year.”

He went on to state:

“At levels between 50mg and 80mg, drivers are 2 - 4 times more likely to be involved in a fatal accident than drivers with no alcohol.”

The BMA's head of science and ethics, Dr Vivienne Nathanson, commented:

“There is clear evidence of the link between rising blood alcohol concentrations and dangerous driving behaviour.

The introduction of the current limit...led to a dramatic fall in the number of deaths on the road, but the position has been stagnant since 1993.”

She went on to say:

“We need a new impetus to reduce the toll of injury and death.”

In October 2007, the then Minister of the Environment, Mrs Foster, told the Assembly that her Department was “actively” looking into reducing the legal driving limit. Therefore, the Department has been actively looking into the issue for more than a year. I ask the Minister: what progress has been made?

Regrettably, the UK Government decided last month against reducing the legal limit for alcohol in drivers' blood in GB. Instead, the Department for Transport said that it was considering giving the police new powers to stop and test drivers at random. Cathy Keeler, Brake's deputy chief executive, said:

“Although better enforcement is needed and Brake is pleased the government is consulting on improving police enforcement, cutting the drink-drive limit would save lives.”

A clear direction has to be travelled, and it is time for the Minister to take action. What are the proposals for reducing the alcohol limit to 50 mg? Has the Minister finalised the proposals? If not, why not? If the proposals have been finalised, is the Minister waiting for Executive approval? Is this yet another item that has been prevented from coming before the Assembly and, therefore, prevented from becoming legislation? If that is the case, shame on Sinn Féin for blocking such an issue. This legislation would save lives, so it is too important to be blocked. I support the motion.

**Mr McCarthy:** This motion could almost be regarded as an extension of the earlier debate on alcohol misuse. It is a very important issue, and we are grateful to the Members who brought it to the Floor of the Assembly.

Drinking and driving is wrong; it is totally unacceptable. It puts a lethal weapon into someone's hands and cannot be tolerated. The result can — and most likely will — be serious injury or death on our roads.

The slogan “don't drink and drive” must be paramount. It is as relevant today as it was on the day that it was introduced. The motion calls for an investigation into the viability of reducing the current drink-driving limit. I have no problem in supporting the motion. Indeed, I support efforts to reduce the maximum alcohol level for drivers from 80 mg to 50 mg.



Drinking and driving invites trouble for drivers and all other road users. We simply cannot take risks on our busy and congested roads. The maximum alcohol level for drivers in most European countries is 50 mg. I see no reason why Northern Ireland should not have the same rules and regulations if they would save lives.

The Association of Chief Police Officers (ACPO) supports a reduction of the legal limit to 50 mg. Like the Ambulance Service, the Fire Service and other rescue services, the police are first on the scene of some of the most horrific road accidents. The police must be listened to because they are expected to pick up the bodies of the unfortunate victims of drink-driving. As legislators, the least that we can do is work with them to cut down and, we hope, eliminate road accidents.

4.45 pm

The BMA states that in 2007-08 there were 431 road accidents involving alcohol or drugs. On the subject of drugs, I compliment the authorities in south-west Cork for intercepting a vast quantity of drugs —

**Mr Deputy Speaker:** Order. The subject is drink-driving, Mr McCarthy.

**Mr McCarthy:** Thank you very much, Mr Deputy Speaker.

The figures are staggering — 661 casualties, including 18 deaths and 143 seriously injured. We cannot allow that carnage to continue. It has been mentioned, and I will do so again, that in February of this year, my colleague Trevor Lunn asked the then Minister of the Environment, Mrs Foster, whether she had any proposals to change the law on drink-driving. In a response to a question for written answer, she said:

“Departmental officials are liaising with counterparts in Great Britain about a range of measures to deter drink-driving and reduce casualties. One issue under consideration is appropriate blood alcohol limits. I have already announced that I favour a reduction in the current limits, although no decisions have been made yet. At a recent Environment Committee meeting, I discussed lowering the limits from 80mgs of alcohol per 100mls of blood to 50mgs for most drivers. This could be accompanied by a lower limit of 20mgs for inexperienced drivers, LGV drivers and motorcycle riders, in line with European Union recommendations.”

She concluded:

“I intend to consult shortly on these proposals and on a range of other road safety measures.”

The former Minister certainly demonstrated willingness. I hope that we will shortly hear the present Minister reply along the same lines in an effort to reduce the carnage on the roads. I support any moves in that direction, and I support the motion.

**Mr I McCrea:** I also welcome the motion. Sadly, too many people have lost their lives on our roads through drink-driving. I fully support the motion because bringing our limit into line with the majority of European nations could save many lives.

Hundreds of people die every year in Northern Ireland as a result of drink-driving. The Republic of Ireland — where the same drink-driving limit as in the United Kingdom applies — has one of the worst records in Europe for alcohol-related deaths. The record of alcohol-related deaths in Northern Ireland might have matched or been worse than the Republic of Ireland's, if it were not for the fact that the penalties for drink-driving in the UK are among the most severe in Europe.

However, we have not reached the end goal. If anything more can be done to save lives on Ulster's roads and reduce the carnage caused by drink-driving, I will support it. I endorse every effort that has been made by the Department to reduce road deaths; in particular, alcohol-related road deaths. I fully support advertising campaigns by the DOE and the Police Service of Northern Ireland to discourage drink-driving, and I wholeheartedly support the message that they send out to “never, ever drink and drive”.

The reason for not reducing the drink-driving limit to zero has been discussed. I do not believe that a zero limit is the answer. First, as my colleague Alistair Ross said, the use of mouthwash might result in a person's being over the limit; and digestion can produce alcohol in the blood, which can lead to an above-zero result. There is no point in having a limit that will penalise drivers who do not drink and drive and who pose no danger to themselves or to other road users.

Zero tolerance is also not the answer, as it would be difficult to enforce. We must set an alcohol limit that utilises our police resources fully so that those who are guilty of drink-driving are brought to justice. If the current drink-driving limit were reduced to 50 mg in each 100 ml of blood, more drivers would avoid drinking alcohol altogether for fear of being above the legal limit.

Research gives an idea of the difference that reducing the alcohol limit would make to the risk of having a car crash. According to figures that were compiled in 2003, those who drive with 80 mg of alcohol in each 100 ml of blood are 10 times more likely to be involved in a crash than those who have 50 mg of alcohol for each 100 ml of blood. Those figures show clearly that a reduction in the drink-driving limit will make the roads of the Province a safer place.

I support the motion and welcome the fact that all Members who spoke supported it.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion and echo what many Members said, so I will try not to repeat any of the statistics that were mentioned.

In the day that is in it, we have heard about other ways in which alcohol is having a detrimental effect on our society. Unfortunately, binge drinking and, indeed,

drink-driving have been tolerated and accepted as a cultural norm for generations. That is the challenge that we face, and there is a great deal of work to be done to address that.

Several Members spoke about cases where people go out to socialise, drink into the wee small hours, wake up four or five hours later and assume that they are fit to drive. Unfortunately, that is commonplace. One statistic that the Research and Library Service found on the issue relates to drivers who endure a heavy drinking session: if they finish drinking by 12.00 midnight, it can take over 13 hours for the alcohol to leave their bodies; that is, until 1.30 pm the following day. Unfortunately, many members of the public are not aware of that, and it should be highlighted. I ask the Minister to examine drink-driving in those instances, as more could be done to highlight the dangers of the practice.

Other Members referred to different forms of technology that can be used to prevent drink-driving. I am interested to know the Minister's opinion on the acceptability of the morning-after breathalyser tests that are on sale and that some people use at home to find out their blood-alcohol level and to ascertain whether they are safe to drive.

I echo the comments of my colleague Cathal Boylan. Ultimately, drivers must be responsible for their own actions. However, that does not mean that we should not consider other preventative measures to save lives on the roads. I know of several pub owners in rural areas, particularly in my constituency, who drive customers home at closing time and discourage them from drink-driving. That is proactive and responsible behaviour that should be encouraged along with other initiatives to discourage drink-driving. That does not take away from the fact that the buck stops with the driver.

I support the motion and urge the Minister to address not only drink-driving, but the culture that permits it. I also urge the Minister to implement preventative measures to ensure that drink-drivers do not get on the road in the first place. Go raibh maith agat.

**Mr G Robinson:** I congratulate my colleagues Mr Ross and Mr Weir for tabling the motion on a topic that is of timely importance, given that the Christmas-party season is fast approaching.

Alcohol is a curse on society. The increasing tendency to use alcohol for social and leisure purposes is worrying, and, sadly, it tends to result in some people drinking and driving after a night out.

Anti-drink-driving advertisements will soon be aired on our television screens. I hope that they are graphic and memorable, so that they serve as a warning to people who are tempted to drink and drive.

PSNI figures show that in the past three years, the number of accidents in which alcohol was a contributory factor has risen steadily. As a result of alcohol, there were 72 fatalities, and 395 people were seriously injured. Surely we cannot permit that trail of human tragedy to continue. The Assembly has a moral duty to reduce that physical and emotional carnage. We can make a contribution by reducing the legal blood-alcohol limit for driving. I would prefer the limit to be zero, but, having read information from the BMA, I accept that that would not be an easily enforceable proposal, because some low alcohol readings could be biochemical in nature.

I am not alone in believing that the combination of alcohol and driving is lethal. At times, it is necessary to introduce legislation to protect people from themselves and from others. The reduction in the drink-driving limit would act as a safety measure to protect some people from themselves and, more importantly, to protect other road users.

So far this year, approximately 90 people have died on Ulster's roads. Each one of those people is not a statistic, but a human being. They may be someone's wife, mother, husband, father, son or daughter. If we were to ask the families who have suffered the loss of someone in a drink-driving-related road accident, they would tell us to make the roads safer and to reduce the drink-driving limit. Those people know first hand about the results of such behaviour.

I support the motion, because the merits of reducing the drink-driving limit can be seen in results across Europe. However, I call for no leeway to be given if the reduction is enacted. The tougher the punishment, the tougher the lesson, and, hopefully, the result will be fewer deaths. If someone is caught driving while over the limit, he or she must be prosecuted.

The DOE's summary of scientific evidence behind the "Just one drink impairs driving" campaign of November 2005 states: "Alcohol impairs sensible decision-making."

The first impaired judgement is to drive a vehicle, and the second can cost the driver or someone else their life.

Drink-driving is an offence, it is against the law, and it is unacceptable in our society. I sincerely hope that the motion will receive unanimous support, and I wholeheartedly support it.

**Mr McCallister:** I support the motion and I thank the Members who tabled it. This is today's second motion that relates to alcohol, and that reflects the importance that the Assembly places on safe and responsible consumption.

Unfortunately, there are many accidents and deaths on Northern Ireland's roads. PSNI statistics show that

the second-biggest cause of deaths on our roads is drink-driving or driving under the influence of drugs. In 2007-08, drink-driving resulted in 431 collisions, 143 serious injuries and 18 deaths in Northern Ireland. When one considers all the knowledge that we have accumulated about how alcohol impairs people's judgement, hand-eye co-ordination and alertness, it is unacceptable that, in the twenty-first century, it continues to be such a prolific killer on our roads.

The United Kingdom drink-driving limit is 80 mg of alcohol per 100 ml of blood. The introduction of that limit in 1993 significantly reduced the number of road deaths in the United Kingdom, and the number of alcohol-related road deaths has levelled out. Malta and the Republic of Ireland are the only other European countries that have the same limit as the UK.

The most widely-accepted blood-alcohol limit in Europe is 50 mg, and the Minister should seriously consider reducing the limit here.

5.00 pm

A University College London study showed that lowering the limit from 80 mg to 50 mg would prevent 65 deaths and 230 injuries a year across the United Kingdom. Therefore, a simple change in law and enforcement activities could save a significant number of lives and reduce the number of debilitating injuries and associated grief for families.

However, it should be noted that organisations such as the British Medical Association (BMA) do not suggest a limit of zero because there are cases in which people could register blood-alcohol levels slightly above zero even when they had not been drinking. For instance, people with diabetes and those who have used mouthwashes can register above-zero levels of alcohol in their blood. Therefore, enforcement of such a level would be difficult, and that must be taken into consideration.

As well as the potential for reducing the blood-alcohol limit for drink-driving, other options are available to us. I congratulate the Department of the Environment on its long-standing high-profile advertising campaign on the dangers of drink-driving. Awareness-raising must continue to be a crucial part of any campaign to reduce road deaths and accidents due to drink-driving. The stringency of the law, the related penalties, and the ability of the Police Service to enforce the law must also be taken into consideration.

I do not believe that comparisons can be made with police services on the Continent, where the drink-driving limit is lower. We have more robust policing and penalties in relation to this issue, and we must continue to give the PSNI the resources and the capacity to tackle drink-driving and improve detection rates.

Our cultural rejection of drink-driving has come a long way, and can compare favourably with most countries in Europe. However, I disagree with Mr McKay: we have moved in the opposite direction, in that binge drinking has almost become part of our culture, whereas drink-driving has, at least, become culturally unacceptable. We cannot take that for granted; we must continue to make drink-driving unacceptable. The Assembly and the Executive must send out a clear message that any degree of drink-driving is unacceptable.

Although I do not wish to deny anyone the enjoyment of a civilised drink, there are many who suggest strongly that people have the responsibility to ensure that they have a designated driver in their company or that they have ordered taxis. Mention was made earlier of pub owners leaving customers home. Anything that can help to reduce the number of people who are drinking and driving is to be welcomed. It is especially important that, in the run-up to Christmas, the Department and the Minister get that message out and reinforce it. I support the motion.

**Mr Gallagher:** I commend Alastair Ross and Peter Weir for securing the debate, because it draws attention to an important issue. It is to be hoped that the debate will help to strengthen the message that drinking and driving do not mix, that alcohol impairs judgement and that it is dangerous for anyone with alcohol in their system to get behind the wheel of a car.

The greatest cause of accidents is speed, or a combination of speed and alcohol consumption. The most accident-prone group of people on the roads is, as we all know, young men aged between 17 and 25 years. It was recently estimated that at least 6% of all road casualties occurred when someone was driving while over the legal alcohol limit. In helping to strengthen the message about drink-driving, we must all realise that the road safety campaigns are important, and at this time of the year, it is important that they are presented strongly.

However, despite that and all of the other supporting messages about the dangers, it is still clear that a small number of people are not getting the message about road safety.

Drink-driving is a factor in accidents, and a move to lower the limit would send out a clear message about its dangers. In a recent Automobile Association study, two thirds of those questioned backed a reduction in the current limit from 80 mg of alcohol per 100 ml of blood to 50 mg per 100 ml. The vast majority of people do not drink and drive, and, in supporting such a reduction, the SDLP is not seeking to target people who consume a small amount of alcohol and who are responsible for their actions. We support the reduction



in order to make the message on drink-driving clearer and to make the law clearer for all drivers.

John McCallister highlighted some good reasons why a limit of zero would not work. It is often argued that a zero-tolerance approach of not allowing any alcohol is the only way of dealing with the problem of drink-driving. As Mr McCallister said, people on medication would encounter problems if they were breathalysed. Reducing the limit to zero would not be straightforward, and that is backed up by the BMA, which also doubts whether a limit of zero would be acceptable to the public. The BMA argues that a reduction from 80 mg to 50 mg would be helpful and beneficial.

The SDLP supports an all-Ireland approach to a range of road safety issues, including the curbing of drink-driving. We want more work to be done on that and, if possible, we want a decision to be taken together so that both Governments are seen to be working in tandem on the issue. Apart from the Republic of Ireland and the UK, only two or three countries operate the present limit of 80 mg.

**Mr Deputy Speaker:** The Member will draw his remarks to a close.

**Mr Gallagher:** I stress the importance of getting the message out and of an all-Ireland approach to road safety.

**Mr Shannon:** In 2007-08, there were 6,321 road traffic collisions that led to injuries, from which there were 9,748 casualties. Of those, 110 people were killed and over 1,000 people were seriously injured, which was an increase from the previous year. The leading cause of accidents was inattention. Some might ask what that has to do with this debate — I will try to explain.

Scientific study has found that taking a single drink can impair attention levels and reaction times. Therefore, having only one drink of alcohol, which would leave a person well below the legal limit, will lessen attention levels. That is a major factor in road traffic accidents. It is clear that road safety must be improved, and the way to do that is to reduce the level of alcohol with which one is permitted to drive.

A was scunnered aa the nummer o' fowk at wur tuk ap las' yeir fer drunk-drivin' — 3,546. Thon bes mair waefu when we realise efter yairnin wi' polis representatives at fer ivry driver cleekit they alloo at thair ir a clatter mair oan the road aa the saime tim' at irnae cleekit. A was gunked forebye tae fin' at mae ain airt bes secon' onie tae D an E polis districts an this tae me isnae acceptable. The fact at in the fatalities oan oor roads hit was foun' at 34% o' deid drivers hed alcohol in thair systems an at 14 ir alloood tae hae dee'd directly fae bein' unner the influence o' drugs an alcohol bes scairsum.

I was shocked by the number of people who were convicted for drink-driving last year — 3,546. That figure is even more shocking when one considers that for every drink-driver caught, the PSNI believes that there are many more who escape conviction. I was also shocked to discover that the number of drink-drivers caught in my area is second only to the numbers that are caught in policing districts D and E. That is unacceptable. Even scarier is the fact that, of the fatalities on our roads, 34% of dead drivers had alcohol in their system, and 14% had drugs and alcohol in their system.

Research has shown that drivers experience a natural dip in alertness in the afternoon. Therefore, if they were to drink even a small amount of alcohol during that time, their alertness would deteriorate further. That small reduction in alertness, combined with alcohol-impaired drowsiness, can lead to tragic and fatal consequences. In fact, that is a factor in more than 20% of motorway accidents on the mainland. However, I do not want to labour that fact, because the figures are very clear.

Given that my sons have completed the new driving test, I have a better idea of hazard perception. When I taught my sons to drive, I was aware of hazards such as a child playing in the street or a dog barking. Those things are everyday occurrences that can change lives in a matter of seconds. If a driver drinks what equates to half the legal limit, he or she will be less aware of a child stepping out in front of the car. That made me think twice about what the limit should be. I want to focus on that issue today.

In 2007, the Department of the Environment carried out a survey in which respondents were asked whether they thought that it is acceptable to drive after having one drink. A total of 63% said that that was not acceptable. In the same survey, respondents were asked whether they thought it was acceptable to drive after having two drinks. A total of 76% said that that was unacceptable. Clearly, as the figures suggest, it is not acceptable.

Some people believe that it is never right to drink and drive, which Members have reiterated. Tommy Gallagher mentioned that most people never drink and drive. Many Members know people who have been injured or killed on the roads as a result of an accident in which alcohol was a factor. It is a well-known and accepted fact that the two do not mix favourably.

Another reason that we need to reduce the drink-driving limit is because of the morning-after belief that it is safe to drive, about which other Members spoke. Many people do not realise that they might be over the limit after a rough or long night. Many people believe that, because they took a taxi home the previous night, they are fit to drive in the morning. Young drivers who



are under the influence are especially vulnerable to being involved in a crash. The Assembly must send out the right signal about alcohol and drinking any amount.

At present, we have the highest drink-driving limit in Europe. Indeed, no country in the world permits a higher blood:alcohol ratio than here. We must follow the example set by the rest of Europe and reduce the limit: it is that simple, and it will save lives. I know that the Minister will introduce a rigorous campaign coming up to the Christmas season. The Assembly should back that to the hilt by sending out a message to the public today that drink-driving will not, and cannot, be accepted. Never, ever drink and drive.

5.15 pm

**The Minister of the Environment (Mr S Wilson):**

I welcome this very useful debate, and I congratulate Alastair Ross for tabling the motion. However, the research materials that he mentioned during his speech caused a glimmer of worry to cross my mind. 'The Irish News' was bad enough, but when he spoke about the 'Sunday Sport', I began to get very worried. *[Laughter.]*

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

**The Minister of the Environment:** I suppose I had better.

**Mr Ross:** For clarification, the research material was actually from the 'Sunday Sun', and I am more than happy to provide that for any Member who doubts my credentials.

**Mr Deputy Speaker:** It was commendable that Mr Ross picked out an article on drink-driving from the 'Sunday Sport'.

**The Minister of the Environment:** He recovered that very well, before the Whip got to him. *[Laughter.]*

The other thing that worried me was the level of knowledge that some Members had about the after-effects of drinking and the impact that that might have on their driving the next morning.

The debate is welcome for two reasons. First, we are approaching the season when, maybe after a Christmas party or a drink at work, people are more tempted than at other times to drive. Secondly, it comes at a time when we are focusing on the success that the Assembly has had, across all Departments, in trying to reduce carnage on the roads. The fact that we have achieved, ahead of time, the targets for reducing the number of people killed or seriously injured on the roads in Northern Ireland is a comment on the way in which Departments have worked together in order to improve people's quality of life by making the roads safer, and by ensuring that we do not have the fatalities and associated tragedies visited on homes across Northern Ireland.

Nevertheless, there are still too many accidents that could have been prevented had people not been careless or taken alcohol before driving. A number of Members gave statistics: 20% of road deaths caused by drivers having alcohol in their system, and 10% of serious injuries caused for the same reason. That represents 127 lives lost over the past five years. One thinks of all the human tragedies behind that figure.

The first funeral of a friend that I attended as a teenager was a young man who, when leaving Bangor one night, was driven through the wall of Clandeboye estate by a drunk driver who was not even aware after he had hit him that he had killed anyone. He got out of his car, and was found staggering down the road unaware of what he had done. The tragedy that visited that family has been multiplied time and time again. This is a serious issue that the Assembly needs to address.

Despite what people know, the statistics show that last year 6,619 people were stopped by the police and found to have been driving while under the influence of alcohol. Of those, 3,546 were prosecuted, and more than 3,300 lost their licences as a result. We want to send the message that we take this issue seriously, and if people persist in breaking the law in this way, they will find that all the attendant inconvenience, and worse, will be visited on them.

Alastair Ross was right to raise the issue of public support. The public do support more stringent action being taken. Sixty-five per cent of respondents to the road safety monitor said that people should not drink at all if driving, and 85% supported strict action by the police through random breath-testing. I will talk about penalties and police actions later.

Mr Ross also stated that some people may say that reducing the drink-drive limit will criminalise those who might be innocent. That is a reasonable argument if people do not know what the law requires of them. However, if we decide that the limit should be lowered, and if the law is clear, then someone who gets behind the wheel of a car with alcohol in their system cannot claim to be innocent.

Clarity is the important issue. That is one reason that the Department has rejected the idea of zero tolerance, because people could exceed the limit and break the law innocently by taking medication or simply cleaning their teeth. The Department will not opt for a zero limit because it wants to ensure that the people who are caught and prosecuted have knowingly broken the law. That means that the limit must be set at a level that does not catch people who, inadvertently, have some alcohol in their system.

I want to deal with the question of consultation, and I noted the remarks of the Chairperson of the Environment Committee on that matter. I look forward to the Environment Committee's response to the

Department's consultation paper and to its support on those matters that I want to bring into the public domain.

The Chairman also raised the issue of a separate drink-driving limit for younger people and professional drivers. There should be a 20 mg level for younger people because they are less able to deal with the impairment that alcohol causes to driving. Sometimes, their lack of experience can lead them into trouble. There is, therefore, a rationale for having a lower limit for younger drivers.

Several Members mentioned the promise that had been made by my predecessor to bring the matter forward and questioned why it has taken so long. However, no Member raised the issue of penalties, although the two matters are related. If the limit is lowered, the implications for penalties must be examined. The delay has been caused by the difficulty in getting a clear picture about penalties across Europe and in countries where a lower limit is in place. Northern Ireland has one of the highest limits, but it also has some of the toughest penalties. Consideration must be given to whether those tougher penalties should be maintained if the limit is lowered. The necessary research on penalties has led to the delay.

I hope to introduce a consultation period before the end of 2008. Of course, that will depend partly on how the party opposite behaves. At present, a range of matters is piled up for the Executive's consideration. Although Sinn Féin complains about lack of action, it is responsible for the fact that action cannot be taken on those matters because they cannot be approved by the Executive for public consultation. I hope that Sinn Féin will start to behave and that I will be able to make progress on departmental initiatives on planning reform, the review of public administration, PPS 14, consultation on the drink-driving limit, and a list of other matters.

If consultation is allowed to progress, the Department hopes that it will be finished by April or May 2009. Depending on statutory changes that must be made, decisions on the way forward and subsequent action should be taken within 12 to 18 months. Of course, that will depend on how the Department decides to progress. The simplest way is to reduce the limit to 50 mg and to maintain current penalties.

A decision to opt for two limits and differing penalties would require more legislative change and delay the process of implementation.

During the debate, the question of whether I would support the use of morning-after test kits was raised. I prefer that rather than self-testing, people who are in any doubt simply heed the message that the Assembly is seeking to get across: if unsure about being above the limit, do not get behind the wheel of a car.

One reason for considering a reduction in the limit is to send out a message that it is simply not acceptable for those who have consumed alcohol to drive — even if the drink was taken a considerable time before driving. Anyone who thinks that they are still feeling the effects of alcohol should not get behind the wheel of a car. As Members stated, alcohol affects reaction times, and any individual who has had a drink is more likely to be involved in a collision or another type of accident.

Mr Boylan talked about education, and I agree with him that that is important. One of the roles of my Department is to try to take the road safety message to a wide range of people. Two of my Department's main objectives have been to raise awareness of the impact of alcohol and to encourage people not to drink and drive.

A reduction in the limit must be complemented by other measures; not only a reconsideration of whether to introduce graduated penalties. Should lowering the limit be accompanied by graduated penalties? No country in Europe with a 50 mg limit imposes the mandatory 12-month ban that exists in Northern Ireland. Therefore, the issue of graduated penalties must be examined, along with the question of whether police should be given additional powers to carry out random breath tests.

The one message that I hope Members and the public will take away from today's debate is that I as Minister, my Department, and all parties in the Assembly take this issue extremely seriously. One way in which the Assembly can improve the quality of life in Northern Ireland is by increasing road safety, thereby reducing the number of people who are killed or seriously injured.

I intend to act as quickly as I possibly can. Before the end of the year, I hope to publish a paper, and I will take note of the results of the subsequent consultation process. Although I do not wish to prejudge the outcome, I have made it clear that my preference is to reduce the general limit to 50 mg and the limit for novice and professional drivers to 20 mg.

To ensure that the public are clear that the Assembly intends to take this matter extremely seriously, I want the penalties to be revised and police powers increased. I trust that I will have the support of Members and the Committee, and that progress can be made as quickly as the legislative process allows.

**Mr Weir:** I am happy to conclude an appropriately sober debate on this subject. Members from every party were unified in their approach, and speeches were consistent, without being repetitive. I am heartened that the Assembly speaks with one voice on this issue.

Tommy Gallagher and Jim Shannon were two of several Members who said that the examination of the

drink-driving limit is part of a wider process of ensuring road safety.

Alastair Ross and others said that a level of cultural change in the attitude to drink-driving should be acknowledged. However, their reasoned argument is that there is much further to go, and perhaps cultural change has not come quickly enough.

Over the past 20 or 30 years, the social unacceptability of drink-driving has, undoubtedly, become increasingly clear. Education and advertising were mentioned. Statistics indicate a high level of public awareness of the deliberately graphic advertising campaigns that attempt to emphasise the effects of drink-driving. Members can quote a multitude of drink-driving statistics, but there is a human story behind every death and every injury that results from a person's drink-driving. Each story is one too many.

5.30 pm

The proposer of the motion said, as did Mr Beggs, among others, that drink-driving affects people regardless of weight, age or sex. Indeed, binge drinking has increased among women. A small amount of alcohol can have a major impact on the system. I will not reiterate the statistics outlined during the debate. However, if Members wish to investigate the subject further, advertising campaigns, such as the Not a Drop campaign, reveal that low alcohol consumption can have a major impact on people's perception and alertness.

Patsy McGlone highlighted the need for education and emphasised that, even though advertising campaigns have been somewhat effective, we cannot become complacent. All Members support sending out a consistent message that one should never drink and drive. Mr McGlone called for Northern Ireland and the Republic of Ireland to reduce the limit on the legal level of alcohol in blood. I strongly support reduced levels in any jurisdiction. Furthermore, he mentioned, and it is an important point, that the Assembly must consider introducing a secondary, much lower blood-alcohol limit for the most vulnerable groups, such as motorcyclists, LGV drivers and inexperienced or novice drivers.

To avoid any criticism, I should point out that Mr Ross indicated that the proposals apply to inexperienced and novice drivers rather than to young drivers. I assume that he does not want to be inundated with emails again. Inexperienced drivers are vulnerable, and, therefore, a lower blood-alcohol level is appropriate. Indeed, I welcome the Minister's remarks that he will seriously consider that possibility.

Cathal Boylan highlighted the fact that, although it lies second behind excess speed in the league table of causes of death and injury, drink-driving is, nevertheless, a vital issue. He outlined the European examples. As the proposer of the motion and others

indicated, there is, probably, a broad consensus that 50 mg of alcohol per 100 ml of blood is the most appropriate level. Other major European countries, such as Spain, France, Germany, Italy, Holland and Iceland — a country whose inhabitants have more reason to drink of late — have a 50 mg limit. Being out of step with Europe has been detrimental to our citizens.

Roy Beggs, among others, highlighted the BMA's statistics. Although the BMA recognises the need to reduce blood-alcohol limits in drivers, a zero limit — no matter how attractive it appears — is not a practical solution. Everyone has alcohol in their blood — even teetotallers. During the debate, I wondered whether alcoholics would be battering down chemists' doors to obtain mouthwash, because that product's alcoholic effect was advertised during the debate.

We must make proposals that are sensible, and the blood-alcohol levels that have been discussed are sensible.

Kieran McCarthy highlighted the support of ACPO and the BMA for a reduction in the limit, and he emphasised the direct human cost of drink-driving. He also pointed out that this is part of a bigger picture. In tackling the issue, we have also to consider the way in which society views alcohol misuse. In many ways, this debate is an extension of the one that took place earlier today.

Ian McCrea emphasised the severity of the problem and used statistics to show that those at the drink-driving limit are 10 times more likely to have an accident than those with lower blood-alcohol levels. Daithí McKay drew attention to the problem of morning-after blood-alcohol levels. Even responsible people do not always think that through; if one drinks in the evening, the alcohol will still have an effect the following morning. He also stressed the need for a proactive approach to be adopted by various agencies and the private sector. Where there are proactive schemes, we should seek to identify best practice.

George Robinson stressed the timeliness of the debate, as Christmas is approaching, and he stressed that this is about protecting both individual drivers and others. Victims of drink-driving can be either those behind the steering wheel, passengers or — as was illustrated movingly by the Minister — bystanders caught up in an accident.

The need for proactive measures, and for a cultural rejection of drink-driving, was stressed by John McCallister. Tommy Gallagher pointed out that, despite the advertising, a section of the community is not getting the message. We must target those irresponsible elements.

From his perspective as a father, Jim Shannon emphasised the difficulties faced by inexperienced

drivers and the need to keep the roads safe. The link between drink-driving and other issues is alertness.

The Minister demonstrated the need for a joined-up approach. The seriousness of this offence must be reflected in legal penalties.

I welcome the debate. In particular, I welcome the Minister's response and his intention to take action if he can get the support of the Executive and proceed to early consultation. On this issue, the House speaks with a unified voice. If we can help to bring about a lowering of the drink-driving limit, it will be seen as a real, positive benefit for the people of Northern Ireland, brought about by devolution. People will be walking around in five or 10 years' time who would otherwise be statistics on a tombstone. I urge the House to support the motion.

*Question put and agreed to.*

*Resolved:*

That this Assembly calls on the Minister of the Environment to investigate the viability of reducing the current drink-driving limit.

*Motion made:*

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

## ADJOURNMENT

### Ambulance Provision in North Antrim

**Mr Deputy Speaker:** I remind Members that the proposer of the topic will have 15 minutes in which to speak; all other Members will have approximately seven minutes.

**Mr Paisley Jnr:** I thank the Business Office for scheduling this important matter for my constituency. I appreciate that. I also thank the Health Minister for gracing the Chamber with his presence, and I look forward to his response towards the conclusion of the debate.

I pay tribute to the men and women of the Northern Ireland Ambulance Service (NIAS). Like most people in this country, I believe that they do an absolutely smashing job, by helping people in immediate crisis and danger. It is important that Members put on record their 100% support for the unstinting work of the men and women of the Ambulance Service, and that we condemn people who take it upon themselves to attack ambulance workers. It is important that Members highlight such activities as callous and irresponsible.

This debate, however, is about my genuine concerns regarding the impact of the Minister's efficiency savings on the delivery of front-line services in my North Antrim constituency.

In common with many rural areas, my constituency gets a raw deal. Patients will suffer, and Ballymena, in particular, will take the lion's share of the impact that the efficiency savings will have on accident and emergency ambulance cover. If the Minister's efficiency savings are followed through and delivered in the way in which the Northern Ireland Ambulance Service stated, 75% of the cut will come from rural cover, not from urban cover. That is critical for not only my constituency — which is a large, rural hinterland — but other constituencies such as East Antrim, East Londonderry and South Antrim. It will have a detrimental impact on people who live in large rural areas.

That occurs at a time when ambulance cover is becoming increasingly strategically significant for the delivery of front-line health services. As hospitals constrict and consolidate, the Ambulance Service is becoming a much more strategically important tool. On that basis, the current Northern Ireland Ambulance Service plans, as they affect my own constituency in particular, will have an extremely detrimental impact.



The Northern Health and Social Care Trust — which covers Ballymena and the glens of Antrim — has the same level of ambulance cover as it did when the Antrim Area Hospital opened almost 20 years ago. I was surprised when I saw those statistics, because most people would have believed that ambulance cover would have increased during that time, but it has not. For almost 20 years, the Ambulance Service in my constituency has, effectively, stood still. There has been no significant increase in ambulance cover, and the trust is now asked to make an efficiency saving that will, in effect, reduce by a third the number of ambulances that operate in the constituency.

There has been no attempt to deny that claim, because it is correct. An article in the 'News Letter' on 30 July made that claim, and it was discussed on 'The Stephen Nolan Show' shortly thereafter. I wrote to the Minister on 4 August, highlighting my concerns that the daily ambulance cover that operates from Ballymena will be cut by up to one third. The Minister kindly responded on 5 September, but he did not address that point. He said that the significant investment that he announced in early October:

"will enable the service to modernise and to respond more quickly and appropriately to life-threatening calls".

However, the issue that the ambulance workers and I raised was the reduction of the number of ambulances, which is critical to them. There was a debate in the Assembly on 7 October, during which the point was made that reducing by one third the number of accident and emergency ambulances available to a large rural constituency had not been properly addressed. Ballymena ambulance cover will be cut by a third, and the silence from the Department about the impact on patients is deafening.

From where will the efficiency savings come? The answer, starkly for anyone in the Chamber and in the constituency, is from front-line services. I say that with sadness, because we were told that the number of rapid-response vehicles (RRVs) will increase, and the profile of ambulances will, therefore, change. However, that profiling means that, in order to meet the Minister's target, 69.26% of the efficiency savings that must be made will come from the re-profiling of the accident and emergency vehicles.

In other words, ambulance-response hours in the constituency will be reduced by 17,520, but the RRV service will increase to 43,750 hours.

That means that £931,000 — or 75% of the Minister's target — will come entirely from front-line delivery services. I am particularly concerned for patients because ambulance provision is being targeted for that saving.

5.45 pm

The administration side of the Ambulance Service has offered up only £20,000, or 1.6% of the Minister's target. The training side of the service has offered up £35,000 of savings, or 2.8% of the Minister's target. That means that the lion's share of the efficiency saving — I am not going to call it a cut because I believe that the Minister is right: it is an efficiency saving that he must find — is coming from the front line. What concerns me most is that the public will lose out on the aspect of the service that they see and that they consider to be important.

Those statistics come from the Northern Ireland Ambulance Service itself. It wrote to its members and said that those statistics, which briefly summarise the NIAS efficiency saving proposals:

"must be seen for what they really are, a complete sham."

Those are its words; not mine. The letter goes on to say:

"When studying how NIAS are proposing to achieve the Minister's efficiency savings, they have made it glaringly obvious that they had no intention of actually making savings where they would have minimal effect on the emergency/patient care side of the service. Instead, NIAS have actually used the Minister's efficiency savings to force in their own agenda, the phased introduction of single-manned RRVs, under the guise of achieving the efficiency savings."

That gets to the heart of the matter. It must be questioned whether a rapid-response vehicle is an adequate response to an emergency situation, if ultimately an ambulance should arrive at the scene. The public fear that the current policy is not meeting that challenge.

When we consider where the efficiency savings will have the greatest impact, we must remember that the Ambulance Service in Ballymena must cover a large rural area that includes the glens of Antrim. Although the glens of Antrim are very beautiful at most times of the year — during the spring, summer and autumn — they are also very remote.

That area is more remote during the winter and many places become almost inaccessible; therefore, many people living in that area become isolated and are cut off from services. To tell those people — my constituents — that we are going to reduce the number of ambulances and emergency vehicles that are operating in that area by one third is entirely wrong. That decision will have a devastating impact on that rural constituency.

Ambulance Service workers wrote to the Minister, and it is important that I put on record some of the points that they made to him, which they have also raised with me. They indicated:

"The proposal for the Northern Health Board Area is to remove one 999 ambulance from 9-5, Monday to Friday in Ballymena, leaving just 2 vehicles, a one third cut amounting to 40 hours per week. This is the entire saving for that whole area."

They go on to say:

“NIAS management ‘claim’ this will be offset by a new single manned rapid response vehicle (RRV) which they will provide, however, this vehicle is already in place (callsign Romeo 18) so this is a false claim designed to mislead the public.”

Again, those are their words; not mine.

The letter goes on to claim:

“It is expected that NIAS management will seek to spin the RRV as some sort of improvement, and this needs to be attacked head on by highlighting the shortcomings of this option.”

In their letter, the ambulance staff then set out the actual shortcomings, first explaining:

“The existing ambulance with a 2 crew, a Paramedic and a Technician, can respond to any 999 call, administer various treatments on scene and if necessary immediately transport the patient to hospital.”

Ambulance-treatment options include:

“Full 2 person Advanced Life Support (ALS) to a cardiac arrest, including CPR, Defibrillation and Drug Therapy, with Airway Protection.

Safe 2 person checking of all injected drugs before administration, including pain relief.”

That is a standard that I know that the Health Service wishes to maintain. In addition, there should be:

“Enough oxygen to provide multiple casualties at once.

Immediate transport for head injuries, strokes, internal injuries, etc which can only be treated in hospital.”

The letter goes on to state that a rapid-response vehicle with a lone paramedic can:

“Stop the 8 minute clock to falsely claim to meet government targets.”

We are getting to the real point; instead of recognising constituents’ needs, the Ambulance Service is attempting to stop the clock in order to meet targets.

Furthermore, a rapid-response vehicle with a lone paramedic can:

“Provide one person CPR only in a cardiac arrest.”

Anyone who knows anything about cardiopulmonary resuscitation (CPR) knows that two-person CPR is much more effective and quicker than one-person CPR.

Furthermore, such a vehicle can:

“Provide basic pain relief and a maximum of 1 hours oxygen.

Provide “first aid” treatment of any injury which needs hospital admission.”

However, importantly, an RRV cannot:

“Transport anyone to hospital.

Provide injected drugs safely, no second person to check dosage!

Do CPR, Defibrillation & airway protection safely, as each requires stopping the others by the lone operator, thus providing sub standard care!”

NIAS management will also claim that an ambulance will be dispatched immediately to back up the RRV”.

How can it, given that ambulance provision will have been cut already by one third?

Those points summarise ambulance workers’ concerns.

Although people on the front line will be expected to deliver the service, at the back of their minds, they will know that it will not be as efficient, or as proactive, as it ought to be and as it would be if a full ambulance service were available.

The proposed rapid-response-vehicle scheme was tried and tested in Wales. However, having experienced the downside of delivering the service to remote rural areas in the Welsh valleys, the ambulance service there accepted that that level of provision did not meet the needs of people in those areas. It is therefore now reverting to delivering a full ambulance service.

I appeal to the Minister to consider the policy afresh. I recognise that he must make efficiency savings that will, of course, be painful. Nevertheless, much more could be done by management instead of on the front line. Further efficiencies could be identified in areas that are capable of withstanding cuts.

Although the cuts that I described have been requested for Ballymena and North Antrim, parts of Belfast, for which considerably more ambulances are available, are being asked to make — proportionately — substantially smaller cuts. For example, more ambulances will serve Ardoyne than North Antrim. It is preposterous that a large rural area, which suffers from the problems that I outlined, will have fewer ambulances than an urban area such as Ardoyne. I am not saying that Ardoyne is not entitled to those ambulances — it is, and patients there have every right to expect such provision. However, to say that people who live in rural parts of Ulster are entitled to a lesser service is preposterous, and asking people in my constituency to accept the lion’s share of cuts is wrong.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Member on the opposite Benches for raising this matter. He made several good points, and I will attempt not to repeat them.

North Antrim is an extremely rural constituency, and the comparison with Wales, which is also a large rural area, is worthwhile. If the ambulance service in Wales has already undergone such an experience, we should not repeat its mistakes.

Ambulance Service workers in North Antrim and the people there — particularly those who live in the glens of Antrim, which have traditionally suffered from a lack of, among other things, health provision — have told me of their concerns about Ambulance

Service provision. It would be a great shame if that neglect were to continue under this Minister.

North Antrim is served by 10 accident and emergency vehicles: three in Ballycastle; four in Ballymena; and three in Ballymoney. All those vehicles have more than 100,000 miles on the clock, and eight of them have travelled more than 150,000 miles. It is important that we concentrate on those ambulances and ensure that they are replaced and upgraded, where necessary, rather than replaced with rapid-response vehicles.

There are many rumours in the constituency, and I hope that the Minister will provide clarity on his proposals. I hope that he will consider the opinion of all the elected representatives of North Antrim — as well as the public — and, primarily, those who work on the front line in the constituency. Rapid-response vehicles are useful, sometimes, in urban areas, but they will not make a huge impact in rural areas, such as the glens, which are already alienated. Several people have come to my office to complain about the Ambulance Service, particularly about the response times of some ambulances. I know of numerous examples in which it has taken an ambulance up to one hour to arrive at the scene of an incident. It is lucky that none of those cases resulted in a loss of life, but that could happen in the future — in fact, that is more likely if cuts are made.

The usefulness of the rapid-response vehicles must be explored further, especially since they will be restricted in the medicines and medical equipment that they will be allowed to carry. In some instances, as Mr Paisley Jnr said, the rapid-response vehicle will have to wait for the arrival of an emergency ambulance on the scene before drugs can be administered or the patient can be transferred to hospital.

There is a great deal of concern, particularly in the north of the constituency, about the knock-on effects that the restructuring and withdrawal of accident and emergency vehicles will have. There are rumours — and I emphasise “rumours” — in the constituency among people who work on the front line. They believe that the existing resources in the area will be overstretched to other areas, such as Coleraine, when the cuts are made. It is important that the Minister address those concerns and questions, many of which remain outstanding.

Ultimately, one must look at the human effect that the decisions will have on our communities. North Antrim is one of the largest constituencies in the North, and many parts of it are sparsely populated. The concerns of the constituents, and the constituency’s circumstances, must be considered when decisions on the Ambulance Service are being made. One cannot compare North Antrim with other constituencies; one

must consider its situation and its communities that live a considerable distance from the centre of service activity. Those concerns must be taken into account before the Minister makes any final decisions. He has to listen to the representatives from the area, its people, and, above all, those who work on the front line.

**Rev Dr Robert Coulter:** I thank Mr Paisley Jnr for tabling the topic for the Adjournment debate, because there is a great deal of concern in the constituency about what is going on. Gossip has been circulating about the reduction of ambulance cover, particularly in the Ballymena area. It is wise that we take a look at it.

Putting the patient first must be at the heart of everything that is done in the Health Service, and ambulance cover is no exception. The proposals for changes in the pattern of ambulance provision in North Antrim are out for public consultation; perhaps that is why gossip has raised concerns in the minds of so many people. It is vital that proper, well-argued and prompt responses to the consultation are made by everyone.

6.00 pm

I concur with what has been said about the rural area of North Antrim. However, North Antrim cannot be compared with other places, because it has wide rural areas and many centres of industry. A major accident would place a heavy demand on the Ambulance Service.

For some time, there has been concern in the constituency that ambulances are sitting in Ballymena in the evenings with no crews to work them. If an accident involving multiple casualties were to happen late in the evening, ambulances would have to be drawn from the surrounding towns, leaving those areas exposed as no ambulance cover would be available. The proposal to put an additional accident and emergency ambulance into Ballymoney, Coleraine and the glens of Antrim would alleviate the problem and concerns in many ways.

The shift rotas are changing from Friday 21 November, and the service for North Antrim will be reduced by one ambulance, which will adversely affect the 9.00 am to 5.00 pm cover. How can one situation be balanced against the other? In a hugely populated area, ambulances are being taken away; in rural areas they are being introduced. How will that sort of system get assistance to patients as quickly and as effectively as possible? I know that the idea is to have three rapid-response vehicles in Ballymena. However, as Mr Paisley has pointed out, patients cannot be brought to hospital in an RRV. Are ambulances being replaced by RRVs as a money-saving exercise? If that is the case, putting patients first has gone out the window. When considering ambulance cover in Ballymena, patients must come first.



I congratulate Ambulance Service personnel in the North Antrim area for the way in which they have coped with many difficult situations. I congratulate them for their dedication, their expertise, and the way in which they have, on many occasions, saved lives. However, in an area where there have been so many fatal accidents, my real concern is about what will happen when there is an accident in which many people need to be taken to hospital, and when only one patient at a time can be taken in our modern ambulance.

I can also see the dilemma faced by the Minister and the Department. If someone can provide a more convincing answer, he or she should come forward with concrete proposals. Those who criticise the proposed changes must come up with something other than a cheap line that is easy to trot out but, ultimately, means nothing. Debate must be intelligent and informed and, above all, practical and realistic — especially in these financially stringent times. I say: put the patient first; not the need to save money.

**Mr O’Loan:** I congratulate Ian Paisley Jnr for securing the Adjournment debate on what is a very important issue. However, I will not go the whole way, by any means, in supporting the manner in which he presents his concerns.

As has been said, this discussion occurs in the context of efficiency savings. Like all other parties in the Assembly, I support the achievement of greater efficiencies so that areas where improvements can be made can be identified, the existing service can be costed, and better outcomes can be achieved through transferring money within the service.

We all ought to support such efforts. Properly managed, efficiencies are not cuts. That is not to say that, in certain instances, they are not properly managed; in certain situations, across Government as a whole, they are not. Sometimes when efficiency savings are not made properly, they are cuts. However, I see no evidence of that in this case.

I will quote some figures, which might be somewhat different to the ones that Mr Paisley quoted. Mine are from a letter, dated 28 August, from the chief executive of the Northern Ireland Ambulance Service, Mr McIvor, to Ballymena Borough Council. It states that in the northern division, it is proposed — and Rev Robert Coulter is quite right that a public consultation on the matter is about to begin — that there will be a reduction of 2,659 hours per year of accident and emergency ambulance cover, which is conventional ambulance cover. However, there is to be an increase of 11,263 hours of paramedic RRV cover. Thus, for every hour reduced of conventional ambulance cover, more than three hours of RRV cover is put in place.

In Ballymena, according to one document, that means that there is a reduction of 40 hours of accident

and emergency ambulance cover per week, but considerably more RRV cover in its place. Mr McIvor, the chief executive of the Ambulance Service, does not discuss that matter in terms of hours, but he says that one 12-hour shift of accident and emergency cover is replaced by three longer shifts of RRV cover. We can immediately see where the savings will be made. Operating one-person crews instead of two-person crews will automatically generate a considerable saving. We are told that those are paramedic crews and that not all accident and emergency ambulances are paramedic-covered, although most are. We are also told that RRV vehicles, as their name would suggest, can get to the scene more rapidly than a conventional ambulance.

In my opinion, managers must be given substantial independence of action. It is not wise if they are repeatedly second-guessed by the political system without very good reason. The political system has a role, of course, but it is not to second-guess operational decisions without, as I said, very good reason. I am concerned about a developing political culture in that regard. I worry greatly that if that continues, we will deter good managers from taking up posts and make managers who are in post over-cautious in their decision-making. That should be seriously considered in the political system.

We are talking about professional ambulance staff and managers. If they tell us that an RRV response is appropriate in many cases, then we should listen to them and take them seriously. Again, I refer to Mr McIvor’s letter, the last paragraph of which states that paramedic RRVs are in common use throughout the United Kingdom and provide early patient care, improved clinical effectiveness and, therefore, improved patient outcomes. When considering the issue, I must ask whether those people are competent or not. If I have no reason to suggest that they are not competent, and if competent appointed managers tell me that a proposed change in service will lead to improved clinical effectiveness and patient outcomes, I take them seriously.

**Mr Paisley Jnr:** The Member is absolutely right that managers should be given their place, but does he accept that they should also be accountable for their actions? The people have determined that they are accountable to us as Assembly Members. We are entitled to hold managers to account, and they should be rigorously tested on the facts and figures that the Member has produced.

**Mr O’Loan:** I agree with the Member in that regard. Indeed, I was going to say that the outcomes should be monitored. A decision has not yet been made on the best way of providing service delivery. However, if the new service structure is deemed to be the best method of service delivery, the implications of



that decision and the outcomes of the service must be closely scrutinised. If anyone feels that they are receiving an inadequate service, elected representatives will want to hear about it.

Members have rightly raised the important issue of service provision to a large rural area in North Antrim, which includes the glens of Antrim. That area has steep, winding roads and many homes that are at considerable distances from ambulance centres. We need reassurance that the Ambulance Service will be of the required standard in that difficult-to-serve area.

I welcome the new service structure with an element of caution. The new structure is subject to consultation, which may yield further information that I will want to consider. I strongly welcome the capital investment that will provide a large number of new vehicles. I recognise what the Minister has done in that regard, and I thank him for that.

I support the Northern Ireland Ambulance Service in what it is doing. I will listen to any new facts that may emerge during the consultation process, and I await detailed monitoring of any new service that is implemented.

**Rev Dr Ian Paisley:** It is good for everyone that decisions have not yet been made on the matter, because it gives the Minister an opportunity to listen to the views of the North Antrim representatives. He will also consult with the people directly involved, and that will grant him a further opportunity to assess the exact lie of the land.

We are approaching the winter. It would have been better if we could have had the discussion before now, because people are very worried about what could happen this winter. North Antrim has a large urban population and a large rural population — both must be considered. We must give the Minister every opportunity to recognise that it is not a one-way street.

I appeal to the Minister to examine immediately the proposed arrangements, especially in relation to rural areas. The rural community need to be assured that they will have an ambulance service and that they will not be hung out to dry. No one in our country knows what a day may bring forth. It only takes one major calamity for the Minister to be accountable to the people. I ask him to assess those rural areas very carefully and ensure that, in the event of a calamity, the proper equipment and service can be supplied to the people who need it. I am sure that the Minister will take that into consideration when he maps out the way forward.

6.15 pm

To be frank, with any change there will be problems. There is no perfect solution that will close the book and make everything right. Any departure from the status quo requires a correct fit, and that does

not happen overnight, particularly where life-or-death calls are involved. Ambulances are the lifeline for people who must get to hospital in order to have their lives saved.

This is a very serious matter, and I trust that the Minister realises that no one in North Antrim is criticising him. They are glad that there is time to consider ambulance provision. They want him to look into the issue and to listen to what they have to say. They hope that, despite financial limitations, a system will be set up by working together.

This is a hard time for everyone, and it will get harder. I do not share the optimism of some people who believe that we are out of the darkness. There is greater darkness to come before it gets light. Therefore, it is a serious time, in which the Minister has his difficulties. If he had the money he could give this to us, but he has not. He must do his best with the money that he has. I am glad that there is a good representation from North Antrim in the Chamber to show the Minister that we are here to help him with the problem of ambulance provision. He will be blamed if he does not get the answer right. We want the Minister to know that North Antrim Members are with him and that we will do our best to encourage him and to get him the information that he needs. There is no use in approaching the Minister in three months' time and saying "I told you so". Now is the time to inform him.

I am sure that all of us in the Chamber are dedicated to doing that. Finally, I trust that he will give urgent consideration to the matter that I have raised — in the event of a local calamity the proposals will leave the rural part of the constituency in great difficulty.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I thank Mr Paisley Jnr for requesting this Adjournment debate. Although the issue of the comprehensive spending review (CSR) and its impact on the Ambulance Service was debated in this Chamber a few weeks ago, it is clear that the debate on the issue continues to be a matter of concern for the public and their representatives. People are naturally focused on what effect the proposed changes will have in their local areas.

In relation to Ballymena and North Antrim, Ballymena Borough Council and Moyle District Council have written to me to express their concerns. I, therefore, welcome the opportunity to reassure Members of my total commitment to providing a quality, fit-for-purpose, twenty-first-century Ambulance Service for the people of Northern Ireland, including North Antrim. I say, once again, that the level of ambulance provision is absolutely not being reduced.

I will start by repeating some of the remarks that I made in a previous debate. The men and women of the Ambulance Service deserve to have modern equipment

and vehicles and the technology that enables them to deliver high-quality emergency care to the public. That is why I am investing almost £100 million of capital funding over the next 10 years in the Ambulance Service. That includes £17.4 million over the CSR period.

The Northern Ireland Ambulance Service intends to use that funding to replace its fleet and equipment on a regular basis and modernise its estate. Over the next three years, it will purchase 60 new accident and emergency vehicles, 60 patient-care vehicles and 26 new rapid-response vehicles. In the longer term, that will allow the Northern Ireland Ambulance Service to move to a rolling programme of replacement so that no vehicle will be more than five years old.

New vehicles and equipment will be matched by new ways of delivering emergency care to people who require that vital life-saving service. That is where the CSR comes in. The efficiency savings that the Northern Ireland Ambulance Service Trust, in common with all other health and social care trusts, must deliver were agreed by the Northern Ireland Executive. The CSR is not simply about saving money — it is about the targeted, sensible and effective reinvestment of those savings in front-line services.

In common with many other health and social care organisations, the Ambulance Service is experiencing an ever-increasing demand for its services, which amounts to 10% more emergency calls each year. Therefore, it is crucial that the Ambulance Service, along with other health and social care organisations, should seek to improve the way that it delivers its services. That means developing new ways of working to reflect modern best practice and enhancing the skills of its workforce so that they can provide a greater range of clinical interventions in emergency situations. For example, the introduction of the new rapid-response ambulance vehicles with a single paramedic allows the Ambulance Service to realise an improvement in service delivery, which will benefit patients.

The use of the RRVs sees the introduction of a model of service that has been applied elsewhere in the UK and has been proven to work. They are widely and extensively used in England and Scotland. They were being rolled out in Wales, but union opposition prevented the completion of that — rather than the service, it was union opposition that prevented RRVs from being taken up in Wales.

In no way does use of RRVs compromise patient care; their greater use in no way represents a less effective emergency service. Members may be aware that the Ambulance Service has a target of responding to 70% of category A — life-threatening — calls within eight minutes. When an emergency call is made, an RRV and an ambulance are dispatched at the same time. Each RRV has a paramedic in it, and each

ambulance has a paramedic and an assistant. It is the vital service and support that the paramedic provides that is key. Each RRV is equipped with the same life-saving equipment as an ambulance and — typically — will get to the scene of an injury more quickly. That allows the paramedic to treat and stabilise the patient prior to the arrival of an ambulance to transport the patient to hospital.

An ambulance service is not a snatch-and-grab operation — rushing out, grabbing the patient and putting him or her into the back of the vehicle. It is about getting the appropriate medical care to the patient as quickly as possible. The quickest way to get a paramedic to a patient is to use a rapid-response vehicle, backed up by the ambulance. Recently, I saw that in Belfast when I was in an RRV — I saw how the RRV responds first, followed by an ambulance a few minutes later. I was extremely impressed by the whole system.

RRVs are more efficient, because the paramedic can assess whether an ambulance is required. Around 10% of emergency calls do not require an ambulance. In those cases, the RRV can stand down the ambulance and allow it to be directed to another call. The effectiveness of the provision of ambulance services cannot be measured by the number of ambulances on the road — a more meaningful measure is the number of hours of emergency cover that the service provides.

By the end of the CSR period, paramedic response capacity will have been increased by 61,000 hours to more than 600,000 hours of cover. The other side of the efficiency savings coin is investment in new developments, and I have made available substantial additional funding over the three years of the CSR period. Over that period, I have made available an additional £12 million of revenue funding, which will deliver not only the additional hours of rapid-response cover but which will also support paramedic thrombolysis and the introduction of 28 clinical team leaders who will deliver 24/7 clinical supervision.

In effect, the Northern Ireland Ambulance Service's operating budget will increase by about 24% from £46.5 million last year to £57 million in 2010-11. That represents a substantial investment in the Ambulance Service's most important asset: the people who work for it. The dedication of the men and women to saving lives is a credit not only to themselves but to the service as a whole.

It is, of course, a regional service. It combines urban areas such as Ballymena and Coleraine with rural areas such as the glens of Antrim, both of which present challenges to the service in ensuring acceptable response times. The Ambulance Service delivers regionally, according to area. For example, Ballymena and the glens are part of the northern area, which has 36 accident-and-emergency ambulances, and it is

proposed that it will have 35 by the end of the CSR period. However, the number of rapid-response vehicles will rise from two to five. Coleraine has five accident and emergency ambulances and one rapid-response vehicle; Ballymena has four accident and emergency ambulances and one rapid-response vehicle.

Bob Coulter said that ambulances are not being manned. We do not man all the ambulances all the time; we man roughly half of them. That reflects shift patterns and the fact that peak times are from 11.00 am to 4.00 pm and from 10.00 pm to 2.00 am. Much of the rest of the day is downtime. A large percentage of an ambulance crew's shift is spent in a station waiting for a call. Therefore we do not man all ambulances all the time. There are about 130 accident and emergency ambulances in the system, about half of which are manned at any given time.

The Ambulance Service prepares for a major event, and I visited a major event preparation a few weeks ago. It included police and fire services, as well as all the accident and emergency units of the hospitals in Belfast and the Ambulance Service.

**Mr Deputy Speaker:** Will the Minister draw his remarks to a close?

**The Minister of Health, Social Services and Public Safety:** Thank you, Mr Deputy Speaker. Mister O'Loan's figures are right. In the northern area, 2,000 hours of traditional accident and emergency ambulance cover will be replaced with 11,000 hours of paramedic rapid-response vehicle cover, which will give a net gain of 9,000 hours of paramedic cover.

The consultation is important, as it gives everyone an opportunity to make their point. However, the Northern Ireland Ambulance Service is a net gainer from CSR savings. Other trusts would like to be treated in the same way.

*Adjourned at 6.29 pm.*





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# NORTHERN IRELAND ASSEMBLY

Monday 17 November 2008

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

*Members observed two minutes' silence.*

## MINISTERIAL STATEMENT

### Liquor Licensing and Registered Clubs Law

**Mr Speaker:** I have received notice from the Minister for Social Development that she wishes to make a statement on liquor licensing and registered clubs law.

**The Minister for Social Development (Ms Ritchie):** We had to deal with this matter quickly, Mr Speaker, and copies of my statement are now being printed. I am grateful to you for this opportunity to present my plans for changes to the law on liquor licensing and registered clubs.

I spoke to the Committee for Social Development on the matter two months ago. In the past, I have spoken in the Assembly on elements of liquor licensing and registered clubs law, and my officials and I have supplied Committee members with information.

Today, I welcome the opportunity to present all the issues in the House. Complex and emotive matters are involved, and Members will appreciate that it has taken some time, and much hard work, to get to this point. I hope that Members and other stakeholders will, on reflection, agree that the effort has been worth making. I wish to outline my immediate reform proposals, including, with Executive agreement, urgent legislation to strengthen enforcement measures and to ease the bureaucratic burden on clubs. I also wish to signal my longer-term intentions. I will then be happy to answer questions.

First, it will be helpful if I sketch in some background. My responsibility for liquor licensing derives from my remit to improve the physical, economic, community and social environments of neighbourhoods, towns and cities in Northern Ireland, with a particular emphasis on tackling disadvantage.

I have important questions to tackle. How can our society's handling of alcohol contribute positively to achieving our social, economic and regeneration

objectives? More specifically, how can the law on liquor licensing help with effectively managing alcohol?

Northern Ireland law on liquor licensing and clubs has remained largely unchanged for over 12 years, despite many changes in expectations in the environment and in social and economic circumstances during those years. The law needed to be examined, not least in response to pressure from the licensed trade, to determine whether it should be reformed and updated to reflect the developments of that 12-year period, both good and bad, and to determine how that should be done.

I firmly place the rising level of alcohol abuse in society in the category of unwelcome developments. Alcohol abuse has effects on ill health, disorder, crime and domestic violence, and it causes other problems. Those affect everyone one way or another, and we all must face up to our common duty to develop adequate responses. Licensing law alone cannot solve the problems, but, in conjunction with other initiatives with the public, private and community sectors, it can help to make a difference.

I was fortunate that, when I began my review, I had the benefit of the work that was done by my predecessor with his ministerial colleagues and officials. That provided me with a comprehensive information base upon which to build and with which to proceed. My review was carried out against the backdrop of the review of public administration, and I have tried to ensure that my proposals are future-friendly and that they can align comfortably with the objectives and structures of the new dispensation.

I make clear that I am putting together proposals that will form the outcomes of my review. My overall aim has been to achieve a balanced package of reforms that is tailored to Northern Ireland's needs and circumstances and that fairly addresses the aims and concerns of the varied range of stakeholders in the area, who have competing agendas and sometimes conflicting points of view. Those stakeholders include those with interests in regeneration and health and community safety; the police; district councils; and the tourism, hospitality, licensed and retail sectors.

I propose to introduce reforms in two stages. Stricter enforcement measures are needed urgently to address the growing problems that public health faces, and the problem of disorder and underage drinking in Northern Ireland. Therefore, in the first stage of my reforms, I shall bring forward a short Bill to introduce new enforcement provisions, which earlier consultations showed to have widespread public support. I am convinced that the measures are even more relevant now.

My Bill would amend the Registration of Clubs (Northern Ireland) Order 1996 to make provision for new powers of closure. Those would allow the police

and courts to immediately shut down, for up to 24 hours initially, individual licensed or club premises or premises in a particular area where there is actual or likely disorder. Offences of failing to comply with the new closure orders would also be created.

Secondly, I shall propose the introduction of a system of penalty points to be levied by courts on premises that break the law. The courts would have some discretion about imposing those, but they would be obliged to endorse points on a licence or certificate for serious offences, such as underage sales. Premises that accumulate 10 points in any three-year period would have their licence or certificate suspended for a minimum of one week and a maximum of three months.

I recognise that serious problems are linked to alcohol abuse by young people, so I intend to introduce a statutory proof-of-age scheme that, for the first time, would specify acceptable proof-of-age documents for the purposes of the law on licensed and registered clubs. Those documents would be a passport; a photo card driving licence; a Northern Ireland electoral card; and any proof of age standards scheme-accredited photo identity card. Power would be provided to make regulations to specify other age cards if needed.

Premises would be obliged to display specified signage describing the new scheme, and a new offence of failing to display the signage would be created. I am confident that the new arrangements would help to protect law-abiding licensees and would complement the new PSNI test-purchasing power, which is due to come into effect in 2009.

Finally, the new Bill will introduce more appropriate accounting requirements for registered clubs. The PSNI has acknowledged that the financial mismanagement that existed previously in some clubs is no longer in evidence, and it has, therefore, recommended that a modernised approach be taken in recognition of the work that clubs have done in recent years to improve their accounting practices. The new provisions will take account of the differing circumstances and requirements of small, medium and large clubs and will go some way towards easing the bureaucratic burden on such clubs.

I mentioned that those issues have been consulted on already; in fact, they have been consulted on twice. In November 2005, my predecessor sought views on a package of policy proposals, which included closure powers, penalty points, more flexible accounting for clubs, and a voluntary, rather than a mandatory, proof-of-age scheme. In December 2006, my predecessor consulted on a draft Order that would have introduced closure powers, penalty points and amended accounting provisions. However, the restoration of the Assembly meant that in the event, that draft Order was not enacted. The policy and legislative consultations showed overwhelming support for closure powers and penalty

points. They also demonstrated widespread support from the PSNI, health interests, licensees and others for a mandatory proof-of-age scheme.

The consultations showed that opinion was split evenly on the proposals for clubs' accounting provisions. In light of those results, I do not believe that further consultation on the provisions of my draft Bill will be necessary. Indeed, such consultation might unnecessarily delay important measures that will provide greater safeguards for the community. In that respect, I am fully cognisant of the debates that have taken place in the Assembly, not least the debate that we had last week on the issue of alcohol abuse. I believe that stronger enforcement measures for liquor licensing are required.

Given present laws for more effective enforcement of the law, the Bill is likely to be broadly welcomed. The closure powers will bring us into line with what exists in Britain, and the proof-of-age provisions will be similar to those that exist in Scotland and the South of Ireland. The penalty-points and club-accounts provisions will be unique to Northern Ireland. With the Executive's agreement, I hope to see the Bill proceed in the present legislative session and come before the Assembly in early summer 2009.

The second stage of my planned reforms, which involves more fundamental changes, will take place once the review of public administration is complete and a new system of local government is in place. At that stage, my intention will be to simplify and harmonise controls on the sale and supply of alcohol. I aim to do that by transferring responsibility for liquor licensing and the registration of clubs from the courts to the newly formed district councils. I am confident that that will increase the system's efficiency, effectiveness and accountability and make it more responsive and accessible to local residents, planners, decision-makers, and those on which local economies rely, including the licensed-hospitality, retail and other business sectors.

At the same time, I will underpin that new regime by introducing six new statutory licensing objectives. Those objectives are the promotion of public health; the promotion of public safety; the prevention of crime and disorder; the prevention of public nuisance; the protection of children from harm; and the fair treatment of all stakeholders. Those objectives will form the basis for consistent central and local government work on policy, legislation and procedure.

As a further streamlining measure, I propose to abolish the present 12 licence categories in favour of a dual system of personal and premises' licences. Under the proposed new system, each council will be responsible for drawing up a statement of licensing policy for its area. They will also be responsible for decisions on the grant review and the renewal of premises' licences and

clubs' certificates and the conditions that are to be imposed on them.

In carrying out their remit, councils would be required to consult residents, police, licensees, retailers and other businesses in their area, as well as those responsible for environmental health, planning and health and safety issues. Councils would be supported in their work by central guidance, produced by my Department, in order to promote clarity and consistency.

12.15 pm

The changes that I have in mind for the second phase of the process formed part of the November 2005 policy consultation that was carried out by my predecessor. Around 60% of respondents were opposed to transferring responsibility from courts to councils, 32% were in favour, and 8% were neutral. The vast majority of respondents favoured the introduction of licensing objectives. There was roughly a 50:50 split among the licensed trade, political parties, councils and health groups on the abolition of licence categories. A good proportion of those organisations wanted to keep pub and off-licence categories, but to abolish or simplify the rest. Those are my proposals for legislative reform in the short and longer term.

Before taking Members' questions, I wish to address the issues of surrender and the review of public administration. Last December, my Department provided the Social Development Committee with a paper summarising the results of a business impact assessment. I commissioned that assessment to ascertain the financial implications of abolishing the surrender provision, which requires a licence for a pub or off-licence to be handed to a court — surrendered — before a licence for a new business of either type can be granted. Over time, that practice has reduced the number of pubs and off-licences in Northern Ireland, and it prevents additional ones from starting up.

The business impact assessment debunked some of the claims that were made during the debate on my predecessor's proposal to abolish the surrender principle. It also demonstrated that it was not possible to obtain robust evidence on which to base firm conclusions in respect of the financial effect on current licensees, potential licence applicants, or other stakeholders of retaining the surrender provision in its current form or of abolishing it en masse at a future date. I hope that Members will note that, in the absence of a robust evidence base, and after reflecting on one of the final debates that took place in the Transitional Assembly in January 2007 on a cross-party basis, I have decided to take no action on the surrender principle.

My proposal to transfer responsibility for the licensing regime from the courts to district councils does not fall within the ambit of the review of public administration, since it does not involve the transfer of functions from

my Department. Nevertheless, I would like my reform proposals to be capable of being implemented in a way that respects the arrangements and structures that are planned for local government after 2011. The devil is almost always in the detail, and I am open to views on how best we might prepare to deliver changes, in harmony with the councils and other stakeholders, and to monitor and review them over time.

Finally, I ask Members to note that I am committed to ensuring that the law in this area complements my departmental, social and regeneration objectives, and that it is durable, far-sighted and fit for purpose. I am committed to working with my Executive colleagues to ensure that the law supports the wider Government agenda. In the immediate future, I look forward to working closely with Minister McGimpsey and the ministerial subgroup on children and young people to ensure that liquor licensing legislation contributes positively to combating the harm caused to our young people by alcohol abuse.

I am committed to seeing legislation put in place as swiftly as possible in order to introduce strong enforcement measures to more effectively promote and, if necessary, compel compliance with the law for the benefit of responsible retailers, young people and, ultimately, our community at large. I have, therefore, made a formal bid to have my Bill included in the current legislative session, and I have submitted a policy memorandum to the Executive, seeking agreement for my proposals.

That paper was to have been considered at the Executive meeting scheduled for 30 October, which did not take place. Current circumstances notwithstanding, I hope to see those much-needed measures introduced without delay.

I thank Members for their attention and am happy to take questions on the issue, which is important, not only for the House, but for the people of Northern Ireland. I look forward to receiving Members' support.

**The Chairperson of the Committee for Social Development (Mr Simpson):** At its meeting on 25 September, the Social Development Committee considered the Minister's proposals for liquor licensing. The Committee largely welcomed the proposals for new closure powers for the police; a system of penalty points to be levied by the courts on those premises that break the law; a statutory proof-of-age scheme; and revised accounting requirements for registered clubs.

Only a week ago, some Members, including me, spoke about the substantial social and health issues that are related to alcohol. Therefore, I ask that the Minister respond to the suggestions made by the Committee in respect of limiting so-called proxy purchases, when an adult purchases alcohol on behalf of underage drinkers. The Committee suggested that



legislation be put in place to allow the PSNI to ban those adults from particular off-licences and supermarkets. Will the Minister indicate whether she will address that issue in her new proposals?

**The Minister for Social Development:** I thank Mr Simpson, and the members of the Committee, for giving me a fair hearing and for giving me what could, I suppose, be classified as passive support. As I said to the Committee that day, I am always anxious to hear the Committee's views, and I did hear its views on that particular occasion.

For the first time in local licensing laws, I intend to specify, in statute, the forms of identification deemed acceptable as proof of age for the purposes of licensing and club laws. I am doing that because I am very conscious of the debates that have taken place inside the Chamber, in the wider community, in district councils, in district policing partnerships and in community safety partnerships. People want stronger enforcement powers around the issue of alcohol and liquor licensing, and around the issue of alcohol abuse. I have an open ear to everything in that respect.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. As the proposer of one of the motions mentioned, I welcome the Minister's update as a positive step forward. I welcome the powers for the police and the courts to immediately shut down premises, but does that include off-sales? We are all aware that in some communities, off-sales are at the heart of the hot spots where we seem to be fighting a losing battle. Is there any update on putting the names of off-licences on plastic bags? That might not seem a big deal, but everybody in the Assembly supports that, and it would be another step forward in tackling and combating underage and on-street drinking.

**The Minister for Social Development:** I thank Ms Ramsey for welcoming the proposals; I do recall her motion back in April in respect of this issue. I want to ensure that the strongest enforcement powers are placed in legislation. That is what Assembly Members, district councils and the wider community are looking for. I feel that those measures will be stronger than the labelling of plastic bags. Therefore, notwithstanding Ms Ramsey's point, I urge Members to support those measures.

Closure orders by the courts relate to likely, rather than actual, disorder in an area and may apply to several licensed premises.

**Mr B McCrea:** The Minister will be aware that I have spoken on this matter on several occasions. She must be congratulated for proposing these new measures. I particularly welcome her determination to enhance enforcement. Can she explain to the Assembly how she plans to deal with the difficult fact that 80% of alcohol is purchased not in pubs and clubs, but from off-licences

or through proxy purchases by other people? Although she aims to strengthen enforcement, has she any thoughts on how she might encourage responsible drinking in regulated licensed premises?

**The Minister for Social Development:** I thank Mr McCrea for his kind words. He refers to the issue of penalty points and enforcement measures against people in the licensed trade who do not adhere to the principles to which we would all like them to adhere.

Unlike in England and Wales, where no such power exists in liquor licensing, Northern Ireland already has a precedent for penalty points. Registered clubs may receive points for financial offences, for example. An accumulation of 10 points can lead to a club's registration being cancelled. Perhaps some Members were not aware of that.

The question is how penalty points will be linked to closure orders. A conviction and fine for failure to comply with a court's closure order may incur three or four penalty points. More serious offences, such as failure to comply with either a police closure order or a court decision following a closure order will automatically lead to an endorsement of five or six points. I do not believe — and I am sure that no one else in the House believes — that a licensee wants that sort of endorsement on his or her licence. It is not good for business. We all want to encourage licensees to act in the best possible faith on behalf of Northern Ireland's wider community.

**Mr A Maginness:** I congratulate the Minister on the introduction of what is probably the most radical shake-up of licensing laws and controls in Northern Ireland in recent years. In particular, I welcome the introduction of penalty points and the simplification of licensing laws that is long overdue. I also welcome the proposed transfer of responsibility to local Government. It is important that local people have a say in local licensing control and management.

I understand that the Minister has said that consultation has taken place on those matters with previous Ministers — direct rule Ministers, it must be said. Can she assure the House that she will continue to consult with the most relevant bodies — representatives of the licensed trade, the PSNI and local councils — before any of those measures are finally introduced by legislation?

**The Minister for Social Development:** I have no problem with listening to the views of the Licensed Vintners Association, the PSNI and district councils, because liquor licensing is very much a fluid situation — I hope that Members will pardon the pun. It is, therefore, important to be cognisant of all views.

**Ms Lo:** Like other Members, I congratulate the Minister for bringing forward new proposals for the reform of liquor licensing; in particular, the proposal for new closure powers to tackle underage drinking.



12.30 pm

The Minister has, I hope, addressed the issue of surrendering licensing once and for all, because there is no need for any more pubs and off-licences. I want to ask the Minister about the mechanism for monitoring and inspecting licensed premises for infringements that are liable for penalty points. How will penalty points be accrued, and who will monitor the premises?

**The Minister for Social Development:** I thank Ms Lo for her support. Perhaps I should explain the background to penalty points, some of which I outlined in my answer to the Chairperson of the Committee for Social Development. The concept of penalty points is not new in Northern Ireland, where it already exists for financial offences in the legislation for registered clubs. By extending the provision to licensed premises and applying it to most offences, I hope to ensure that premises that flout the law face more than just a fine.

The courts will have some discretion for relatively minor offences, but more significant cases, such as two or three offences of underage sales within three years, will automatically result in the suspension of a licence or club certificate for a minimum of one week and a maximum of three months. Thus Members can see that the measures are not only particularly hefty but punitive. The public in Northern Ireland sent out a loud and clear message that they want the Assembly to act and to introduce stiffer liquor-licensing legislation.

**Mr Hilditch:** The DUP joins other Members and most people in welcoming the beginning of work on licensing, particularly the enforcement provisions and the issue of surrender — of course, this morning, it is a case of no surrender for the Minister. However, many problems exist for those who make a living from the industry. The extremely cheap products that are on sale in supermarkets have a negative impact on society, and other jurisdictions are examining that issue. Is the Minister similarly minded to examine that situation? The legislation will not have any effect on their continued sale.

**The Minister for Social Development:** Naturally, I will consider all issues that have an impact on liquor licensing. I am committed to maximising the contribution that legislation, in conjunction with initiatives by Executive colleagues and others, can make to tackling alcohol abuse. In response to Mr Hilditch's point, other Ministers also have responsibilities, because alcohol abuse affects the health and well-being of individuals. It is important that all Members understand that tackling alcohol abuse is a cross-departmental and cross-ministerial issue. My remit only covers liquor licensing and its impact on the wider environment.

**Mr F McCann:** Go raibh maith agat, a Cheann Comhairle. I also welcome the Minister's statement. The Committee for Social Development gave her its full support at a meeting.

However, councils have expressed some concerns and fears that when the legislation becomes their responsibility, they will spend their lives in court, defending cases brought against their decisions. Given that legal proceedings can be hugely costly, can the Minister ease the mind of councils by offering financial support?

**The Minister for Social Development:** Thank you, Mr McCann. Liquor licensing sits easier with local government, because there is a greater knowledge of related issues at that level.

Although the courts have significant experience of, and expertise in, liquor licensing, the transfer of the licensing system from the courts to district councils will allow the public to approach the licensing authority more easily and will facilitate increased transparency and accountability. Moreover, the transfer will permit better local planning and control, and will rely on local advice, support and expertise. As Members know, the transfer will take place during the second stage of the reforms, once the review of public administration has established the new councils. The funding matters will be addressed later.

**Mr Craig:** I warmly welcome the proposals to transfer licensing control to local councils. That measure will increase local accountability and give local communities a greater role. However, the transfer will cause legislative issues and give rise to legal challenges. Will the Minister assure the House that she will give councils strong legislative controls to ensure that they will not experience a legal quagmire when making decisions?

**The Minister for Social Development:** I agree; licensing control is more suited to local government than the courts. I understand that local government will face new challenges, and I empathise with their situation. I have no doubt that, as before, local government can meet those challenges. As Mr Craig and Mr McCann said, a considerable workload will result from the transfer.

**Mr P Ramsey:** I welcome the Minister's statement. It is timely, given last week's debate on alcohol misuse. The Minister's leadership will contribute greatly to addressing harm reduction, and her key objectives focus on public health, promotion of public safety, crime and disorder, and prevention of public nuisance. All those measures will be well received by the voluntary and community sector and by families in Northern Ireland who have been affected by alcohol misuse and abuse.

As the Minister said, the Department for Social Development cannot singularly make a difference to harm reduction; other Departments must buy in. Should the Executive take greater control of the issue of harm reduction? Will the Minister explain why the police and the courts have been given more powers to close licensed premises?

**The Minister for Social Development:** I will address the general issue before answering Mr Ramsey's specific question. I agree that there is need for cross-ministerial and cross-departmental buy-in, and, as I said at the outset, I am committed to maximising the contribution that liquor-licensing legislation — in conjunction with initiatives by Executive colleagues and others — makes to tackling alcohol abuse. Minister McGimpsey's cross-departmental forum addresses that topic.

Mr Ramsey asked why the courts and the police have such sweeping powers to close down premises. The Secretary of State has the power to reduce opening hours or to close down premises in order to preserve public order. Our society is moving towards a more normal mode and model of democracy, and now is the right time to transfer that power to the custodians of licensing law — the courts and the police.

**Mr Hamilton:** At the start of her statement, the Minister mentioned that liquor licensing had to be addressed with haste. Despite her rush, will she assure the House that she sought and received approval from the First Minister and the deputy First Minister to make her statement? Given that she did not seek approval from the Office of the First Minister and deputy First Minister to make her statement on the conflict transformation initiative — and I believe that she is in court tomorrow because of that — does she agree that seeking and receiving approval is desirable?

**Mr Speaker:** Order. It is important that the Member asks questions about the statement.

**Mr Hamilton:** My question relates to the statement.

**The Minister for Social Development:** As I am sure the Member is fully aware, I sent three specific letters to the Executive about this matter. The bottom line is that the Executive should be meeting and discussing these issues.

**Some Members:** Hear, hear.

**The Minister for Social Development:** It is up to those who are blockading the Executive to ensure that Executive meetings take place on the issues that matter to people, such as those older people who arrived at the Assembly today, and those who are looking for leadership on liquor licensing and alcohol abuse.

I first presented my proposals to the Committee, and on foot of that, I supplied an Executive memorandum to my colleagues requesting that they consider those proposals. I then wrote to the First Minister and the deputy First Minister requesting permission to make a statement in the Assembly today. I sent that letter two weeks ago, but as yet, I am unaware of having received any response from the First Minister and the deputy First Minister. I find that extremely disappointing.

Given the urgency of the issue and the debates that have taken place in the Assembly, I then wrote to the

Speaker, knowing his particular difficulties with the matter. I am glad that he kindly agreed that I could make my statement. I appreciate that all the proposals are subject to Executive agreement, but the bottom line is that the Executive must meet this week to address the urgent issues that face the people of Northern Ireland. The Member knows that I cannot comment on the other issue that he raised this morning, because to do so would be sub judice.

**Mr Shannon:** I thank the Minister for her statement, about which I have a couple of questions. She stated that she has decided to take no action on the surrender principle at the present time. That may raise a question in the minds of some of those who have the value of a licence. Will the Minister confirm today that she intends to consult fully when the opportunity arises?

The statement also mentioned councils, and other Members spoke about the role of councils. Will the Minister confirm that her intention is to ensure that local councils, which will have responsibility for licensing laws, will have the necessary resources to ensure that those laws are enforced? Will she also confirm that the new proposals will not put the burden on councils again where council officers and finances are concerned?

The Minister's statement also referred to the issue of proof of age. Unfortunately, it seems that, although that issue is specific to pubs and clubs, and so forth, it has not filtered through to supermarkets. The Challenge 25 scheme that ASDA operates is a voluntary programme, but does the Minister intend to introduce a similar scheme to all shops, thereby ensuring that proof of age is necessary?

**The Minister for Social Development:** I am mindful of the Member's comments about the surrender issue and of the comments of those who are involved in the licenced trade. I am also mindful of the points that were made in the Transitional Assembly in January 2007 on that issue. Given that there was no robust evidence base on which to base conclusions about the impact of the surrender principle, I have, therefore, decided to take no action on the matter. I know how pressed people are at this time.

I will also be mindful of the Member's comments about other premises and about councils' functions and budgets.

12.45 pm

**Mr Spratt:** I welcome the Minister's statement, particularly the six statutory licensing objectives. The prevention of crime and disorder and public nuisance are linked because much antisocial behaviour undoubtedly comes from the blue-bag brigade. The hands of the PSNI are tied unless officers actually see people consuming alcohol; they cannot deal with the issue otherwise.

As the second reform stage progresses, will the Minister take the opportunity to study the legislation and ensure that it is robust, so that all the enforcement agencies can very clearly deal with this scourge on society that causes great grief to communities in all parts of the Province?

**The Minister for Social Development:** I take the Member's points on board. I stress again that this is a cross-ministerial, cross-departmental issue that also involves statutory agencies. I also point out that the PSNI supports the proposed changes. Following my predecessor's review, on the basis of which my own review was developed, the PSNI endorsed the broad package of short- and long-term measures that were proposed as being responsible, proportionate, balanced and forward-looking.

More recently, officers worked closely with my officials to develop and agree the detail of the proposals for enforcement and those clubs that will be contained in the first new Bill. We will also discuss measures for the second reform stage, which will deal with the review of public administration and the transfer of responsibility from the courts to the councils. Therefore, responsibility, at that stage, will rest with the councils, which will interface with the PSNI.

## EXECUTIVE COMMITTEE BUSINESS

### Pensions (No. 2) Bill

#### First Stage

**The Minister for Social Development (Ms Ritchie):** I beg to introduce the Pensions (No. 2) Bill [NIA 2/08], which is a Bill to make provision relating to pensions; and for connected purposes.

*Bill passed First Stage and ordered to be printed.*

**Mr Speaker:** The Bill will now be put on the list of future business until a date for its Second Stage is determined.

## PRIVATE MEMBERS' BUSINESS

### Community Use of Schools Premises Bill

#### Second Stage

**Mr McNarry:** Following a meeting with the Committee for Education on 12 November 2008 — and a follow-up meeting with a senior departmental official — some key developments have emerged that present a welcome opportunity for the Department of Education, the Committee and me to consider new and appropriate action that is relevant to the Bill. The Committee Chairman is willing to co-operate on the matter, for which I thank him. I ask that the House allows me to choose another day on which to move the Bill. The Second Stage of the Community Use of Schools Premises Bill is not moved today.

**Mr Speaker:** The Second Stage of the Community Use of Schools Premises Bill is not moved.

## Executive Committee: Requirement to Meet

**Mr Speaker:** I have been advised that there will not be an Executive response to the motion. That being the case, I will not call — *[Interruption.]*

Order, order. That being the case, I will not call any member of the Executive to speak in that capacity. If any member of the Executive indicates that he or she wishes to speak during the debate, he or she will be called as a private Member and should contribute from the Back Benches.

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

**Sir Reg Empey:** I beg to move

That this Assembly requires the Executive Committee to meet immediately, in accordance with the Pledge of Office and the Ministerial Code.

In addition, Mr McGimpsey and I accept the amendment tabled by Lord Morrow, as it is, largely, a statement of fact.

It is 151 days since the Executive Committee has met. That is almost five months since the Government of Northern Ireland have been able to meet and agree on a collective approach to the ever-growing array of socio-economic problems that accompany the economic downturn. It is amazing to think that the world has changed dramatically during that time, yet the Executive have been unable to fulfil their remit, or address key issues that are of concern to the House or to the general public.

Devolution was supposed to make a difference to all the people of our Province. A recession does not distinguish between unionist and republican or rich and poor, nor does it distinguish between constituencies, political parties or Departments. The recession is affecting all of Northern Ireland, and all our people. Indeed, the demonstration outside this Building this morning is proof positive that that is the case.

At this critical time, the one thing that we need above all else is hard evidence that Ministers and MLAs are getting to grips with the problems, addressing the pressing issues, and, within legislative remits, providing solutions. A situation in which the Assembly seems detached, ineffective and unco-operative is leading to media cynicism and unprecedented public disenchantment.

The First Minister recently told his party conference:



“how this Executive deals with the present economic crisis will be the yardstick by how devolution as a whole will be judged”.

The reality, of course, is that there is not even a yardstick. How can the Executive deal with the present economic crisis when they are not even meeting? How can Michael McGimpsey and I fulfil the terms and conditions of the Pledge of Office, when we are not allowed to sit at the Executive table? To put it bluntly, how can anyone — in the House or among the general public — have confidence in a Government that have not met since 19 June 2008?

The Ulster Unionist Party has waited and waited. We were informed that consequences would follow if the Executive did not meet. We were told that parties were continuing to meet behind the scenes in order to sort out their difficulties. However, after 151 days of non-meetings, our patience — like that of the general public — has run out. That is why we have tabled this motion.

The motion is a genuine attempt to air the frustrations felt about that ongoing absurdity. It is incumbent on the First Minister and the deputy First Minister to explain to the House why the Executive are not meeting. Only they, acting jointly, can convene meetings of the Executive. Therefore, we hope that the motion will concentrate minds, and if the ongoing inter-party talks are about to produce an outcome, I trust that the House will be informed of that today.

Sinn Féin alleges that it has a deal on the devolution of policing and justice that was not honoured. I do not know with whom it has such a deal, but perhaps that party will enlighten us on that today. However, the House and the public are entitled to know what is so important to Sinn Féin that the possible devolution of policing and justice trumps the need to address and resolve the immediate, and potentially devastating, impact of the economic crisis.

This debate presents the First Minister and the deputy First Minister with the opportunity to explain to the rest of us why our Government have been placed in suspended animation, because the ongoing and long-drawn-out stalemate is making a mockery of the DUP claim that it had brought an end to stop-go devolution.

Whatever solution is found to the present impasse must not be another fudge to get us out of the latest hole. Northern Ireland needs stability. It needs an Assembly and an Executive Committee that are meeting and working in harness, and a mechanism to deal with the inevitable hiccups that arise in politics. It does not need months of stalemate.

Mutual veto was never supposed to be used as a tool for holding the Executive Committee to ransom. There is an undercurrent that revolves around the Office of the First Minister and deputy First Minister (OFMDFM). There is a public and a political misunderstanding of the role of that office and its occupants, which has

contributed to what has become a rather immature trial of strength.

On the one hand, some believe that the role of First Minister is superior to that of deputy First Minister, and, conversely, some believe that the role of deputy First Minister is inferior to that of First Minister. That is emphatically not the case — certainly not in law. The First and deputy First Ministers occupy coequal positions. However, I suspect that there are people connected with both parties who believe in the politics of hierarchy. I feel sure that the Secretary of State could resolve that misunderstanding.

The real victims of the debacle include the business community, the farming sector, pensioners, savers, building workers, local entrepreneurs, small-shop owners, and people on low incomes — the list goes on and on. They must all be confident that we — as elected Members of the Assembly — are doing everything that we can to protect their interests and to reflect their concerns. We spent 30 years in the search for devolved Government so that we could do that, and we must prove that devolution is making a difference for the better.

We all participated in the successful investment conference in May, which had a full turnout of chief executives from across North America. The investors were told frequently and at some length — particularly by the deputy First Minister — that we now had stable Government and that investing here was a wonderful opportunity for them. How hollow that rings today. We have let the investors down, as well as ourselves. We are squandering the opportunities that were created at that conference, and for what?

If it is the case that we are reaching the end of an impasse, a massive job of work will have to be done to recover from it. Many months have been wasted. When the impasse is over, we will have to take stock to ensure that we learn how to avoid a recurrence. Whatever the difficulties may be between the parties and the Northern Ireland Office, it must be possible for the Executive Committee to meet. If the difficulties are to do with side deals or understandings between them, let those be sorted out in their own time and their own place.

Why should the general public be subjected to the spectacle of the Assembly being prevented from doing the job for which it was elected? I know that Members from all parties want to do more, and to respond to the needs of their constituents. We saw this morning's demonstration at Parliament Buildings — we were all out there wishing to support those people. However, we cannot do our job properly and deliver for those people unless the Executive meet. All this time has been wasted, and an enormous amount of scepticism has been generated in those who thought that we had settled our differences.

The issue will take time to resolve, even if a resolution is found in the short term. We must find a way to avoid the situation occurring again, because who is to know what will cause the next crisis, or what issue will provoke someone to lift the ball and leave the pitch? We must find a mechanism that will last and will stand up against the inevitable crises. Many of us are aware that we are a laughing stock in the media because we have not been able to do our jobs properly.

Not a single Member is comfortable with that situation. We should never have been put in this position, and we must avoid being put in it again. Regaining the credibility that we all want the Assembly to have among the general public will be a mammoth task. Large amounts of taxpayers' money are being paid to keep this place going. The taxpayers are entitled to the service for which they are paying; that is, effective and functioning Government.

People having a political problem with a particular issue should not jeopardise the day-to-day workings of the Assembly. It is inevitable that people will have problems, but a way must be found to avoid that resulting in an impasse. Meanwhile, if we have done anything to concentrate minds or to bring people to a focus, let us take credit from that and hope that we are successful.

The Executive should be meeting to deal with the outstanding issues. Work could be done on issues such as planning and the investment strategy in order to help people such as those who demonstrated outside Parliament Buildings this morning.

Those are the type of matters on which we should focus our minds and our attention, instead of squandering month after month in endless stalemate and wrangling. I commend the motion to the House.

1.00 pm

**Lord Morrow:** I beg to move the following amendment: At end insert

“; recognises that the DUP, UUP and SDLP Members of the Executive have been willing to meet at any time to discuss any items; condemns efforts to prevent Executive business taking place; and greatly regrets the resultant impact on the electorate during challenging economic times.”

I welcome the fact that Sir Reg Empey and Mr McGimpsey have agreed to support the amendment. If the motion had been more concise and direct, no amendment would have been required. After reading the motion, I thought that Sir Reg Empey and Mr McGimpsey were beating themselves up unnecessarily, because they are not the guilty ones in this matter. Therefore, I am glad that Sir Reg Empey recognises that the amendment is appropriate. Furthermore, although I recognise that two Ministers' names are associated with the motion, I want to place on the record that they speak in this debate as MLAs.

Members on this side of the House can find no reason why the Executive have not met during the past five

months. Many opportunities to meet have been missed, and many matters of concern to society that could and should have been dealt with have not been properly addressed because the Executive have not met. If the Assembly is to mean anything to the people who sent us here, it must impact positively on those constituents' lives. Stymieing Executive business does not raise the confidence of the community at large — rather, it compounds the already difficult and frustrating economic situation in which we find ourselves.

As other Members have said, it is five months since the Executive's last meeting in June, while, to all intents and purposes, Assembly and departmental business has continued. Nevertheless, the Executive's failure to function has left a void in devolved Government, and responsibility for that dereliction of duty rests solely with one party — Sinn Féin.

The DUP has stated frequently that there is no legal, moral or political reason why the Executive have not met in the past five months, while the global economic slowdown has begun to have a real impact of the lives of people in Northern Ireland. During those months, hard-working families, pensioners and business owners expected the Executive to meet and do all in their power to lessen the effects of the economic crisis on the community that we are here to represent.

Today, Members witnessed the frustration of those who represent senior citizens as they highlighted elderly people's concerns about their ability to pay to run their homes. It is often said that, for those people, it is now a question of whether to heat their homes or to eat. Although the Assembly should be addressing such matters, respective Ministers are doing their best to address people's concerns on a raft of matters, such as the elderly and the future for jobs. For example, last Friday, Minister Foster acted decisively to address urgent concerns about the Presbyterian Mutual Society.

The Member who proposed the motion was correct to say that the Pledge of Office and the ministerial code oblige Ministers to work within the Executive. However, the motion fails to mention the fact that many Executive Ministers have been prepared to fulfil those duties. The motion might lead one to believe that fault lies at every Minister's door, and that is regrettable, because the fault does not lie there, or at the doors of the Ministers who tabled the motion.

Along with the Ulster Unionist Party and the SDLP, the DUP has stood ready, at any time since June, to attend an Executive meeting. The fault for the Executive's failure to function cannot be justifiably laid at those parties' doors. In the summer, the First Minister made it clear that he is prepared to call an Executive meeting at any time and, after the summer recess, DUP Ministers were prepared to cut short their holidays in order to facilitate a meeting. Moreover, after the summer

recess, the First Minister made it clear that those who were failing in their duties under the ministerial code and the Pledge of Office could attend a meeting with an open agenda to discuss any matter for which the Executive are responsible.

Hence, again, we fail to understand why the Executive were not meeting, and nor do we understand some of the reasons that were given for the Executive's not meeting.

The DUP did not create any blockage to prevent the Executive from meeting in order to discuss fuel poverty, the rising cost of living or the financial problems, which are the issues on the lips of everyone in the Province. Those are the issues that the community wanted Ministers to be discussing, and which Ministers should have been discussing in recent months.

The Assembly should deal also with the alleged reasons why the Executive have not been meeting. It is alleged that some people, in some way, were not being treated as equals. However, that stance will not stand up under scrutiny. It is said also that policing and justice must be devolved. The DUP has an election manifesto in which its position on that issue is clear: policing and justice will be devolved when there is sufficient confidence in the community to permit it to happen. That is a DUP manifesto commitment, but it should not be used to hold every other issue to ransom. Efforts to find agreement on the devolution of policing and justice should take place alongside — not instead of — discussions to solve the real problems in people's lives here.

Future meetings of the Executive will, as in the past, be on the basis of power sharing and equality, despite reports to the contrary, which are only an attempt to distract people from the important issues, and which have not been discussed since June.

I hope that the Executive will meet again soon and that all aspects of devolution will be working for the benefit of the people of Northern Ireland. Three parties have always been prepared and willing to step up to those challenges, and I hope that that will be reflected in the Assembly today — by not only those parties, but by those parties that are not represented in the Executive and who want to see it meet. The parties that are not represented on the Executive have not been part of the process that has seen the people of Northern Ireland deprived of a vital aspect of devolution, which could have been used for the betterment of the lives of everyone in the Province over the past five years.

I commend the amended motion to the House, and I trust that the Assembly — to a man and woman — will give it its full support. The Assembly and the community expect the Executive to meet immediately to discuss the issues that are affecting people's lives. The Assembly must commit itself to doing what it is supposed to be doing: working on behalf of its constituents and bettering the lives of the people of Northern Ireland.

**Ms Ní Chuilín:** Go raibh maith agat, a Cheann Comhairle. I congratulate O'Donovan Rossa GAC for winning the all-Ireland club senior camogie championship final and bringing the cup home for the first time in 42 years.

With regard to the motion and the amendment, there has, in recent months, been an understandable focus on the absence of Executive meetings. The motion and the amendment draw further attention to that, but both fail to draw attention to the real problems facing the Assembly. The problem is not that the Executive have not met, rather that there are some people in these institutions who think that the only agenda is theirs and theirs alone. Some Members have yet to come to terms with what partnership Government really means. In fact, some Members who are charged with the responsibility of Government have yet to come to terms with the requirement upon them to deliver for all sections of our community.

The basis on which an Executive should operate, and on which Ministers should carry out their responsibilities, is derived from the Good Friday Agreement. For those who came late to its acceptance, or those who may have forgotten its content, let me remind you of some of its fundamentals. The Good Friday Agreement commits us to work for the achievement of reconciliation, tolerance and mutual trust. It also commits us to the protection and vindication of the human rights of all, and to partnership, equality and mutual respect. The Pledge of Office requires Ministers to discharge, in good faith, all the duties of office, to serve all the people equally, to promote equality and to prevent discrimination.

Therefore, the House should not be considering whether the Executive will meet this week, next week or the week after, but whether, when they do meet, it will be on the basis of genuine partnership Government.

Will we have an Executive that will govern according to the criteria agreed and enshrined in the Good Friday Agreement, or will we have an Executive that will fulfil all their commitments in that agreement and the commitments made at St Andrews, which include equality of services and investment to be delivered on objective need, the Irish language Act, and policing and justice?

Sinn Féin's questions for the Executive must be answered by all individual Ministers, including the proposer of the motion. Sinn Féin Ministers have made clear their commitment to deliver for all — not just some — sections of the community.

Perhaps the two Ministers who sponsored the motion will take this opportunity to clarify where they stand on the real problems that we face; perhaps they will remind us later whether they had previously sponsored a motion promoting equality; perhaps they will tell us



whether they support Irish-language rights and what they have done to advance and protect those rights.

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

**Ms Ní Chuilín:** No; the Member will not give way.

Let us not forget that it took almost 16 months to set up the institutions agreed under the Good Friday Agreement in 1998. The UUP blocked their operation, despite arguing for them in the Good Friday Agreement. Of course, we had several suspensions, all of which followed UUP attempts to advance its electoral successes.

In recent months, Sinn Féin has been trying to bring about a situation where there is a fully working Executive based on genuine partnership. It wants to achieve that on a basis that will benefit all sections of the community. It is better that we make such advances, take our time and get it right.

Ministers have full Executive authority in their respective areas of responsibility. The Programme for Government has already been agreed by the Executive and endorsed by the Assembly. Perhaps Ministers will share with us how they have factored in the outcomes of equality impact assessments, and so on, for which they are responsible. Let us not get distracted from the real issues. We must concentrate on resolving the problems, rather than party-political posturing. Go raibh maith agat.

**Mr Durkan:** I had sought to express the SDLP's support for the motion as tabled by Sir Reg Empey and Michael McGimpsey in their capacities as MLAs rather than as Ministers, because, on 16 September, the SDLP tabled a motion that was passed unanimously, which set out the need for an Executive meeting and several issues that it wanted to see addressed at that Executive meeting. As well as the issues of the economic downturn, fuel poverty, and the delays in advancing change in post-primary education, the motion also addressed the issue of the devolution of policing and justice. It was deliberately constructed so that it was capable of attracting all-party and unanimous support, which it did.

Even though there has been frustration since then because the motion was not acted on by the Executive, the SDLP would have preferred the motion today to attract all-party support. That is why we would not have been minded to support the amendment, if it had been put to a vote. In the circumstances, it appears to be gratuitously partisan.

It is also somewhat disingenuous of the DUP to table an amendment that aims to say that everybody else is OK and that the problem lies with Sinn Féin. It is grand for the DUP to say that. However, the reality is that the DUP is quite prepared to cook up all sorts of things with Sinn Féin at the expense and to the exclusion of the rest of us. We saw that happen with the Commission

for Victims and Survivors, where a decision was made in Stormont Castle and railroaded through the Chamber by accelerated passage without a Committee Stage or consideration of any opposing view. The same parties were in cahoots again, colluding and conniving with regard to the Local Government (Boundaries) Bill; the decision was made in Stormont Castle and railroaded through the House.

1.15 pm

More latterly, I expressed concern, which other parties in the Chamber supported, about the fact that a draft Budget will not be laid before the Assembly — as the law requires — before the commencement of the next financial year. There will not be a draft Budget that the Committees can consider properly and that can be subject to consultation. The Executive, which is a dysfunctional Executive that do not meet, seem to have made that decision. The Executive have been derelict on the issues that everyone says are so urgent. Those issues are the reasons why we need a draft Budget for the next financial year.

The presumptions and assumptions on which the Programme for Government and the supposed three-year Budget were based have travelled a long way south with the changes that there have been in property valuations and assumptions on asset sales. There is also pressure on several Departments' budgets. The so-called efficiency savings — which we were told would be merely cuts in bureaucracy and reductions in Government overheads — are now translating into cuts in front-line services, cuts in the community and voluntary sector and cuts to various statutory agencies.

We are in an Assembly pleading for an Executive to meet. However, the same Executive that are not meeting have somehow managed to engineer a bypass of the Assembly's statutory budgetary role. The Assembly is supposed to be the Budget authority, and I hope that those interests and rights will be asserted. The Assembly is supposed to be working to full accountability and scrutiny, which are meant to be part of the devolution dividend. The Executive are supposed to meet competently and deal with cross-cutting issues comprehensively. However, we are in no position to hold the Executive to account when parties wilfully allow the Executive to arrogate the roles, responsibilities and functions of the Assembly to themselves.

I think that the Executive will meet soon. People have appointments in the United States, so they will want to ensure that the Executive are meeting when that time comes. Similarly, the BBC's 'Question Time' will come from Northern Ireland on 4 December, and people will not want that programme to be viewed by a UK audience at a time when the Executive are still not meeting. For their own reasons, people will ensure that the Executive meet. I wish that they would ensure that



the Executive meet because of the interests and needs of families, firms and public services, which are hurting and badly in need of leadership.

**Mrs Long:** I support the motion and the amendment, although I have reservations about the amendment, which I will address later.

When the First Minister took up his role earlier this year, he said that there was going to be a battle a day. We all took that to be a grim statement of reality rather than an aspiration for his time in office. The situation seems to have moved from close-quarter combat to long-range warfare by mail. That is unfortunate for the public's perception of the Executive, the Assembly and all the structures.

It is more than 150 days since the Executive last met. I cannot think of another profession in which people could refuse to do part of their job and continue to draw their full salary. At a time when many people are losing their jobs or being put on short-time working, it is particularly insulting that the well-paid Executive are refusing to do a crucial part of their job.

Ministers, particularly those from the main parties, have been quick to try to justify the state of affairs by using the argument that they are still working in their Departments. However, no one denies that that is the case. Equally, no one denies that there are some willing Ministers who are effectively being locked out of, and prevented from going to, the Executive.

However, all Ministers would acknowledge that there are many areas — such as education, where nothing but chaos is happening — where either policy change or legislative change is required. There are also cross-cutting themes such as child poverty, fuel poverty and delivery of the shared future strategy that we were promised in the Programme for Government. The impasse means that nothing is being brought to fruition. In her ministerial address this morning, Margaret Ritchie talked about the Executive's failure to meet and about the difficulties that that is creating for her in her attempts to implement the measures for which we and the public are clamouring.

Executive meetings are not only required by the Pledge of Office and the ministerial code, and for effective and efficient Government, but they are demanded by voters who elected Members to the Assembly and who expected better than they have got.

It is a cliché to say that patience is running out with the current farce but, to be frank, it is also a fact. There is a legal and, more importantly, a moral obligation, not least in the current difficult financial context, on the Executive to meet and to work through the difficulties — the existence of which no one denies. However, those difficulties must be worked through in a mature, political way, instead of the current stand-off. There is nothing that can justify one party holding the structures

to ransom in the way that Sinn Féin has over the summer and autumn. Therefore, the Alliance Party supports the amendment.

That support is offered with a health warning. I am not sure whether it is possible to wash one's hands of a problem and point one's finger at the same time. The closest thing to that has been seen this morning. The DUP has made much over recent weeks and months of the strength of its position. There has been talk of vetoes and of triple and quadruple locks — all of which is true. That position is extremely strong and it was agreed at St Andrew's. All parties know that. However, that position is strong only for as long as partners in Government are willing to put up with it. The practical and political reality is that people must be kept together if partnership is to work. I do not say that in order to excuse, in any way, the behaviour of Sinn Féin over recent months, but to acknowledge the reality that, unless there is some generosity of spirit, even in a mandatory coalition, partnership will not survive. That generosity has been lacking on both sides.

Lord Morrow mentioned the need for an agenda, and the notion that an open agenda would not be sufficient. I believe that the truth was leaked almost by accident in the Committee for the Office of the First Minister and deputy First Minister. It is not about the agenda. Sinn Féin wants the DUP to agree papers and positions on an agenda, and that cuts out the SDLP and Ulster Unionists. From my perspective, that does not represent partnership either.

The current impasse proves that mechanisms cannot replace goodwill, trust and co-operation. It also shows that the Assembly's structures do not deliver for those who want to efficiently and effectively administer the status quo, such as the DUP, or for those who advocate change, which is prevented by tribal voting blocs and vetoes that bar change that is not wanted and fail to deliver change that is. Most of all, the impasse fails to deliver for a public that is tired of crises that are manufactured by those in comfortable positions.

**Mr Simpson:** I support my party's amendment and I welcome the fact that the Ulster Unionist Party has agreed to support it.

The original motion failed on a couple of points. The first test is one of accuracy. The fact that the Executive have not met for some months has caused much public comment and speculation. Some Members have, incorrectly, spoken of a "stand-off" or of an "impasse" that involves the DUP and Sinn Féin. That may be an easy attitude to adopt, but it is not a proper reflection of reality. The bottom line is that Sinn Féin has refused to attend Executive meetings because the DUP will not agree to its political wish list.

It must be remembered that the DUP wants to see movement on issues that are of great importance. The

DUP wants to see an end to the mandatory coalition and a move to a voluntary coalition; it wants to see the standing down of the so-called IRA army council; a reduction in the number of Departments; a resolution to disputes over parades and a new beginning to parading in Northern Ireland; and a significant reconfiguration of the equality agenda. All those issues concern my party.

However, at no stage has the DUP refused to attend Executive meetings until its issues of concern were satisfactorily resolved. At no stage have we threatened the devolved structures unless our demands are met. Although the Ulster Unionist Party shares many of our concerns, at no stage has it refused to attend Executive meetings or threatened the institutions in the same way as Sinn Féin. I will be kinder to the SDLP than Mr Durkan was to the DUP. Like Sinn Féin, the SDLP would like to see the early devolution of policing and justice powers. However, the SDLP has never refused to attend Executive meetings or threatened the devolved structures.

The DUP, the SDLP and the UUP have not prioritised their party wishes above the current economic turndown; rising fuel, energy and food prices; the problems in the housing market; the difficulties faced by the financial institutions; spiralling costs for senior citizens and the low paid; the financial constraints that are felt by people on benefits; or the future of our children. Sinn Féin alone has decided on that course of action. All the other parties are ready to attend an Executive meeting, are prepared to work through their issues of concern and are prepared to prioritise other pressures. Sinn Féin stands alone in refusing to do that.

Sinn Féin may welcome the priority that the DUP and other parties have given to the concerns of the public, in the same way that it has prioritised the devolution of policing and justice powers. If so, Sinn Féin should admit that, so that we can move forward.

By failing to identify Sinn Féin — and its pursuit of the course of action on which Mr Adams has set it — as the problem, the motion not only presents an inaccurate picture of the current state of affairs, but lets Sinn Féin off the hook. That allows Sinn Féin to evade the public pressure or censure that its actions deserve, thereby prolonging its selfish and destructive activity.

The Executive must meet immediately to address the issues of pressing importance to the public, such as those that prompted senior citizens to gather outside Parliament Buildings this morning, and the difficulties that businesses face.

**Mr McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I wish to begin with a positive statement: in full accordance with the Pledge of Office and the ministerial code, the Executive will meet. My party will insist on that, because it is the absolute requirement of the Good Friday Agreement and the St Andrews review. *[Interruption.]*

**Mr Speaker:** Order.

**Mr McLaughlin:** Partnership and equality must be at the heart of government. No one can deny that Sinn Féin and the DUP are negotiating very serious issues, or that we are committed to finding resolutions to those issues, which have obstructed the functioning of the Executive and the Assembly in the manner set out in the Good Friday Agreement.

It is testimony to their commitment that both parties have made it clear that they will engage in discussions until solutions are found. We are both focused on a sustainable future for the power-sharing Assembly and the Executive. Therefore, solutions will emerge.

**Mr B McCrea:** Will the Member explain why negotiations are taking place exclusively between his party and the DUP? Would it not be better for his party and the DUP to meet in the Executive so that all four parties that are represented in the Executive can discuss the issues and find a way forward? Why is the Member's party trying to find a solution in a purely bilateral manner? That is the key to the impasse. Will the Member explain why his party has adopted a partisan approach?

**Mr McLaughlin:** I will address the issue that the Member raised.

I have listened carefully to the speeches so far, and they are simply a continuation of the mischievous and counterproductive approach adopted by the UUP and the SDLP. There has been no acknowledgement of the seriousness of the unresolved issues, and there have been no solutions to address the issues. Furthermore, there has been no acceptance by the other two members of the Executive of their failure to address the issues when they had the opportunity. That is a genuine point, which fair-minded people — including those fair-minded people in the unionist community — will acknowledge.

1.30 pm

Following up on the Member's line of thought, I recall the paralysis in OFMDFM during the Trimble/Mallon/Durkan era, and I recall Seamus Mallon's resignation, followed by his humiliating non-resignation. I also recall the silent and sullen Mark Durkan, who had an opportunity to resolve the issues on the basis of equality and partnership; however, that did not happen. That is really the answer to the question. The DUP and Sinn Féin —

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

**Mr McLaughlin:** No, I have already given way, and the Member has had his opportunity to speak.

The Ulster Unionist Party and the SDLP clearly did not have the backbone to address those issues.

**Mr A Maginness:** On a point of order, Mr Speaker. Is it in order for one Member to level an accusation at another Member in the Chamber and then to refuse him or her an intervention to rebut that accusation?

**Mr Speaker:** Order. It is for a Member to decide whether he or she accepts an intervention. Mr McLaughlin refused to accept the intervention, so the Member should not persist.

**Mr McLaughlin:** The Ulster Unionist Party and the SDLP clearly did not have the backbone to address those issues, but, as Ian Paisley once remarked, that was then and this is now.

All parties have been called on to make difficult and painful decisions, and some measures that we have taken in recent years have cost dearly, with the disagreement and resignation of some colleagues. Sinn Féin could have made the case that sufficient confidence did not exist in our community in respect of policing and justice, but we resisted that argument — which was made — and took a decision at a special Ard-Fheis to move decisively to engage and to play a key role in building that confidence.

That is what leadership is about, and it is the type of leadership that is required from all parties. Such leadership will bring forward solutions, and it will permit the Assembly and the Executive to meet as soon as possible, on the basis of partnership and equality.

The motion and the amendment fail to acknowledge the Good Friday Agreement, which is the foundation stone and model for this Assembly. Indeed, the amendment —

**Mr McClarty:** Earlier in the debate, the Member and his party colleague mentioned the Good Friday Agreement, but Members opposite keep telling us that the Good Friday Agreement is dead and gone. Will the Member clarify the position?

**Mr McLaughlin:** The parties must overcome many hurdles, one of which is the acknowledgement that the Good Friday Agreement was reviewed at St Andrews, but it is alive and well. The motion refers to the Pledge of Office and to the ministerial code, but where are they prescribed if not in the Good Friday Agreement? Let us not waffle, and let us not attempt to confuse our own leadership. *[Interruption.]* The Good Friday Agreement exists. All members of the Executive — *[Interruption.]*

**Mr Speaker:** Order. The Member has the Floor.

**Mr McLaughlin:** All members of the Executive are required to observe the principles of the Good Friday Agreement. That is the basis on which the Executive will get back to work, so let us accept it. Let us get on with it, and let us give the leadership that is required.

**Dr W McCrea:** It is good to be able to bring some realism to the debate. We have heard much spoken, and, a few moments ago, a little mischief being played by Mitchel McLaughlin, who was trying to take the spotlight off Sinn Féin's refusal to meet in the Executive.

Let us attach the blame for the impasse to where it belongs. It is solely Sinn Féin's fault that the Executive are not meeting. That party is unwilling to face the realities of the situation. Its Members talk about stand-offs, impasses, and all the rest.

The DUP has taken the stance that there must be public confidence before policing and justice powers can be devolved. I thought that that was also the stance that the Ulster Unionist Party and the Alliance Party were taking. Therefore, the idea that the problem is somehow down to the DUP's unwillingness to meet is false.

Perhaps Mark Durkan will take that point on board. It appears that, although he began his speech by trying to give the impression that he was supporting the motion and demanding that the Executive meet, as usual, Mark was looking over his shoulder at Sinn Féin and attempting to find an excuse for the Executive not meeting. Sinn Féin, and Sinn Féin alone, is the party responsible.

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

**Dr W McCrea:** No. The Member was not good on his feet when he was speaking, so it is no use my giving him a second bite of the cherry.

Sinn Féin knows full well that, as far as policing and justice was concerned, the British and Irish Governments sold it a pup at St Andrews. Either it had bad negotiators present, or its members were simply sucked in because they wanted to move forward and form an Executive here in order to keep Northern Ireland stable. For years, Sinn Féin had a policy of regarding Northern Ireland as a failed political entity, but it wanted to ensure that it would be more stable in future.

Whatever the reason, we know that Sinn Féin accepted the reality, and the British Government enshrined it in legislation. That is not wishful thinking on my part — there is a triple lock in place, which is based on confidence. It is in law.

In the past, Sinn Féin/IRA used threats and intimidation. It used the bomb and the bullet, and all the rest. It no longer has those weapons in its armoury, because the events of 9/11 finished all that. It knows fine well that the world would not accept its returning to the way things were. However, Sinn Féin has not got away from its old habit of intimidating and threatening, so it is doing so in another way. Sinn Féin is saying that, if we do not agree with it and allow its manifesto commitment — on which it bluffed the people — to proceed, it will pull the rug from under everyone else's feet by preventing the Executive from meeting.



When one speaks to the public, one hears no demand for the immediate devolution of policing and justice powers. However, the public demand that the Executive meet to deal with issues that affect the economy, energy, fuel prices, the housing market and spiralling costs for low-paid workers.

The elderly people who gathered outside Parliament Buildings earlier today were not there to ask us to bring about the devolution of policing and justice powers. I mingled at the bottom of the steps with those people, who represented a cross section of the community. Not one person came up to me and said that he or she wants us — the elected representatives of the people — to secure the devolution of policing and justice powers. What people did say was that they want the Executive to meet to deal with the problems that the public are facing.

The Ulster Unionist Party should stand alongside the DUP on the issue. We will not be intimidated or threatened into accepting the devolution of policing and justice powers.

**Some Members:** Hear, hear.

**Dr W McCrea:** When confidence exists in the community, we will consider those powers being devolved. The Democratic Unionist Party will not agree to something for which no such confidence exists.

We should put the blame where it belongs. Therefore, SDLP Members must stop looking over their shoulder at Sinn Féin. They must stand on their own feet and condemn Sinn Féin — “Ourselves alone” — because it alone has kept the Executive from meeting. The Ulster Unionists, the Alliance Party and every other party should unite today to tell Sinn Féin that there is no excuse whatsoever for the Executive not meeting. The Executive must meet to deal with the day-to-day, bread-and-butter issues that the people are crying out to have resolved.

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

**Mr McGimpsey:** I am grateful to the Business Committee for granting leave to the Assembly to debate this motion. It is a simple motion, and one with which the majority of people in Northern Ireland clearly agree.

I was asked to serve as a Minister in the Executive in May 2007, and I subsequently signed up to the Programme for Government and the Budget in good faith and in anticipation of our embarking on a further new beginning for Northern Ireland. After all, that was what we were promised by the DUP and Sinn Féin at St Andrews.

One of the crucial aspects of that proposed new dispensation was an end to stop-start government; rather, we would be able to deliver efficient, effective and joined-up government that would be more

receptive to the needs of local people, and more successful in delivering for local people.

As one who has served in the Executive, I have endeavoured to make those changes in my Department. The Programme for Government states:

“We are conscious that you have put your trust and confidence in us as an Executive to deliver a shared and better future for you.”

It goes on to outline principles that the Executive should collectively live by. These include:

“providing good leadership and working energetically in the interests of everyone”,

“working in partnership as an Executive”,

“raising standards” and

“delivering fair outcomes and social improvements”.

Such sentences seem shallow, given the events of the past 151 days. Indeed, in light of the self-constructed impasse that exists between Sinn Féin and the DUP, I have to ask the First Minister and the deputy First Minister whether they can honestly contend that those principles have been honoured. Can they categorically state that we have acted in a way that respects the trust that the public have put in us over the past five months?

The reality and the public perception are clear — because the Executive have not met for 151 days, people are suffering unnecessarily. As Ed Curran asks of the First Minister and the deputy First Minister in today's ‘Belfast Telegraph’:

“have you no shame as people go to the wall?”

There are approximately 60 papers outstanding and waiting to be discussed by the Executive. In the area of health, papers are waiting to be cleared that deal with the sexual health promotion strategy, the report of the Assembly's Committee for Health, Social Services and Public Safety on suicide and self-harm, a paper regarding ongoing support for families in Northern Ireland, and a paper on the abolition of prescription charges. Those are all important matters; indeed, many deal with people's lives and livelihoods. I am also aware that the Minister for Social Development has had to delay the implementation of measures to combat fuel poverty. In addition, uncertainty remains over post-primary transfer arrangements, and the future of the Maze site. Is this how we envisaged devolution — withholding help from those who need it most?

Many of us remember the optimistic words that were uttered by the deputy First Minister on devolution day in May 2007, when he pledged to work together for all. Such an occasion created a real sense of hope, but the behaviour of republicans over the past six months has been shameful. Their attempt to block progress and create stagnation, and their constant refusal to hold any Executive meetings, smacks of hypocrisy.



**Mr Elliott:** Does the Member agree, having talked about republicans holding the process to ransom, and in light of a recent BBC documentary on how republicans planned and plotted the Maze escape, that they are now plotting the downfall of the Northern Ireland Assembly?

**Mr McGimpsey:** That is an interesting question, and is one that we could deliberate on, but following last year's Dáil elections, it seems to me that Sinn Féin has nowhere to go other than Northern Ireland and Stormont.

We remember standing in this Building eight years ago, when the then Secretary of State, Peter Mandelson, stepped in to restore direct rule, following the refusal of republicans to honour their commitments on decommissioning. Who can forget the howls from Mr Adams and Mr McGuinness on that night, when they demanded that devolution should return to Northern Ireland, and said that it was their democratic right to exercise good government?

**Mr Speaker:** The Member will have an extra minute to speak, in return for taking an intervention.

**Mr McGimpsey:** Today, instead of demanding devolution, Sinn Féin is refusing to implement it.

The public has, quite rightly, been asking what has been going on. Since the summer, the world economy has lunged from crisis to crisis. Last week, we heard news that house repossession have gone up by 93%. Major companies are shedding jobs across the UK, and the construction industry is in deep recession. Yet, while the rest of the world has mobilised, government in Northern Ireland has stood still.

As someone who campaigned tirelessly over many years for peace and the primacy of politics, I want to see government working in Northern Ireland. I am passionate about this country and about making it vibrant and successful. I am passionate about delivering a world-class Health Service for the people of Northern Ireland, and I am passionate about good government.

1.45 pm

Regardless of the outstanding political issues that exist, there is no excuse for blocking the Executive. The forum for such issues is the Executive table, and to discuss those issues there would be an act of good government, it would be an act of responsible government and it would be what the people of Northern Ireland deserve. The time for parallel negotiations is over, and the time for good government is here.

**Mr A Maginness:** The events that took place outside the Assembly Building this morning were a scandal. Five hundred senior citizens were here to protest about the lack of action on their plight, and representatives from political parties were outside talking to those people. The First Minister and the

deputy First Minister, however, did not attend. That was a scandalous insult to those people, who are under pressure. Equally scandalous is the fact that the Executive have not met for 151 days. Sinn Féin has boycotted Executive meetings, and those meetings have been blocked by the intransigent attitude of the DUP on the transfer of policing and justice.

Mr McLaughlin said that the Good Friday Agreement is alive and well. The Good Friday Agreement is alive, but it certainly is not well. It is not well because of the constant erosion of that agreement by Sinn Féin and the DUP. Sinn Féin entered into a scandalous deal at St Andrews by which it eroded the substance of the Good Friday Agreement. It has now tried to claw back its position by standing on principle on the transfer of policing and justice and saying that that had been agreed at St Andrews. The two Governments regarded it as a target date, but that had not been agreed by the DUP. At St Andrews, the SDLP warned Sinn Féin that a date had not been agreed.

Other deficiencies in the St Andrews Agreement are only now becoming common currency as deficiencies. Sinn Féin tries to pretend that that agreement contains no deficiencies, but it walked into that agreement, it played its cards badly, and it negotiated a defective deal. Sinn Féin is now constantly trying to make up ground on that defective deal, and the people of Northern Ireland are now paying the price. That price is a Sinn Féin boycott of Executive meetings, which prevents Executive and Government decisions from being made. Sinn Féin is doing that to save its political face.

Sinn Féin should be honest and say that it made a mess at St Andrews and that it wants to renegotiate in order to restore the Executive and the authority of the Assembly and to defend the nationalist interest in the Assembly and the Executive. It has signally failed to do that, and its people on the streets realise that Sinn Féin is a political failure. They realise that Sinn Féin has failed them, that it has failed to deliver in Government and that it has failed to deliver in the Assembly. Its continued, stubborn boycott plays into the hands of the most intransigent elements in the DUP. How can political progress be made in the Assembly or in society if there is nothing but ill will — *[Interruption.]*

**Mr Speaker:** Order. The Member has the Floor. Members should not try to speak from a seated position.

**Mr A Maginness:** How can political progress be made in the Assembly or in society if there is nothing but ill will and insults across the Chamber and outside the Chamber? Recently, the leader of Sinn Féin gave a speech in New York in which he referred to the DUP as "the Afrikaner wing of unionism".

How can Sinn Féin expect to build trust and confidence with the leading unionist party in the Executive, in the Chamber — and, for the moment at

least, in society — when it insults people? Likewise, how can the DUP expect to build confidence with Sinn Féin when it continually makes insulting and outrageous comments? How is it possible to create goodwill and to work together in a spirit of reconciliation when one party mentions some old hatred or grudge that hurts and injures the other's political sensitivity?

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

**Mr A Maginness:** The DUP, and Sinn Féin in particular, must get back to work, deliver governance, and represent the interests of all people in Northern Ireland.

**Mr G Robinson:** It will be of no surprise to Members that I support the amendment. Paragraph 1.4(a) of the ministerial code, which sets out the terms of the Pledge of Office, states that Ministers have a responsibility:

“to discharge in good faith all the duties of office”.

It is obvious to everyone in Northern Ireland that Sinn Féin's Ministers are not living up to that part of their Pledge of Office. In accordance with paragraph 4.1(a) of the ministerial code, Ministers must hold Executive meetings. Perhaps that is too simple an idea for the Members on the Benches opposite to understand. That is a pity because every other Minister and party in the Assembly understands what it means without difficulty. Perhaps if the ministerial code were written in another language, Sinn Féin's Ministers would better understand it.

Paragraph 1.4(c) of the ministerial code states that Ministers must serve all the people of Northern Ireland. It does not say anything about delivering a narrow political agenda that is aimed at keeping the hardliners in Sinn Féin happy. Paragraph 1.4(c) also mentions the promotion of equality and the prevention of discrimination. However, at present, every person in Northern Ireland, including every member of Sinn Féin, is being discriminated against and is being subjected to inequality because Sinn Féin is having a tantrum and has discovered that democracy means not getting what it wants all the time.

Recently, one of my constituents said that Sinn Féin cannot abide democracy because it cannot dominate. As a result, the most vulnerable in society are being denied help, as demonstrated by the pensioners who protested here today. Programmes that could encourage and support the Northern Ireland economy are being stifled. Sinn Féin is looking even more ridiculous than it did three months ago. The ministerial code clearly states that Ministers must:

“be accountable to users of services, the community and, through the Assembly, for activities within their responsibilities”.

Every Minister, except those who belong to Sinn Féin, has lived up to that. The members of Sinn Féin

who block progress must be held accountable for their inaction and the problems that they have caused and will continue to cause.

The ministerial code also mentions the promotion of good community relations. This debate has brought together Members who represent the vast majority of the people in Northern Ireland and who wish to promote good relations, while Sinn Féin sits in the corner in a huff and sucks its thumb.

If I had my way, the Ministers opposite would be stripped of their Ministries and salaries so that they could be given to those members of parties in the Assembly who want to do the jobs that they, and every other Member, were elected to do — to govern Northern Ireland.

However, if what I am told by my constituents is correct, there are some in Sinn Féin who want to see devolution work. To those Members sitting on the Benches opposite who want to see the Assembly work, I say: stand up and be counted. Do not support the blockers — the Sinn Féin leadership — who are on a three-legged political donkey that is going nowhere fast. Show the band of ancient warriors hiding in your midst that they are not following the right leader or path. Follow the leader who will guide the party to providing a positive contribution to the future of Northern Ireland, and do the business that all Members were elected to do. I support the amendment.

**Some Members:** Hear, hear.

**Mr I McCrea:** I welcome the debate. I thank the proposers of the motion for accepting the amendment tabled by Lord Morrow. I also welcome the Alliance Party's support for the amendment. I hope that the SDLP stops hiding behind Sinn Féin and will apportion the blame to that party alone. I also urge the SDLP to support the amendment.

It is important that Members recognise that the fault for the Executive not meeting belongs to one party alone, which refuses to take its seats. That party is Sinn Féin. Since the last meeting of the Executive in June, the DUP, UUP and SDLP Ministers have been willing to meet, as other Members have said. Sinn Féin, however, has sought to stall the governmental process in Northern Ireland.

In my day-to-day contact with constituents, I am receiving the very clear message that people want the Executive to meet. Those constituents are feeling the pinch of the current economic climate, and are looking to the Executive for assistance. Although the economic situation is a global problem, and not unique to Northern Ireland, it is still the responsibility of the Executive to do all within their power and remit to ease the financial burden that so many people throughout the Province are experiencing.

As people worry about financial pressures and future employment, it is unacceptable that the Executive have not met since June. However, when many people make that comment, they fail to apportion the blame to the correct quarter: Sinn Féin. By blocking Executive meetings, Sinn Féin is failing thousands of people. At this difficult time, Sinn Féin should be playing its full part in making governance work in order to assist people throughout Northern Ireland.

Along with many other MLAs, I talked on the steps of Stormont this morning with our senior citizens about their concerns over the need for action by our Government. The message is clear: the Executive must meet to help them. The Executive must meet to ensure that those people can put food on their tables. I have also met many young people and people with families who have told me how they are struggling to put food on the table, and how energy price rises are pushing them closer to fuel poverty.

I do not believe that the situation in my constituency of Mid Ulster differs radically from the situation anywhere else in Northern Ireland. I would be very surprised if our absentee MP for Mid Ulster, the deputy First Minister, is hearing a different message. Our most vulnerable citizens are all facing the same difficulties, regardless of political viewpoint or religion. Sinn Féin must stop putting party politics before its own people. The Executive could take many positive steps if only Sinn Féin would allow that body to function. The message is very clear both from this House and from the people of Northern Ireland: it is time for Sinn Féin to get back to work. I support the amendment.

**Ms Purvis:** Where does one begin when expressing what is wrong with this situation? There are many options. I am sure that, by the end of the debate, we will have a healthy catalogue of missteps, errors and absurdities to describe what is going on. I will try not to throw my own hyperbole and exaggerated outrage into the discussion; it is too easy a target.

Let us try to focus on what might be positive about the situation. Negotiation is a good thing — it improves communication, resolves conflict and is a lot better than fighting. It is good that we have moved from conflict to negotiation in Northern Ireland but, unfortunately, negotiation has created some bad habits among the political leaders of the Province. Perhaps that is because we have been somewhat successful, but, for some reason, we do not seem to be able to stop negotiating. We negotiated and signed an agreement, we had a “hand of history” moment, and, within six months, we are back at it again, trying to renegotiate what we have just negotiated.

Although we seem to have an exceptional understanding of what it means to negotiate, no one seems to have fully grasped what it means to implement — to

turn what is written in a document into living reality. Did we never fully understand that that was the next step after CNN, Sky News, the Nobel Committee and everyone else had gone? Did no one grasp that we were supposed to implement what we had agreed? Why, whenever something goes even slightly wrong, do we retreat to the trenches? After 10 years, are we really so insecure in our own abilities, and so completely incapable of solving the problems that affect any system of governance, that all we can do is adopt a fighting stance or, as Sir Reg Empey said, pick up our ball and go home? Are there no other options in between those two extremes?

2.00 pm

We have made it past the primary stage of figuring out how to live, work and govern together; it is time that we moved onto the secondary stage. My suggestion to the DUP and Sinn Féin is that if the dialogue in which they claim to be engaged is not working, open it up and let more parties in. We are all in this together, so let us have some collective responsibility for resolving the issues. Creative ideas come from larger groups more often than from smaller groups. We are all here to solve problems; that is what government is supposed to do.

Let us be honest about what dialogue can and should achieve. I will not die in a ditch over exactly what the PUP thinks academic selection should look like, if it means that we can get over the hurdles and deal with the problems that there are. Neither will Sinn Féin over the Irish language Act, neither will the DUP over what happens at the Maze. The stalemate over policing and justice is not instilling confidence in anyone, nor is it showing that we have the political maturity to deal with such an important and sensitive issue all on our own.

I join with the authors of the motion, and other Members, in encouraging our colleagues in the Executive to meet and to show the people of the Province the respect and due diligence that they deserve.

**Mr Poots:** I welcome the fact that the debate is taking place. Sir Reg's comments about Martin McGuinness's hollow words at the economic conference ring true. We can identify for the wider public where the problem lies in all this. The problem does not lie anywhere in the Chamber, with the exception of with the Members opposite: Sinn Féin.

In response to the debate, Cáral Ní Chuilín blamed others, talked about partnership, about delivering for all sections of the community, about equality and mutual respect, and those are some issues that I wish to home in on.

There is an equality issue. In education, many children coming into primary 6 do not know what will happen to them next year; that is an equality issue that



needs to be resolved. There are 28 schools waiting for capital programmes to commence; that is an equality issue. Michelle Gildernew has not sought funding for farmers, and has not put a case to the Department of Finance and Personnel for weather aid; that is an equality issue. There are pensioners standing outside Stormont today who cannot afford to heat their own homes. However, there are ideas on the table that may be able to help them; that is an equality issue.

There are 8,000 construction workers currently unemployed. If Ms Ni Chuilín thinks that an Irish language Act is more important than those construction workers, perhaps she might ask them whether they want to sign on in Irish, or have a job to go to. I think that the majority of construction workers, Protestant and Catholic, unionist and nationalist, would want a job, and would want people to quit fussing about trivial things that are of no consequence to them.

As an organisation, the GAA has been calling for planning policy statement 14 (PPS 14) to be dealt with and reviewed. The only thing holding that back is Sinn Féin, in not allowing Executive meetings to take place. That issue could and would be dealt with, if Executive meetings were taking place. To the supporters of the GAA who want that sorted out, the message is this: Sinn Féin will not let it be sorted out. Let the message go out clearly to the nationalist and the republican communities; on all those issues, Sinn Féin is holding back.

Given the current circumstances, it is critical that the Executive meet. On a daily basis people are losing their jobs, companies are paying off employees, and companies are going into liquidation. What are we as an Assembly doing about that? There may be some limitations on what we can do; we are a devolved local Assembly and not a national Parliament. Nonetheless, there are actions that could be taken and should be taken, if the Executive were meeting. It is critical for us to respond positively, rightly and properly, to the economic crisis that is taking place in our country.

The DUP does not oppose the devolution of policing and justice; it never has. That is not the case. The DUP supports devolution of policing and justice, but only under the correct terms and conditions, which will be when the community has confidence. Let it be clear that the DUP will not hold back devolution of policing and justice for one day longer than is necessary; nor will it allow itself to be fixed to a timetable or deadline that is unattainable. The position must be balanced. The DUP will take such a balanced position in order to deal with the situation.

Therefore, for Sinn Féin to prevent Executive meetings exclusively because of policing and justice is wrong. It is a boycott that should not take place. It appears to emanate from a section of Sinn Féin that is

deeply unhappy about how matters have panned out for their party, largely as a consequence of the election that took place in the Republic of Ireland, the party's failure to advance there, and the coming apart of its agenda. It now appears that Gerry Adams has taken up the role of former First Minister David Trimble, which is to say:

“Stop the world. I want to get off.”

He wants to stop the Assembly because he has no part to play and his negotiations at St Andrews have failed to deliver for his community.

**Mr Paisley Jnr:** Does the Member agree that a clear message must ring out from the Assembly that there will be no trade-off on the basis that if an Executive meeting takes place, there will be devolution of policing and justice? Those two issues are not for trading. An Executive meeting must take place because one is needed immediately.

**Mr Poots:** An Executive meeting must take place because that is the right thing to do. Likewise, policing and justice must be devolved because that is the right thing to do, but only in the right and proper way. Those two issues should not be mixed. They must be kept separate and dealt with appropriately. That is the DUP's position.

Gerry Adams has become the David Trimble of Sinn Féin — the guy who negotiated a wonderful deal, but who does not want to go through with it. Gerry Adams is the bearded David Trimble. That is not a positive position. If Sinn Féin wants to go ahead and pull the Assembly down, it will never achieve devolution of policing and justice, which will continue to be dealt with at Westminster. It will also fail on many other issues: PPS 14, an Irish language Act, and so on. That will be to Sinn Féin's detriment.

**Mr Kennedy:** It is a matter of great regret that neither the First Minister nor the deputy First Minister has seen fit to grace the Chamber with his presence; even a decorative presence would have been helpful. Neither have they sent the junior Ministers or, indeed, any officials to the Chamber.

The Executive's failure to meet for 151 days, which represents 22 weeks or almost half a year, is deeply unacceptable and irresponsible. It brings the entire democratic process into contempt. Certainly, it devalues the Assembly's work and makes it a laughing stock in the eyes of the public. It shows contempt on the part of Sinn Féin.

I must say that I have been underwhelmed by the presence of Sinn Féin members during this important debate. During most of it, only three Sinn Féin members — one ninth of the party's Assembly group — saw fit to present themselves. That shows Sinn Féin's contempt for the Assembly, the Executive and,



indeed, the public. It also shows its contempt for other parties in the supposed multi-party coalition, which makes its profession of shared government ring hollow in people's ears.

All this is happening when the country is in the grip of a recession of a depth and intensity that has not been witnessed since 1929. It looks ugly, and it is ugly. The public's priority is the recession. Its priorities are different to those of Sinn Féin. What use is the devolution of policing and justice, or an Irish language Act, to someone who is in danger of losing his or her job, house and livelihood?

Today's motion comes after a long period of restraint from the reasonable parties in the Assembly. We have watched with increasing incredulity as the Executive notched up week after week of inactivity. I am surprised that, despite Sinn Féin's provocative behaviour, the Assembly has tried to muddle through. Individual Ministers have tried to get on with their jobs, Committees have continued to work hard and the Assembly has debated issues that are important to the public. The criticism of the Assembly must be refuted in the strongest possible terms, so that the public understand that some of us want to do a job for them and to improve the lot of people during the recession. Some of us want to protect the weak and the vulnerable, and we genuinely care for our people.

Today's motion comes at the end of a long period of frustration. We have tried to carry on with as much business as possible. We have tried, but we have been blocked from doing our jobs. I wonder at the non-tabling of a motion before now to reduce the pay of those Ministers who prevent the Executive from meeting.

To be specific about the situation, paragraph 1.4(a) of the ministerial Pledge of Office states that Ministers must:

"discharge in good faith all the duties of office".

According to paragraph 1.4(cb) of the Pledge of Office, such duties include:

"to participate fully in the Executive Committee, the North-South Ministerial Council and the British-Irish Council".

It is clear, therefore, that Sinn Féin Ministers have broken the Pledge of Office. Those are the facts, and that is the situation.

Paragraph 2.4 of the ministerial code states that Ministers have a:

"Duty to bring matters to the attention of the Executive Committee".

That duty applies to any matter that:

- "(i) cuts across the responsibilities of two or more Ministers;
- (ii) requires agreement on prioritisation;
- (iii) requires the adoption of a common position;
- (iv) has implications for the Programme for Government;

(v) is significant or controversial and is clearly outside the scope of the agreed programme".

Again, the ministerial code has been breached. The Assembly must know today whether the embargo on Executive meetings is to continue, end or, at least, end soon. If the negotiations are productive or are nearing completion, we need to know now. In a time of deep economic uncertainty, Sinn Féin must realise that to deal best with the deteriorating financial situation, the country needs institutional stability at the very least. Sinn Féin must accept that it cannot remain in a state of continuous negotiation, and it cannot subject the Province to a state of permanent revolution.

In opening the debate, Sir Reg Empey reminded the Assembly that the Province, the Executive and the Assembly need stability, not stalemate.

Lord Morrow was grateful for the motion — eventually — and the UUP will accept the amendment in that context.

Sinn Féin representative Carál Ní Chuilín reminded Members that she wanted to implement the Good Friday Agreement, but what about the St Andrews Agreement? No Sinn Féin Member here today has explicitly stated with whom or what it made agreements and about what. The Assembly needs to know.

**Mr McFarland:** Was the Member struck by an interview given by former Taoiseach Bertie Ahern to 'The Irish Times' some weeks ago? He said:

"Paisley could never have made the move he made unless there was an acceptance that policing was going to work. And the Shinners could never have made the decision unless there was an acceptance of the devolution of policing. That was the quid pro quo".

Mr Ahern went on to say:

"I did that bit of the negotiations myself with Ian and Gerry Adams, and it was the quid pro quo."

Does the Member not find the current confusion strange? If the deal was done at St Andrews, is it the case that the DUP hierarchy is not telling its ordinary members what happened there, or does the confusion lie with Sinn Féin?

2.15 pm

**Mr Kennedy:** I am grateful for the Member's contribution. Those questions —

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. Is it in order for a Member to make an untrue statement in the House? I told the former Taoiseach that I repudiated his comments, and he has not opened his mouth since.

**Mr Speaker:** It was a political comment, to which Dr Paisley has had time to respond.

**Mr Kennedy:** It appears that one must choose whom to believe. *[Interruption.]*

**Mr Speaker:** Order. The Member has the Floor and is making a winding-up speech.

**Mr Kennedy:** Mr Durkan, rightly, reminded the House that the Executive's current problem is that, rather than being a four-party mandatory coalition, it is, effectively, a two-party political carve-up. That fact causes significant problems.

Naomi Long mentioned the outstanding impasse questions that arise from St Andrews. The public and Members of the Assembly need clarity on that matter as quickly as possible.

David Simpson told the House that Sinn Féin's political wish list had not been agreed. However, his party promised the country a new, fairer and better deal. The new deal has been replaced by an old impasse.

Mitchel McLaughlin became a prophet and told the House that the Executive will meet. Furthermore, he said that the Ulster Unionist Party and the SDLP had had their chance in power and will not be given another one. The people will cast their verdict. Dr McCrea — and I am sorry that he has left the Chamber — reminded Members of the triple lock negotiated by the DUP. That triple lock has been replaced by gridlock.

The Ulster Unionist Party does not think that now is the right time, or that there is sufficient community confidence, to devolve policing and justice. I agree with Michael McGimpsey that it is a disgrace that approximately 60 papers require Executive clearance. Lingering doubts remain in the Assembly as to whether the two largest parties have the wherewithal, commitment and political acumen to govern on behalf of all the people of Northern Ireland. Earlier today —

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

**Mr Kennedy:** Earlier today, pensioners came to the gates —

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

**Mr Kennedy:** On a point of order, Mr Speaker. Mr Poots was granted an extra minute in which to make his winding-up speech on behalf of the DUP.

**Mr Speaker:** If a Member has 10 minutes in which to make a speech, no extra time will be granted.

**Mr Kennedy:** On a further point of order, I remind the Speaker that, as well as the intervention, I gave way and lost time as a result of points of order.

**Mr Speaker:** All Members should know that the clock stops for points of order. Therefore, Members do not lose time.

**Mr Kennedy:** I will wind up quickly — *[Laughter.]*

**Mr Speaker:** Order. The Member's time was up quite a while ago. The Member should take his seat.

**Mr Kennedy:** I commend the motion.

**Mr Speaker:** Order. The Member must take his seat.

**Mr Paisley Jnr:** On a further point of order, Mr Speaker. Although the clown of the Assembly behaves in a way that brings the Assembly into disrepute, is it appropriate to, on three occasions, question the ruling of the Speaker on a single matter?

**Mr Speaker:** Order. Let me answer that point of order first. There are many Members who, on occasion, challenge the authority of the Chair.

**Mr McClarty:** On a point of order, Mr Speaker. Is it in order for a Member to refer to another Member as "a clown"?

**Mr Speaker:** I have always reminded Members in this House to be mindful of their language. The comment that was used is not unparliamentary.

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

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

*Resolved:*

That this Assembly requires the Executive Committee to meet immediately, in accordance with the Pledge of Office and the Ministerial Code; recognises that the DUP, UUP and SDLP Members of the Executive have been willing to meet at any time to discuss any items; condemns efforts to prevent Executive business taking place; and greatly regrets the resultant impact on the electorate during challenging economic times.

**Mr Speaker:** Order. As Question Time commences at 2.30 pm, I suggest that the House take its ease until that time.

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

2.30 pm

## Oral Answers to Questions

### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

#### **Executive's Failure to Meet: Community Relations Impact**

1. **Mr Savage** asked the Office of the First Minister and deputy First Minister what assessment it has made of the impact on community relations of the failure of the Executive to meet since June 2008. (AQO 1101/09)

**The First Minister (Mr P Robinson):** The Office of the First Minister and deputy First Minister (OFMDFM), through the good relations panel, has developed a wide range of indicators to measure progress in the area of community relations. We will shortly be publishing the updated indicators, which will show marked improvements in almost all areas. Those indicators are a robust measure of the hard work carried out across Northern Ireland to address the issues of sectarianism and racism, and are a demonstration of real and meaningful achievements.

I assure the House that considerable good work in the area of good relations continues, with financial and other support from OFMDFM. I thank the very many statutory and voluntary good relations and community organisations throughout Northern Ireland for their ongoing efforts, which have contributed hugely to the relatively peaceful times that we have enjoyed. I also commend those working very hard in hot-spot areas, and in and around interfaces, for their contribution to the peaceful summer period.

Last year, the Department spent £6 million supporting good relations work across all 26 council areas. This year, we will spend £8 million, including £1 million directed specifically at supporting minority ethnic groups and vital initiatives aimed at tackling sectarianism and racism. Although there are many issues to address, our previously published good relations indicators report confirms many positive trends that reflect real improvements in the nature of society. The fact that we have already begun to deliver the additional funding secured in the Executive's budget means that vital work on the ground, and with new communities, is better resourced than in recent years.

The Department's work has demonstrated its commitment to building cohesive, inclusive communities. Our work on the cross-cutting good relations policy is central, pivotal and directional, thereby ensuring a shared and better future for all our people.

**Mr Savage:** Will the First Minister update the House on the current situation in relation to the cohesion, sharing and integration strategy? Furthermore, will he identify areas where difficulties have arisen?

**The First Minister:** The draft strategy has gone through many iterations, and has been improved during each of those iterations. It is at a very advanced stage, and I have had an opportunity to see the report.

It might be worthwhile to explain — particularly to those members of the OFMDFM Committee who will be eager to receive it and who will be first to indicate that it is long overdue — that the report is not a two- or three-page document. When completed, the document will in fact be somewhere between 150 and 200 pages long. It is, therefore, a very substantial piece of work and deals with many issues in much more detail than the term “strategy” would suggest.

As I have said, the document is at a very advanced stage and good progress has been made with it. The deputy First Minister and I discussed the issue last Friday, and it is very much in the in-tray of issues that we are dealing with at the moment.

**Mrs Long:** The First Minister said that the document has been through many iterations and has improved each time. Given that — in that context — I can barely contain my excitement, will he give the House any indication as to when the OFMDFM Committee might actually see the document?

**The First Minister:** The Committee will be the first to see the document, and I hope that that will be very soon. It is, as I said, in its final stages.

Others have made commitments to present the report to the Committee, but I am not going to get hung up by making such a commitment. The matter is being dealt with expeditiously, and I hope that the document will be with the Committee very soon.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Will the First Minister comment on the recent spate of attacks on, for example, St Malachy's GAA Club in Edendork, Father Rock's GAA club in Cookstown, County Tyrone and also on a number of Orange Halls in the Pomeroy —

**Mr Shannon:** Is Pomeroy in your constituency?

**Mr McElduff:** Pomeroy is not in my constituency, but I am happy to mention both Pomeroy and Coagh, in the constituency of Mid Ulster. Will the First Minister make a statement to the House today on attacks on GAA clubs and Orange Halls?

**The First Minister:** The deputy First Minister and I strongly condemn the attacks, both those on GAA clubs and those on Orange Halls. I am sure that everyone is reminded of the Minister of Culture, Arts and Leisure's reference to cultural vandalism. However, the attacks are much more than that — they cause, and are intended to cause, divisions in local communities, they raise suspicions and try to set us back from the path that we are on. Everyone will want to isolate those who are involved in such foolish behaviour, and I am sure that the whole House will join us in condemning those activities and in calling for them to stop immediately.

### Next Executive Meeting

2. **Mr Hamilton** asked the Office of the First Minister and deputy First Minister for its assessment of when the Executive will next meet. (AQO 1092/09)

**The First Minister:** The next Executive meeting is scheduled to take place on 27 November. However, in circumstances where agreement to hold an Executive meeting is reached, it could take place sooner.

**Mr Hamilton:** I thank the First Minister for his brief response. The First Minister will be well aware that it has been more than 150 days since the Executive last met, and that, in that time, the economic situation has worsened, we are in the midst of a financial crisis, unemployment has risen, energy prices have gone up and many people are facing a winter of fuel poverty. What does the First Minister believe the Executive's priorities should be when they next meet?

**The First Minister:** The Member for Strangford has set out our priority very clearly. However, it is worth pointing out that that has been our priority, because the deputy First Minister and I have had a series of useful meetings with a wide range of sectors, including the business community, the banks and lending societies, voluntary and community organisations, the energy regulator and energy companies, and the trade union sector.

From those meetings, we gathered a considerable and weighty document that deals with the credit crunch and measures that are being taken by Ministers in various Departments. Even though the Executive have not been meeting, Ministers have been working in their Departments. The document, which we are now considering, deals with not only what Ministers have been doing and are intending to do, but it contains other proposals that will help us to alleviate hardship. The first item of business that the Executive will, substantially, want to address will be to take those proposals forward with regard to a financial hardship package.

**Mr McNarry:** In view of public concern and in light of continuing deadlock in the Executive, will the First Minister acknowledge that a meeting of Committee Chairpersons and Deputy Chairpersons in order to identify an agenda for action to counteract the impacts of the economic downturn would be a positive and useful first step towards putting an economic reconstruction programme in place?

**The First Minister:** I welcome a co-ordinated approach by the Assembly, regardless of whether the Executive are meeting. As First Minister, I am always reluctant to attempt to give guidance to the elected body, and I attempt, as much as possible, to separate the role of the Executive from the Assembly in that respect. However, if the Assembly was prepared to have such meetings and to offer such advice, no one in the Executive is too proud to accept and consider that advice. Such an undertaking would be useful because the approach in dealing with the credit crunch and related financial hardship issues over the ensuing months and, I suspect, years will need the support of everyone in the House, and everyone pulling in one direction.

**Dr McDonnell:** Will the First Minister inform Members of the steps that his office is taking to ensure that the next Executive Committee meeting will not be cancelled at short notice?

**The First Minister:** Detailed discussions have been taking place over many months in order to resolve outstanding matters. Such matters have been with this community for a long time, and they long pre-date my time in the Office of the First Minister and deputy First Minister. Those matters go to the heart of the difficulties in our society, and although some newspapers might take a simplistic approach to them, if the deputy First Minister and I can make progress, without the assistance of outside resources, on those matters that have held the community back for such a long time, the solutions are much more likely to stick in the long term and to demonstrate a way forward for the whole community.

### Development of Maze Site

3. **Mr Poots** asked the Office of the First Minister and deputy First Minister to detail options for the future development of the Maze site. (AQO 1181/09)

**The First Minister:** We realise the direct impact that a redevelopment of that size would have on our society and, in particular, on the Member's constituency. Consideration is being given to the master plan. However, in the event that there is no agreement to its implementation, we believe that any option must exploit fully the site's potential and satisfy the commitments that have been given to stakeholders, including



sporting bodies. The site has enormous regional significance, and it is too valuable to be left undeveloped.

**Mr Poots:** I thank the First Minister for his response, particularly his reference to the site's enormous significance. Given that significance and given, in particular, the current economic conditions in Northern Ireland, will he assure Members that he and the deputy First Minister will move as quickly as possible to ensure that development on the site begins soon?

**The First Minister:** The Member is right to point out that, apart from the site's regional and local significance, when the construction industry is on its knees, our ability to direct such construction projects would benefit that industry significantly. This is one of the many issues to which I was referring when the Member for South Belfast asked about outstanding matters that must be resolved.

The deputy First Minister and I have been discussing this issue, and we are working our way through matters that relate to it. In order to make progress, it is my desire and that of the deputy First Minister to see those matters resolved as speedily as possible.

Our ministerial colleagues must first come to a decision about the current master plan — particularly with regard to the private-sector bid — and they will want to take account of OFMDFM's report and the Department of Finance and Personnel's (DFP) report on the business case. If there is a wish to continue with the current bidder, the matter must go to the Executive for approval. If approved, and before entering into a formal development agreement with the bidder, a period of clarification would be required to address matters concerning costs, timescales and legal points. If there is no agreement to approve that bid, we must consider how the master plan might be amended or changed.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Will the First Minister outline the amount of capital that would be required, particularly for the construction industry, if the site is developed under the master plan? What impact would such an investment have on the construction industry?

**The First Minister:** Without knowing precisely what will be built on the site, it is difficult to estimate potential construction costs accurately.

The three sports — whether they are to be satisfied on the Maze site or off it — will require funding for an arena, or for improvements to existing arenas. There will be a considerable amount of capital expenditure involved in that and a large volume of work for the construction industry.

2.45 pm

Aside from the sporting element, the proposal included significant works on the site, which would involve tens of millions of pounds. It is, therefore, a

considerable project in construction terms, and not only will it be important for the local community, but it will be a site of regional significance.

**Mr Lunn:** Will the First Minister agree that the Maze site will be less attractive to potential investors if it proceeds without the national stadium? In the present economic conditions, and given the lack of business confidence, it may, in fact, not be viable.

**The First Minister:** That is a depressing outlook, especially from a Member who represents the area in which the Maze site is located. He suggests that the people of Lagan Valley cannot support a major regional development in their area without the inclusion of a soccer, Gaelic and rugby stadium. Some people would see that as a loss-leader, but regardless of whether the stadium is built, there is the opportunity for a lot of useful development on the site. Many bidders will be interested in the site — even if it does not proceed on the basis of the current master plan.

### Inward Investment: Job Creation

4. **Mr McLaughlin** asked the Office of the First Minister and deputy First Minister, in light of the inward investment commitments to create a minimum of 6,500 jobs, how many of these jobs have been realised. (AQO 1119/09)

**The First Minister:** The Programme for Government sets out the Executive's ambitious target to secure inward investment commitments, promising over 6,500 new jobs by 2011. The corresponding 2008-09 target is to secure inward investment commitments offering 2,200 new jobs. Every inward investment project has a long lead-in time of between 18 and 24 months, during which time initial visits are made, investors make decisions, announcements are made and, ultimately, the project is implemented.

Notwithstanding that, results based on inward investment projects approved in the first half of this year have been encouraging and anticipate the promotion of 1,131 new jobs. That represents over half of our target for this year. That early success reflects the efforts of the Executive and, in particular, the Department of Enterprise, Trade and Investment through Invest Northern Ireland, in promoting Northern Ireland as an attractive and viable location for new inward-investment opportunities.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. I acknowledge the difficult economic conditions but welcome the confirmation that inward investment was achieved. Given the commitment to address regional disparities, will the Minister inform the House of the total number of jobs delivered outside

the Belfast metropolitan area since the Programme for Government was agreed?

**The First Minister:** I will be happy to ask the Minister of Enterprise, Trade and Investment to provide the Member with those exact figures. We are well on target to achieve the objectives that we set out in the public service agreement; we said that we would achieve 70% or 75% within a 10-mile radius of the areas of deprivation. Statistics show that we have done better than that to date. However, I will supply him with the precise information on the Belfast area in due course.

**Mr Durkan:** I welcome the First Minister's responses. In the current climate, what sectors are the Government here targeting for inward investment? How much of the current pitch is based on offering firms a means of reducing their own costs in the current climate? Does such a concentration bring with it a danger of joining the race to the bottom, a basis on which we were told in the Programme for Government we would not compete for jobs?

**The First Minister:** Let us be clear. The Programme for Government seeks economic growth, targeting particularly high-value-added jobs. However, high-value-added jobs in Northern Ireland cost less to a company than they would were those same high-value-added jobs elsewhere in the European community. We should not exclude ourselves on the principle of selling Northern Ireland as a low-cost base for jobs in IT, business and the financial services sector. Our selling point is strong, compared to the cost in Dublin, where, I am told, it would cost about twice as much to set up a similar business. There are distinct advantages in the current climate when chief executives are looking — more than at any other time — to the cost base of their company. It is bound to be to their advantage — and to ours — if the work can be carried out in Northern Ireland at a lower cost.

**Mr Neeson:** How has the First Minister and his office followed up the US investment conference, and have there been any positive results?

**The First Minister:** That is a matter for all our related Ministers, and several Ministers have carried out follow-up functions. The Minister of Enterprise, Trade and Investment has returned recently from a follow-up mission to Silicon Valley in the United States. At the invitation of the Lord Mayor of London, the deputy First Minister and I attended an event in the —

**Mr Durkan:** Mansion House. *[Laughter.]*

**The First Minister:** Mansion House — thank you — which included not only the American ambassador and dignitaries on that level, but several businessmen. Two local company directors gave a strong testimonial of the workforce of Northern Ireland, the benefits of investing in Northern Ireland and the success that they

had had. We are following up all the leads. Apart from what Ministers are doing, Invest Northern Ireland is following up every single person who travelled to Northern Ireland to see whether it can assist with any of the decisions that they have to make about investment.

## Workplace 2010

5. **Mr Irwin** asked the Office of the First Minister and deputy First Minister if difficulties with the Workplace 2010 programme will have implications for the delivery of the Investment Strategy.

(AQO 1091/09)

**The First Minister:** The Executive's investment strategy will continue to be delivered to the fullest possible extent. We inherited historic levels of infrastructure investment in Northern Ireland that were totally inadequate for the goal of fostering a modern, prosperous and fair society. As a response, the Executive set out a comprehensive and coherent strategy for addressing the legacy of decades of underinvestment from direct rule. In our first year, net capital expenditure was £1.2 billion, with which we succeeded to deliver new capital investment of almost £1.4 billion with the help of capital receipts, and we are working to deliver even more. However, we must operate within finite capital budgets, which are affected by the amount of capital receipts available.

The difficulties with Workplace 2010 are unfortunate, and the receipts and efficiencies anticipated from the programme would have been welcome now. However, we must leave nothing to chance in a project of that size. Where we have decided to work in partnership with the private sector, value for money for the taxpayer is an important concern.

I understand from the Minister of Finance and Personnel that the potential for two of the final bidders to come under common ownership has major implications for the procurement process. In the circumstances, we could not proceed at this time. We will continue to focus on delivering new investment to the maximum extent possible for this year, and the years to come, with what remains a substantial level of funding available under the investment strategy. We must keep a sense of perspective and not lose sight of the fact that the investment strategy is for the long term.

Members will understand that Northern Ireland is not immune to the present worldwide financial difficulties. We in the Executive are determined to do all that we can to find our way through these challenges.

**Mr Irwin:** I thank the Minister for his reply. What are the public-expenditure implications of the suspension of the Workplace 2010 programme?

**The First Minister:** I recall from my days in the Department of Finance and Personnel that it was provisionally estimated that £175 million would come from Workplace 2010. Therefore, that is the size of the gap.

I also recall from my experience in the Department of Finance and Personnel that much more than that was underspent in each financial year. The Minister of Finance and Personnel, with the deputy First Minister and I, will closely examine any Department that has an underspend at the end of the current financial year. We are encouraging every Department's accounting officer, and every Minister, to ensure that Departments will not have money left on capital-spend projects at the end of the current financial year. It is vital that that money is used not just to deliver the infrastructure project, but that it works for the jobs of the people of Northern Ireland, particularly in the construction industry.

**Mr Kennedy:** I am grateful to the First Minister for his earlier response. The Committee for Finance and Personnel has been told that there will be a shortfall of approximately £175 million as a result of the delays in the Workplace 2010 programme. There has been a £194 million miscalculation in respect of the sale of land at Crossnacreevy, and more than £100 million is required for back pay for local civil servants. There has also been a shortfall due to the delay in water charging. Given all that, can the First Minister confirm the true extent of the apparently ever-increasing black hole in the Executive's finances?

**The First Minister:** It is unhelpful for people to talk about black holes. Indeed, those people would probably not know a black hole if they saw one. There will be Budget pressures and underspend in any financial year. The job of the Finance Minister and the Executive is to ensure that we deal with one by adjusting the other. If financial hardship requires the Finance Minister to recommend a change to the Budget arrangements, he will do that. He will present those recommendations to the Executive and then to the House.

Discussions on capital-spend proposals are ongoing, but several Departments have indicated that it is unlikely that all the intended projects will be carried out. Some money was handed back in the June monitoring round, and I expect more money to be handed back in the December monitoring round. There will be no black hole in the Executive's finances. The books will add up, and some people will have to eat their words.

**Ms Anderson:** Go raibh maith agat, a LeasCheann Comhairle. Will the decision to suspend Workplace 2010 have an adverse, knock-on effect on the relocation of public-sector jobs, as recommended by Professor Bain? Obviously, I am concerned about the north-west, especially Derry.

**The First Minister:** It is important to point out that Workplace 2010 has been suspended and not abandoned.

In the early part of next year, the Finance Minister and his Department will carefully examine what has transpired in respect of the two bidders. Bids have been received from each, and immediate steps were taken to ensure that there was no cross-contamination between those two companies with regard to the bids. It has been emphasised to the bidders that they are legally required to abstain from discussing bids on Workplace 2010.

Therefore, although Workplace 2010 has been suspended, it could still go ahead. As the Member indicated, the suspension will have implications, not least for the dispersal of public-sector or Civil Service jobs. However, the review of public administration (RPA) requirements for new buildings can be taken forward with one eye on the Bain Report on the dispersal of public-sector jobs.

Therefore, we can consider where new jobs are required and how they can best be dispersed. Both those projects are being taken forward in tandem, and the Bain Report will, unquestionably, come before the Executive for decisions at an appropriate time.

3.00 pm

## AGRICULTURE AND RURAL DEVELOPMENT

### Single Farm Payments

1. **Mr Molloy** asked the Minister of Agriculture and Rural Development what action she is taking to address the disallowance of £28.5 million imposed by the EU Commission following an audit of single farm payments between 2004 and 2006. (AQO 1116/09)

**The Minister of Agriculture and Rural Development (Ms Gildernew):** First, I was horrified when I found out about the proposed correction. I do not accept that the threat to European funds is anything like the level suggested by the European Commission, and the proposed correction is completely disproportionate. I will do everything in my power to prevent that money being lost.

In answer to the question, I have taken a number of steps to address the issue. I have spoken with the Chairperson of the Committee for Agriculture and Rural Development, Dr William McCrea, to the Ulster Farmers' Union (UFU) and to NIAPA (Northern Ireland Agricultural Producers Association). I appreciate the support that they have given to me. I have written to the three MEPs and invited them to meet me in order to brief them and to ask them to consider making representations on our behalf. Most importantly, and in line with Commission protocols,



the next stage in the process is to take our case to the conciliation body. That request is being worked on by my officials and must be submitted by early December. That submission will restate the view that any risk to the fund is negligible, and it will contend that the proposed disallowance is completely disproportionate and must be eliminated.

Finally, my Department has checked with the Department for Environment, Food and Rural Affairs (DEFRA) and has been assured that provisions of £11 million are being held on our behalf. DEFRA will use that to offset any correction that is eventually made. That is helpful, but the fundamental principle does not change, and I will do all that I can to prevent money being lost.

**Mr Molloy:** I thank the Minister for her reply. Will she explain what the conciliation body can do?

#### **The Minister of Agriculture and Rural**

**Development:** The conciliation body provides an independent examination of any correction proposals between member states and the Commission on the clearance of accounts. The body has only an advisory role, and the Commission auditors need not abide by any recommendations. After the case is submitted, it takes the conciliation body from three to four months to report back to the Commission. The disallowance process is put on hold until conciliation is completed. Therefore, I anticipate that any disallowance will not be applied until the 2009 financial year.

**Mr Elliott:** I thank the Minister for that answer. Bearing in mind the Department's current stringent inspection regime, will she confirm that she will not impose even stricter rules and regulations on Northern Ireland's agriculture industry and inspection regime?

#### **The Minister of Agriculture and Rural**

**Development:** I have been consistent in my message: the Department must co-operate with farmers and work better with them. However, the issue of the Commission and its examination of how we conduct our business must be dealt with. Quite a bit of the disallowance concerns GIS (geographic information system) and mapping systems that farmers have been asked to help to correct.

The Commission considers that too much leniency has been shown in other areas of delivery to farmers. Therefore, we must work with farmers but acknowledge that the Commission takes a dim view of straying outside the regulations. That working relationship must be built on, and it is an area in which the Department has been strong — in building new relationships with Europe in the hope that farmers will not be treated any worse than they already are. The Department wants to work with farmers in order to ensure that they receive the best possible service. Unfortunately, Commission

rules must be adhered to, although the Department works around them as best it can.

**Mr Burns:** Does the Minister accept any responsibility for the errors that resulted in £28.5 million being lost to farmers, or does she totally blame the farming community?

#### **The Minister of Agriculture and Rural**

**Development:** I am not blaming the farming community. I am not saying that at all. However, farmers can help to convince the Commission that the Department's mapping system is accurate. I want farmers to check maps in order to ensure that they are correct and to tell us straight away whether there have been any changes to fields, particularly if they build a lane or there are ineligible features such as buildings or scrub.

Some 5,000 farmers have helped us by reporting map changes this year. That is positive, and we want it to continue. The Department does not blame farmers for the disallowance.

### **Little Acre Open Farm**

2. **Mr B McCrea** asked the Minister of Agriculture and Rural Development if she will review animal welfare legislation in light of recent events at Little Acre Open Farm. (AQO 1141/09)

3. **Mr McCallister** asked the Minister of Agriculture and Rural Development if her Department is reviewing its inspection procedures in light of recent events at Little Acre Open Farm. (AQO 1108/09)

#### **The Minister of Agriculture and Rural**

**Development:** With your permission, a LeasCheann Comhairle. I will answer questions 2 and 3 together.

I intend to review animal welfare procedures and legislation. In May 2008, I provided answers to the Assembly about animal welfare issues on a farm in Katesbridge, County Down, which had attracted significant media attention. At that time, I commissioned an independent investigation into the events at that farm. I expect to receive the report when the legal obstacles are considered and removed. After I consider the outcome of the investigation, I will begin a review of procedures, which will take account of recent events at Little Acre Open Farm.

Since assuming office, I have met a wide range of animal welfare interest groups to hear their views on the current legislation first hand. I have also considered replies to an earlier Department of Agriculture and Rural Development (DARD) consultation exercise on animal welfare. Based on those comments, I have asked my officials for a detailed policy paper by the end of the year, which will take into account the



positions in the South and in Britain. After that, I will decide what new legislation is necessary.

**Mr B McCrea:** I thank the Minister for her answer, and I am grateful for her acknowledgement that there has been some failure in the procedures and inspections. Will she agree that informing the public about the new proposals — when they are published — is important, and that perception, in particular, is often more of a problem than reality?

**The Minister of Agriculture and Rural**

**Development:** The primary responsibility for the welfare of an animal on a farm rests with the farmer. Within the resources available to me, my Department carries out inspections and checks on the standards of animal welfare on farms. Those inspection procedures and checks are led by professional and experienced veterinary surgeons.

We will consult widely on the issue and publish the consultation on the Department's website, which will allow people to read it at their leisure. As I have said previously in the House, we want the legislation to be fit for purpose and up to date, but we do not want to pre-empt the outcome of the review — we must get the legislation right

**Mr McCallister:** How does the Minister explain the disparities between the findings of her departmental inspectors at the farm and those of the police and the USPCA? Does she agree that her Department made mistakes on the enforcement of animal welfare at Little Acre Open Farm?

**The Minister of Agriculture and Rural**

**Development:** When people see TV images of squalor, filth and rotting carcasses on farms, it is understandable that they are concerned that animals are suffering. However, that alone is not sufficient evidence that an offence has been committed. Veterinary surgeons are required to be objective in assessing the evidence before them and reaching a judgement about what constitutes abuse. Inspectors can only report what they find on the day of inspection. It is also important to appreciate that animals can become sick and die quickly, which is not proof of abuse or an offence under the legislation.

My officials have been to Little Acre Open Farm nine times in the past two years to follow up complaints from members of the public and to monitor the health and welfare of animals on that farm. Although advice was given on overcrowding and better management, no serious welfare issues were uncovered during those visits. The most recent visit to the farm was for routine animal disease testing, not an overall inspection. However samples were collected, and the pigs and cattle that were presented for testing were deemed to be well kept and healthy.

**Mr Wells:** Will the Minister accept that the legislation on animal welfare has been on the statute books for 38 years and is completely out of date? The example of Little Acre Open Farm has highlighted two basic flaws in the legislation. First, practices that are considered cruel by modern standards by most reasonable people are not covered by the legislation.

Secondly, a departmental inspector can look at an animal and realise that, within a few hours or days, cruelty will be inflicted on it. However, that cruelty has not yet occurred, so the Minister's officials can do nothing about it. It is time that her Department got its act together —

**Mr Deputy Speaker:** Your time is up, Mr Wells. You have asked your question.

**Mr Wells:** It is time that her Department got its act together. New legislation must appear on the statute books as soon as possible.

**The Minister of Agriculture and Rural**

**Development:** The Department consulted on proposals for new animal welfare legislation in late 2006. That exercise was carried out under a different Administration, so I wish to take time to consider fully the responses received and to hear, at first hand, animal welfare stakeholders' views. That I have been doing for the past 12 months, and discussions have been very useful and informative. It is important that animal welfare legislation across the island of Ireland be broadly compatible, as it will be a major component of the all-island animal health and welfare strategy. However, we do want to bring existing legislation up to date.

The Department can serve a reactivation notice if an animal appears to be suffering. Therefore, there is legislation that we can, and do, use, but we want to bring it up to date.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. The Minister said that the Department consulted on proposals for new legislation in 2006. Why has that legislation not been introduced?

**The Minister of Agriculture and Rural**

**Development:** It is important to get the legislation right. We want to take time to consider the responses that we received to the previous consultation from stakeholders. We want to ensure that we do not have a knee-jerk reaction but that we get legislation that it is fit for purpose.

## Felling of Woodland Trees

4. **Mr Lunn** asked the Minister of Agriculture and Rural Development to outline a timescale for the introduction of licences for the felling of woodland trees. (AQO 1136/09)

### **The Minister of Agriculture and Rural**

**Development:** It is anticipated that a new forestry Bill, which will contain provisions that deal with licences to regulate the felling of trees and the regeneration of woodland, will be ready for introduction to the Assembly later in this legislative session — most likely after the Easter recess.

The proposed licensing system will apply to owners of woodland of 0.2 hectares or more. Landowners will be required to apply to the Department for permission to fell trees in their woodland, and permission will depend on the applicant's having a simple forest-management plan of felling and subsequent regeneration of trees. The plan is designed to be reasonably straightforward for landowners to complete but detailed enough to encourage them to think sufficiently about their management objectives for the woodland.

The proposed licensing system will allow Forest Service to determine whether the landowner's proposals for felling and regeneration meet sustainable forest-management standards, as determined by the UK Forestry Standard and associated guidelines.

**Mr Lunn:** Given that this is the only place on these islands that does not have a licensing system, and given the pressure on our remaining native woodland, does the Minister agree that a total ban on unlicensed tree felling is now vital and extremely urgent? Will she assure us that she will use her powers to introduce such a ban as quickly as possible?

### **The Minister of Agriculture and Rural**

**Development:** Our intention is to protect areas of woodland rather than individual trees, which are covered by other forms of control, such as tree preservation orders, under planning legislation. Forest Service recently developed a strategy for the management of departmental woodland, which was identified on the ancient woodland inventory. Management of that woodland will be reviewed as part of normal forest planning. That review will consider the ecological potential of the woodland, as indicated by the presence, or the absence, of ancient woodland remnant features, which reinforce habitat networks. That assessment will form the basis of whether to, and where to, restore native woodland.

**Mr Cree:** Will the Minister assure us that if a licensing scheme is introduced, bureaucracy will be kept to a minimum and that the scheme will not be characterised by DARD red tape?

### **The Minister of Agriculture and Rural**

**Development:** Woodland has a minimum area of 0.2 hectares. What constitutes woodland excludes parks, gardens, orchards and fruit trees, and the area aligns with the minimum area of woodland for which financial support is entitled under the Department's woodland-grant schemes. However, as I said, I will try

to keep bureaucracy to a minimum in order to ensure that the scheme is so simple that it encourages people to preserve and to plant trees.

3.15 pm

**Dr McDonnell:** The Minister referred to an area of 0.2 hectares; in plain-man's language, that sounds like about half an acre. Will she assure the Assembly that she does not intend to include a member of the farming community who might wish to fell a tree or two on his or her own land among those who will be compelled to get a licence for the felling of trees? I refer to a tree that might be creating an obstruction or must be felled in the interests of public safety.

### **The Minister of Agriculture and Rural**

**Development:** As I have already said, the legislation is not about protecting individual trees; there are other means by which to do that. If a tree is creating a problem or a health hazard, it must be removed. The measures are about encouraging landowners to regenerate woodland if they must fell trees. A farmer might not plant a tree exactly where he or she cuts one down, but he or she should replace the trees that were cut down in order to maintain levels of forestation. The area of 0.2 hectares is a bit more than half an acre. However, we are talking about areas of woodland rather than individual trees.

## **Bluetongue**

5. **Mr Ford** asked the Minister of Agriculture and Rural Development for an update on her Department's provisions to combat bluetongue. (AQO 1137/09)

9. **Mr McCarthy** asked the Minister of Agriculture and Rural Development to outline how quickly her Department will be able to vaccinate against bluetongue if there is an outbreak. (AQO 1138/09)

### **The Minister of Agriculture and Rural**

**Development:** With your permission, a LeasCheann Comhairle. I will answer questions 5 and 9 together.

My Department continues to monitor the bluetongue situation across Europe. We also monitor local midge activity and wind-plume information, as well as undertaking surveillance for the disease. A significant part of that surveillance targets imported animals, which are isolated and restricted until they have been post-import tested for all strains of bluetongue and until we are satisfied that they do not represent a threat.

We provide regular information to the agriculture industry on the risks and the actions that it should take. I have continually urged those involved in the importation of cattle and sheep to think carefully and to consider the potential consequences of bringing bluetongue here. I am pleased to say that industry representatives have supported me by reiterating that message.

My Department continues to work in partnership with key stakeholders here, through the bluetongue working group, on preparedness to deal with the threat of the disease. We have developed contingency plans in the event of a bluetongue outbreak on the island of Ireland, including the sourcing of sufficient vaccine to provide emergency supply for up to four separate outbreaks of bluetongue in the North. Although that vaccine is now available, the decision when and how best to vaccinate will be informed by the veterinary advice at the time.

**Mr Ford:** I thank the Minister for her response, and I am sure that we all agree with her pleas to farmers to refrain from importing animals and welcome the response that that has had. However, in light of the increasing threat of bluetongue, even though weather in northern Europe becomes colder, what discussions is the Minister having with her colleagues in other regions of these islands and elsewhere in Europe to ensure that we receive the maximum information possible from those who are already fighting the disease?

**The Minister of Agriculture and Rural**

**Development:** I have discussed the matter at length with colleagues in other areas. My officials are working closely with officials in the South, given that the threat is to the island and that the whole island is, at present, bluetongue-free. I have had discussions with other Ministers. My most recent discussion was with the Secretary of State for the Environment, Food and Rural Affairs, Hilary Benn, on the levels of vaccination. That is very important, because high levels of vaccination across the water will protect us further. We are communicating at ministerial level, but officials are discussing the matter weekly and daily to ensure that we are best protected against that awful disease.

**Mr McCarthy:** I welcome the Minister's response. The fact that the ban — if that is a better description — is on her mind is consolation to the people of this island. Will she give the Assembly an indication of whether, or when, a ban might come about?

**The Minister of Agriculture and Rural**

**Development:** I am not sure what ban the Member means.

At present, the authorities in England, Scotland and Wales are vaccinating livestock, and we are considering the post-import testing of animals brought from those regions. We are also mindful of the fact that the disease could be imported into Britain from other parts of Europe. After the incident in Antrim last year, we worked closely with the European Commission to strengthen our import controls, which I believe to be proportionate to the level of threat.

**Dr W McCrea:** At last week's meeting of the Committee for Agriculture and Rural Development, members were told that seven animals had been

imported into Northern Ireland from bluetongue-infected areas. The Department has not imposed a ban, and relies simply on the farming community to refrain from importing animals from such areas. Does the Minister not accept that failure to implement a ban would have very serious implications for the industry in Northern Ireland should bluetongue enter the Province?

**The Minister of Agriculture and Rural**

**Development:** As I already said, we lobbied the EU Commission to strengthen bluetongue controls in the wake of evidence from the north Antrim case earlier this year. I am content that the legislation that is now in place will help to protect the industry here. I was quite surprised that the EU Commission went as far as it did; the initial soundings were that it was not in favour of changing its position.

We are still bluetongue-free; we do not accept imported animals from bluetongue-infected areas unless they have undergone the strict pre-movement testing requirements. The import requirements that apply here are much stricter than those that now apply to imports from infected areas on the Continent into the protection zone in England, Scotland and Wales. We also have a robust post-import testing regime for all susceptible animals that come here, with the exception of those that come from the South.

Although I took pre-emptive action to spread certain imports before those tighter controls came into effect, I cannot risk the good relations that we have in Europe by introducing unilateral measures that are not proportionate to the risk. Therefore, we must go back to the importers and ask them to be responsible. I have continually urged the industry not to import animals that may have been exposed to disease, and my message has not changed. We have been monitoring the number of animals that are being imported from the Continent and from the protection zone in Britain. I am pleased to see that, by and large, the industry is heeding the advice not to import from high-risk areas. We must work with the industry on that issue, and it must help us to mitigate the threat of bluetongue.

**Rev Dr Robert Coulter:** Does the Minister believe that an efficient amount of veterinary and administrative human resources would be available at short notice to deal with an inevitable increase in sampling and with public concerns?

**The Minister of Agriculture and Rural**

**Development:** We have a contingency plan in place, which would have an impact on the circumstances that the Member mentioned. We will consider other courses of action, such as asking private veterinary practitioners, to help out with any increase in sampling. We will use whatever resources are available to us to try to stall the spread of the disease, if it affects us.



We will also consider other factors, such as vaccination areas, the time of year at which outbreaks have occurred, and vector activity. It is a live situation, and we will make decisions based on the risk at the time, and how to deal with it. We will put all available resources into tackling bluetongue; we are aware of its economic consequences, particularly in France this year. It is a horrendous disease, and we do not wish to put any further economic burden on our farmers.

### **Flooding: East Belfast**

6. **Mr Newton** asked the Minister of Agriculture and Rural Development what steps she is taking to address the potential for flooding caused by overflowing rivers in East Belfast. (AQO 1065/09)

**The Minister of Agriculture and Rural Development:** Having seen the impact of flooding in August 2008, I sympathise fully with the current concerns of those people who are affected in East Belfast. I am pleased to confirm that Rivers Agency has completed a comprehensive study of the complex Loop River system, and has identified a viable flood alleviation scheme. Rivers Agency will press ahead with detailed design and public consultation, and will enter into contract arrangements, as soon as is practicable, that will allow works to commence in the 2010-2011 financial year.

In the meantime, Rivers Agency, in co-operation with Roads Service, plans interim works to reduce the risk of flooding from the Loop River until the scheme is in place. Those works will be implemented as soon as is practicable. A feasibility study into flood alleviation from other East Belfast rivers, including the Knock River, is ongoing, and a report is due in February 2009. Rivers Agency will continue to maintain the Knock and Loop River systems, which are largely designated for maintenance by Rivers Agency at public expense.

**Mr Newton:** I thank the Minister for her reply, and I look forward to the work being completed.

Why did she refuse to meet residents and business owners of the Castlereagh Road area adjacent to the Loop River bridge, who have been flooded twice in 14 months, given that other Ministers who had cross-departmental responsibilities in the matter, were available to meet East Belfast residents who suffered flood damage? Furthermore, will the Minister agree that one of the major advantages of the devolved Assembly is access to Ministers for MLAs and their constituents, which gives confidence to those who need reassurances in times of adversity?

**The Minister of Agriculture and Rural Development:** Having looked again at the letter, my understanding is that that request was made by the

Member, as opposed to members of the business community and the public.

The severity of the flooding in August 2008 led to many requests from MLAs, including Mr Newton, for site meetings; therefore, I had to prioritise such requests. I visited farms that had been affected, and I am content that Rivers Agency officials, who have specialist knowledge of the watercourses, have been meeting residents and business owners who have been affected by flooding in East Belfast. Those officials have been updating them on progress regarding investigations on drainage improvements in the area.

**Mrs Long:** I thank the Minister for her answer and for her response to my letters on flooding in the area. There does not seem to be a joined-up method for the Rivers Agency to respond to the Planning Service when new applications go through the system for future development in locations that have been subject to repeat flooding, either from culverts or from rivers. What proactive measures is the Minister taking to ensure that rivers and culverts are properly considered in the planning process?

**The Minister of Agriculture and Rural Development:** The Member is aware that my Department launched the flood maps last week in conjunction with the Minister of the Environment, Sammy Wilson. Planning Service can now use that tool. Ultimately, however, it is the responsibility of Planning Service to make those decisions. Rivers Agency will try to give Planning Service the information that it requires, but the decision on planning approval does not rest with my Department.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that her Department and, where applicable, the Department of the Environment (DOE) should lead by example in reducing the risk of damage to property, dwellings, crops and infrastructure by improving their designated rivers and watercourses now that those updated maps are at their disposal? What cross-departmental co-operation is likely to be initiated on foot of the accurate information now available to both Departments?

**The Minister of Agriculture and Rural Development:** The recent launch of the strategic flood risk maps and the development of a more extensive series of maps in the coming years, as part of the implementation of the European floods directive, should give the public an insight into the flood risk of their area. Therefore, it should also be possible for the public to increase the resilience of their properties to flooding, and the availability of those maps will enable Rivers Agency to prioritise flood-alleviation works.

We also want the maps to be used as part of the decision-making process, and they will be useful in



helping us to decide where to put strategic resources into flood protection. The maps are used to assess flooding from rivers and the sea; they do not take into account other flooding incidences, such as very heavy weather similar to that of August 2008 or floods that run off from roads. Only so much can be done at a time, and the strategic flood risk maps are for rivers and the sea.

### Farmers: Financial Assistance

7. **Mr Savage** asked the Minister of Agriculture and Rural Development if a business case has been presented to the Department of Finance and Personnel for financial assistance for farmers affected by the flooding on 16 and 17 August 2008. (AQO 1098/09)

11. **Mr McNarry** asked the Minister of Agriculture and Rural Development what is the financial estimate for damage caused by the flooding of 16 and 17 August 2008 to recently constructed slurry stores. (AQO 1102/09)

20. **Mr P J Bradley** asked the Minister of Agriculture and Rural Development to explain her decision to exclude the cost of land taken in conacre when calculating the accumulative loss sustained by potato, cereal and grassland farmers, as result of the flooding in August 2008. (AQO 1125/09)

**The Minister of Agriculture and Rural Development:** With your permission, a LeasCheann Comhairle. I will answer questions 7, 11 and 20 together.

My Department assessed the case for Government intervention in response to the August flooding in accordance with the Government guidelines that are required by DFP and advised me of the outcome before approaching DFP. The Government guidelines are quite constraining, because they focus on the net impact at aggregate level and do not address the plight of individual businesses. As the absolute numbers affected by the flooding and the scale of the damage were relatively modest when viewed against the economy as a whole, the analysis concluded that, under the Government guidelines, there was not a case for intervention.

I accept that outcome, but it is right to recognise that flooding has caused hardship for many individual farm businesses, particularly potato growers. Therefore, I want to make hardship payments to those farmers, and my officials have agreed with DFP the procedure that is to be followed. Accordingly, I have instructed officials to prepare a scheme, and I have written to Executive colleagues to set out my arguments for support and to seek their comments prior to consideration at an Executive meeting. I hope that colleagues will share my concern and support our proposals.

I am not in a position to provide an estimate for damage caused to slurry tanks due to flooding on 16 and 17 August 2008. I am aware of two farmers who have notified the Department that their tanks were damaged. I have offered the advice of the Department's structural engineer to agree remedial works, and he is consulting with the engineer of one of the applicants.

I confirm that the cost of land taken in conacre has been included in calculating the losses that growers have sustained. An estimated average cost of conacre — £800 for each hectare for potatoes and £250 for each hectare for cereals — was added to the initial estimates.

3.30 pm

### DEPARTMENT OF CULTURE, ARTS AND LEISURE

#### Re-Imaging Communities Programme

1. **Mr Easton** asked the Minister of Culture, Arts and Leisure what plans he has to continue the successful work of the re-imaging communities programme, which is funded by the Arts Council. (AQO 1070/09)

**The Minister of Culture, Arts and Leisure (Mr Campbell):** In the September monitoring round, my Department secured £500,000 of additional funding in order that it could continue to carry out the successful re-imaging communities programme. The Arts Council will distribute that funding through an open-grants process. In addition, several feasibility studies have been carried out, and it is envisaged that further re-imaging communities projects will emanate from those. I am pleased to report that the Kilcooley project, which is in the Member's constituency, received almost £59,000. The Arts Council uses that project as a model of best practice, and it will be used as a blueprint for future re-imaging projects across Northern Ireland.

My Department is awaiting the outcome of a recent bid to the Department of Finance and Personnel, through the strategic stocktake exercise, for additional funding for the re-imaging communities project over the next two financial years — 2009-10 and 2010-2011.

**Mr Easton:** I thank the Minister for his response. Can he tell the Assembly what level of funding North Down has achieved through the re-imaging communities programme? Will he continue to support the excellent work that is being done by the intra-community cohesion project in the area?

**The Minister of Culture, Arts and Leisure:** My understanding is that since the commencement of the re-imaging communities programme, North Down has received almost £59,000. Other constituencies have done better, but some have done worse. The re-imaging communities programme is a demand-led project. Some communities will feel that they have made sufficient progress through different projects or that they do not need a re-imaging programme. However, some communities that need a re-imaging programme have not yet applied for grant assistance.

Through the publicity that the Member's question will generate, I hope that those communities that have not yet applied for grant assistance through the re-imaging initiative do so and that they are successful in improving their locality.

**Ms Lo:** Although I support the programme, does the Minister recognise the difficulty that people have with openly sectarian murals? Furthermore, does he agree that the ultimate objective of the programme should be the complete removal of such openly offensive images?

**Some Members:** Hear, hear.

**The Minister of Culture, Arts and Leisure:** Part of the rationale behind the initiative is to try to remove the type of murals that the honourable Member mentioned. Several key factors must be considered when examining that issue. First, the community in which the offensive mural is located must support its removal. Secondly, resources and support, through programmes such as re-imaging communities, must be available to assist in the removal of such offensive murals. Thirdly, the critical issue for most of the areas concerned is that an offensive mural or slogan be replaced with a mural with which the community is happy and content. Fourthly, it is important that offensive murals are replaced with ones that give the community a sense of local identity. If that happens, it is a win-win situation for all the community

## Local Music Festivals

2. **Mr Kennedy** asked the Minister of Culture, Arts and Leisure what plans he has to extend and develop local music festivals. (AQO 1076/09)

**The Minister of Culture, Arts and Leisure:** My Department is committed to the development of local festivals, including music festivals. It also supports a wide range of festivals through the community festivals fund and funding that is dispersed through the Arts Council.

Since the beginning of the year, the community festivals fund has been devolved to local councils, which are best placed to respond to the needs of local communities. The fund has a £450,000 annual budget,

and many festivals supported through the fund have a significant musical element to their programmes. The fund will continue to assist such festivals to develop and maintain their long-term sustainability.

In 2007-08, the Arts Council made approximately £1 million in awards to festivals across Northern Ireland, which focused exclusively on music or had a major musical component as showcases of local and international performance. The Arts Council will continue to assist to showcase festivals in order to highlight the excellence of Northern Ireland music at home and abroad.

**Mr Kennedy:** I am grateful to the Minister for his reply. Given that local music festivals can be used to create and improve community relations, does the Minister have plans to extend and expand musical festivals, particularly those emerging from the Ulster-Scots tradition, and country and western, so that people can engage at a grass-roots level in a neutral environment?

**The Minister of Culture, Arts and Leisure:** The honourable Member tempts me to go down a route that I would love to go down, and would if I had much more than 24 minutes available to me.

I am supportive of the promotion of such festivals. I attended a similar type of music festival in Dungannon earlier this year with my honourable friend Lord Morrow. The festival was very successful and featured a crossover of the types of music that went from Ulster to the United States of America. That is the type of festival that I am keen to see promoted.

On that note, I was concerned to learn last week that the BBC, for the first time in recent years, removed from its schedule the broadcast of the 'Country Music Awards' from Nashville. The programme has always been broadcast to British audiences, but for some reason this year was not. It ought to be, because many such music festivals are supported by communities across Northern Ireland, and should continue to be supported.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. I am speaking in the capacity of an individual MLA when I ask the Minister to engage formally with the leading promoters of Irish traditional music in Ulster, which is, of course, Comhaltas Ceoltóirí Éireann. They organise fleadhanna at community, county and provincial level. I was surprised that the Arts Council said at the Committee for Culture, Arts and Leisure meeting last week that it has never formally engaged with Comhaltas Ceoltóirí Éireann other than a few small awards through 'Awards for All'. I ask the Minister and his Department to meet formally with Comhaltas Ceoltóirí Éireann to consider Irish traditional music and the organisation's place in festivals or fleadhanna. Go raibh maith agat.

**The Minister of Culture, Arts and Leisure:** The Member has alluded to what I assume, to paraphrase him, is a lack of communication between the Arts Council and the body to which he referred — *[Laughter.]* — which I am not going even to attempt to repeat, because I do not understand the name. I would ask him to establish whether that body has written to the Arts Council to request a meeting to see where Irish traditional music can be catered for, and I would be interested, and surprised, if there was a negative response. Any such approach should be made to the Arts Council and to local councils, which are now responsible for the community festivals fund, and would consider any approach made to them.

**Mr McCausland:** I thank the Minister for his answer. Will he outline the rationale behind the transfer of the community festivals fund to local authorities?

**The Minister for Culture, Arts and Leisure:** I hope that I have the support of virtually everyone in the House when I say that community festival funding ought to be devolved down, as close to the grass roots as possible. That is where the applications, primarily from local groups or localities that want to promote particular types of festivals, are from. The better place to assess the viability of such festivals, their promotion, and their development is among local councils. That was the rationale.

The Tourist Board felt that community festival funding did not readily fit within a tourism development remit. Under the RPA, it was agreed that that should not transfer to the Tourist Board, but should go to local government. It is still in the early stages; we are only into the first year of the assessment of local government promotion of community festivals. Let us see how that works over the first two or three years. I trust and hope that it will be a success.

### UTV Cuts

3. **Mr McKay** asked the Minister of Culture, Arts and Leisure what steps he is taking to offset the cuts proposed by UTV in response to the Ofcom Public Service Broadcasting Review. (AQO 1201/09)

**The Minister of Culture, Arts and Leisure:** My Department is considering the recommendations outlined in 'Ofcom's Second Public Service Broadcasting Review Phase 2: Preparing for the Digital Future', the closing date for which is 4 December. I have met officials from Ofcom Northern Ireland to discuss the implications of that review here. I am aware that the outcome of the review may have significant implications for UTV, and have discussed the proposals with the firm's managing director.

I appreciate that UTV is a private company and will make commercial decisions to ensure its long-term

sustainability. However, the leaders of the main political parties here have asked UTV to suspend any internal restructuring until the consultation on public-service broadcasting has been completed, and pending meaningful consultation with the trade unions.

UTV has extended the deadline for voluntary redundancies, and has recently commenced negotiations with the National Union of Journalists and the Broadcasting Entertainment Cinematograph and Theatre Union. On 20 November, managers from UTV will attend a meeting of the Culture, Arts and Leisure Committee and provide the Committee with an outline of their plans.

Under Private Members' Business, a motion has been tabled to discuss Ofcom's recommendations, and a debate is scheduled for 24 November. However, as broadcasting is a reserved matter, the motion has not been assigned to any Minister. I have agreed to a future meeting with Linda Fabiani and Alun Ffred Jones, my ministerial colleagues in the Scottish Government and the Welsh Assembly Government, to discuss broadcasting issues in light of the Ofcom review.

Although broadcasting is a reserved matter, I am committed, in so far as I can be, to encouraging the production of high-quality broadcasting in Northern Ireland, which reflects local needs and requirements. In responding to the consultation on the public-service broadcasting review, my Department will endeavour to encourage the best way forward for local viewers and broadcasters.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his comprehensive answer. Does he back the calls for UTV to suspend its voluntary redundancy scheme until the outcome of Ofcom's review is known?

**The Minister of Culture, Arts and Leisure:** As I said, my understanding is — and I think that it is public knowledge — that each of the leaders of the main political parties has asked UTV to suspend any internal restructuring until that consultation process has been completed. Given that broadcasting is a reserved matter, I feel that I cannot make any further comment, other than to draw the attention of UTV to the statement signed by the four leaders.

3.45 pm

**Mr McNarry:** I thank the Minister for his responses. Ofcom's review gives UTV the right to cut its regional news broadcasting by half in order to save money. Given that the embedment of peace and normalisation of society in Northern Ireland are so closely linked to news and current affairs, what change of mind by UTV does the Minister consider to be attainable in the public interest?



**The Minister of Culture, Arts and Leisure:** I understand the concern, not only that which has been expressed by Members during Question Time and on other occasions in the House but that of the viewing public. My difficulty is that the matter is reserved. I understand that the Committee for Culture, Arts and Leisure is due to hear UTV's proposals. I urge UTV to examine closely the letter that has been signed by political leaders and to listen to the proposals and suggestions that Members have made constructively in the Chamber.

**Mr P Ramsey:** Does the Minister share the general public's concern that UTV's product offering, the brand and the excellence of its current affairs programmes will be devalued because of the reduction in local content that it has proposed? Does the Minister agree that, in light of proposed cutbacks that are planned by UTV, now is the time for the establishment of a broadcasting commission as a way forward to discuss matters such as redundancies, broadcasting and communications?

**The Minister of Culture, Arts and Leisure:** I am actively examining the possibility of a broadcasting commission. I acknowledge the Member's comments on the quality and duration of UTV's output. I trust that UTV will listen actively to the debate and to the issues that honourable Members have raised.

### Multi-Sports Stadium

4. **Mr P J Bradley** asked the Minister of Culture, Arts and Leisure what financial, economic and social criteria he used in making his decision on the proposed multi-sports stadium. (AQO 1194/09)

8. **Mr Cree** asked the Minister of Culture, Arts and Leisure to detail the impact of the failure of the Executive to meet since June 2008 on his plans for the proposed multi-sports stadium at the Maze. (AQO 1207/09)

16. **Mr Lunn** asked the Minister of Culture, Arts and Leisure what he plans to do with his paper on the proposed multi-sports stadium, given the continuing impasse in the Executive. (AQO 1169/09)

**The Minister of Culture, Arts and Leisure:** With your permission, Mr Deputy Speaker, I will take questions 4, 8 and 16 together.

Previously, I advised the Assembly that the outline business case on the proposed multi-sports stadium, which is publicly available on my Department's website, sets out the financial, economic, social and other factors that are associated with the stadium that will be taken into account as part of the decision-making process on the project.

I have also advised that, as part of that decision-making process, the outline business case, together with the corresponding business case for the Maze project — for which OFMDFM is responsible — have been closely examined by their respective accounting officers. In addition, DFP has had the opportunity to examine both business cases. The First Minister, in his former role as Minister of Finance and Personnel, provided advice to ministerial colleagues on his assessment of the stadium and the overall Maze project.

When I became Minister, I emphasised that I wanted to resolve the stadium issue, not least to provide much-needed clarity for the sporting bodies involved and to enable them to plan for the future confidently. That remains my priority.

As I highlighted during Question Time in October, I am ready to present a paper to the Executive in accordance with the protocol to which I ought to adhere in order to progress a solution for appropriate and suitable stadium provision in Northern Ireland. Progress is, however, being frustrated, as everyone is aware, by the fact that the Executive have not met since June 2008. An Executive meeting must take place if I am to dispel the uncertainty that has surrounded the issue for too long.

**Mr P J Bradley:** I thank the Minister for his answer. I understand that uncertainty exists on the issue. Will the Minister confirm whether a new multi-purpose stadium will be ready for use before and during the 2012 Olympic Games?

**The Minister of Culture, Arts and Leisure:** Last week, I raised that very matter with Lord Coe when he visited Northern Ireland. He has agreed with me and confirmed the ongoing position, which is that, provided suitable stadium provision exists, he will do everything in his power to ensure that whatever Olympic activities can avail themselves of it will do so.

**Mr Cree:** Will the Minister provide assurance that money that is earmarked for the proposed stadium will not be lost should it be decided that it will be relocated elsewhere?

**The Minister of Culture, Arts and Leisure:** I can give that assurance.

**Mr Hamilton:** The Minister is in regular contact with the heads of the three sporting organisations involved in the process. Will he outline to the House any alternatives that those organisations have suggested?

**The Minister of Culture, Arts and Leisure:** As the honourable Member said, I have had discussions with the three main sporting bodies, during which they restated their original position. Should that project not proceed, however, they said that they will work with the Government and other stakeholders to find a solution



that will provide long-term stability, acceptability and sustainability for their respective sports.

### North West 200

5. **Mr Storey** asked the Minister of Culture, Arts and Leisure to detail the work carried out in conjunction with the Minister of Enterprise, Trade and Investment to promote the North West 200 over the next 3 years.

(AQO 1179/09)

**The Minister of Culture, Arts and Leisure:** I and my colleagues in the Department of Enterprise, Trade and Investment recognise the contribution of the North West 200 to a range of Government objectives that transcends the traditional departmental boundaries.

The event promotes Northern Ireland internationally, generates significant economic benefit beyond the north coast to the entire region, and stimulates participation and interest in motor sport. The club delivers key messages on road safety during race week and throughout the year, and the event supports high levels of volunteering and associated skills development: for example, in stewarding and first aid. The event develops opportunities to showcase and support entrepreneurs in the arts and creative industries through the provision of artisan stalls in the coast road shopping village. Efforts are being made to introduce more environmentally friendly accommodation and to promote and market a greener race and visitor experience.

The race organisers have reached a critical milestone; the event has grown to such an extent that a strategic and co-ordinated approach to its management is now deemed necessary. Officials from the Department of Culture, Arts and Leisure and the Department of Enterprise, Trade and Investment have been working closely with the Coleraine and District Motor Club and Coleraine Borough Council to support the club in its efforts to secure the event's future sustainability and growth.

The measures to be adopted include a three-year funding package to be delivered by my Department and the Tourist Board. The package is designed to respond to the developmental needs identified by the club and its main partners, including an upgrade of the event's web presence, the identification of key partners across the public sector and the appointment of a business development/events manager. Advertisements for that post appeared in the 'Belfast Telegraph' on Friday 7 November and in the 'Motorcycle News' on Wednesday 12 November.

**Mr Storey:** I thank the Minister for his answer. Given that next year is the 80th anniversary of what can only be described as the jewel in the crown of

Northern Ireland's tourist industry, I welcome the Minister's announcements today.

Will the Minister assure me that the effort to build on the mammoth success of the North West 200 will continue? Will he further assure me that all the issues that have been raised with him and the Minister responsible for tourism, Mrs Foster, will be continually examined over the next three years, so that the progress that has been made can be built on and the continued success of the event ensured?

**The Minister of Culture, Arts and Leisure:** The North West 200 is one of the most prestigious events in Northern Ireland. It regularly attracts well in excess of 150,000 visitors each year. I, the Department, and I hope every Member of the House, want to build on its success and progress further to make it — as good as it is — even better in the future.

**Mr K Robinson:** I thank the Minister for his comprehensive answers to the previous questions. Many people who travel to the North West 200, in their wisdom, use the east Antrim coast road. The North West 200 is a headline event; over two million people worldwide log on to its website to watch the race. What steps has the Minister taken, or will he take, to use the Internet as a promotional tool for major events in Northern Ireland?

**The Minister of Culture, Arts and Leisure:** The Member rightly mentioned promotion via the Internet of events such as the North West 200. In the past year, Members saw that event in particular utilise the Internet by providing live online coverage. That was extremely productive and useful, and significant numbers of online viewers were recorded.

The Internet has successfully promoted events such as the North West 200 and, therefore, is an invaluable tool that will be used to promote future events.

**Mr Paisley Jnr:** The North West 200 is a magnificent sporting event that, as the Minister said, attracts tourism to the region and boosts its economy. There are other motorsport tourist attractions. Will the Minister confirm whether Rally Ireland has been cancelled in 2008? Has it been relocated to Dubai? If so, will he outline whether resources that have been allocated to Rally Ireland can be reallocated to other motorsport events that are indigenous to the Province?

**The Minister of Culture, Arts and Leisure:** The Member alludes to various four-wheel promotional events. Discussions between my Department and events organisers are under way, with a view to holding such events in Northern Ireland. We have an excellent track record of successfully promoting such events, and I hope that we can do so in 2008 and in subsequent years.

## European Charter for Regional or Minority Languages/Irish-Language Strategy

6. **Mr A Maginness** asked the Minister of Culture, Arts and Leisure for an update on the progress made in the implementation of the European Charter for Regional or Minority Languages in Northern Ireland. (AQO 1193/09)

7. **Ms Ní Chuilín** asked the Minister of Culture, Arts and Leisure what progress has been made towards a strategy for the enhancement and promotion of the Irish language. (AQO 1192/09)

**The Minister of Culture, Arts and Leisure:** With your permission, Mr Deputy Speaker, I will take questions 6 and 7 together.

The UK Government signed up to the European Charter for Regional or Minority Languages in March 2000 and ratified it in March 2001. Since then, the UK has submitted two periodical reports to the Council of Europe — in 2002 and 2005 — that detailed the progress made on implementing the charter. On both occasions, the UK and Northern Ireland were deemed to be in partial or full compliance with each article of the charter. The third UK report, which was compiled by the Foreign and Commonwealth Office, was due on 1 July 2008. I have approved an Executive paper that outlines Northern Ireland's input to the UK report and explains the progress made between 2005 and 2008 on implementing the charter in Northern Ireland. I will present that paper to the Executive at the earliest opportunity.

On 16 October 2007, my predecessor stated to the Assembly that a strategy for regional minority languages would be prepared and submitted for Executive approval. My Department has had discussions on the development of the strategy, which will address the needs of the Irish and Ulster-Scots languages. I am pleased to report that a framework is emerging on which to build that strategy, and I expect to present a paper to the Executive in due course.

**Mr A Maginness:** I thank the Minister for his reply. I am unsure whether the July 2008 report has been completed. Will the Minister clarify? Will he assure the House categorically that he is fully committed to promoting all indigenous languages in Northern Ireland?

**The Minister of Culture, Arts and Leisure:** Given his revelation of the past few days, I will resist the temptation to accuse the Member of adopting a bare-faced approach.

As the relevant Minister, I provide input to the UK report; however, the Executive must clear that paper. As Members know, there has not been an Executive meeting, and I trust that all Members know who is

preventing those meetings. As soon as it is practical and possible, the July report will be completed, approved by the Executive, and input to the UK report will be submitted.

I am committed to ensuring that no language or cultural outlook is disadvantaged in Northern Ireland. In the past, Ulster Scots has suffered vis-à-vis the Irish language. At a recent meeting, I made it clear — beyond any doubt — to the leader of Sinn Féin that those days are over.

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

4.00 pm

## PRIVATE MEMBERS' BUSINESS

### Varney II Report

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

**Dr Farry:** I beg to move

That this Assembly calls upon the Executive to provide a full response to the recommendations of the Varney II Report.

We are meeting in the midst of a global economic crisis, and over the past 12 months or so, we have seen not just a credit crunch, but the collapse of the world financial and banking system, a slump in the local housing market, problems in the wider property sector, increasing food costs, rises and major fluctuations in energy costs, and a collapse in consumer confidence.

In the recent past, there have also been record levels of inflation, and an increase in unemployment. To be fair to the Executive, the resolution of those problems lies beyond the scope of a devolved Administration. Indeed, the resolution of many of those problems lies beyond the scope of national Governments. Such problems must be addressed globally, and, in that context, we can all welcome the outcome of the G20 summit, which took place over the weekend in Washington DC.

Nevertheless, there are two distinct measures that the Executive should take in the present context. The first is to help to manage Northern Ireland through the current difficulties. To that end, several ideas have been floated in respect of the timing of major public-sector contracts. Secondly, the Executive should be working to rebalance and modernise the Northern Ireland economy so that it is best placed to take advantage of the economic recovery when it occurs. The Varney Review II should be considered in that context.

The steps that have been taken by the Executive so far in that regard have been disappointing. The Executive have taken actions that are populist, rather than making targeted interventions to address the needs of particular consumers who are more likely to spend money, and, therefore, boost the economy, or to rebalance the economy through investment in modernisation. Furthermore — I say this with some

regret — despite the economy nominally being placed at the heart of the Programme for Government, an over-arching strategy for the economy in Northern Ireland, with the level of detail that the business community would expect, is absent.

I appreciate that the eventual publication of a regional economic strategy — I stress the word “eventual”, because we have been waiting for a new draft since January 2007 — may address some of the issues that have been raised by Sir David Varney, but we expect a detailed and dedicated response to the report from the Executive.

Both the Varney Review I and the Varney Review II were commissioned by the Treasury with great fanfare, and their ability to help our situation was talked up. However, since both were published, last December and last April, they seem to have dropped off the agenda — one never hears about them any more. That is a very strange set of circumstances. There must be an obligation on the Executive to provide a detailed response, stating which recommendations they accept, which they do not accept, and how they intend to implement aspects of the report. It has fallen to the opposition, in the form of the Alliance Party, to facilitate debates on both the reports, including today's debate on Varney II.

We should thank Sir David Varney and his team for the report, but we must also appreciate its limitations, and the widespread criticisms that have been voiced by a number of business organisations in Northern Ireland, such as the Business Alliance. Such criticisms have also been voiced by economists, through the Economic Research Institute for Northern Ireland (ERINI), and by individuals such as Sir George Quigley, Neil Gibson and John Simpson.

There is little dispute about the overall vision for Northern Ireland — more skilled, highly paid jobs; a shift towards the knowledge economy; more emphasis on exports and expanding beyond our domestic market; and better integration into the global community. However, the question is how we get from a to b.

The Varney I report considered the potential changes to the overall macroeconomic framework in which Northern Ireland operates, but it ruled out any meaningful change. However, in recognition of Northern Ireland's particular competitive disadvantage on the island of Ireland, a wide range of economists and business leaders argue that a differential rate of corporation tax is the single tool that would be most likely to facilitate a step change in Northern Ireland's economy — but the Executive have gone quiet on that matter. Varney considered the measures that lie within the control of the Northern Ireland Assembly and suggested that those are used to the maximum extent,

but did not address the fundamental framework in which Northern Ireland operates.

The Varney II report does not contain a silver bullet that would turn the Northern Ireland economy around. If one studies the fine detail of the report and Sir David Varney's subsequent comments — most notably in evidence to the Finance and Personnel Committee — it is evident that he does not envisage any meaningful gross value added (GVA) conversions between Northern Ireland and the UK average. That analysis is backed up by Neil Gibson.

UK regional policy remains focused on recognising the greater south-east of England as the driver of the overall UK economy, with the other regions left to share in the wealth. However, that is not a sustainable situation when nine of the 12 UK regions rely on fiscal transfers from the centre, with only three being left to contribute.

The current downturn in the financial sector could mean that the GVA gap between the UK average and Northern Ireland will be narrowed in the short term. However, that might not reflect an improvement in the absolute position of Northern Ireland — it might only signify a change in relative positions. We must be wary of a false-positive outcome in that regard.

The Varney II report fails to properly acknowledge the reality of an all-island dimension to our economy. There is plenty of talk about co-operating with the Republic of Ireland, but that is on the basis of two separate economies rather than how Northern Ireland fits into the context of a potentially integrated market and zone of competition. Furthermore, that co-operation would be on an uneven playing field. Rather than being able to compete with the Republic on equal terms, we would be relegated to taking any surplus capacity with respect to foreign direct investment — essentially, the overspill.

Varney makes a number of direct competitiveness comparisons between Northern Ireland and the Republic of Ireland. Surprisingly, he mentions almost everything good that is happening in the South of Ireland, but he does not note the different tax regimes. Interestingly, he cites the example of the National Competitiveness Council in the Republic of Ireland and calls for the establishment of a similar body in Northern Ireland. However, if we were to create such a body in Northern Ireland, it would inevitably advocate a differential rate of corporation tax. We can call that the Varney paradox.

There is also little acknowledgement of the impact that the legacy of the Troubles has on Northern Ireland's economy. The economic costs of a divided society extend the problems of labour-market mobility, an aspect of which is the large number of people who are economically inactive. That problem has not been

properly cited. Divisions also create investment disincentives and contribute to the brain drain. Divided societies, and those that do not cherish and respect diversity, find it difficult to attract and retain the best and the brightest.

Despite Varney's strong emphasis on public-sector reform, there is little acknowledgement of the financial costs of a divided society in relation to the unnecessary duplication of resources and the associated opportunity costs. Fundamentally, we cannot build the economy without working towards a shared future.

Many have also been very critical of the lack of new thinking in the Varney II report outside the current dominant orthodoxy of the key economic drivers — enterprise and entrepreneurship, skills, research and development, and infrastructure. Those are reflected in UK Treasury documents, past Northern Ireland economic documents and the Programme for Government. There is a desire for a greater sense of imagination.

Moreover, and somewhat surprisingly, there is little discussion of the potential for the green economy in Northern Ireland. The Alliance Party is not alone in seeing the opportunities from a successful marriage of economic development and the protection of the environment, most clearly seen in the current advocacy of the green new deal by the incoming Obama Administration in the United States.

Our Executive must challenge the Varney recommendations in at least four respects: the wider UK regional policy; the need to discuss with the Irish Government how better to create a level playing field on the island of Ireland; addressing the economic and financial aspects of division; and the promotion of the green economy.

However, even in the framework provided by Varney, there are major challenges for the Executive. We must look at the reform of the public sector and attempt to grow the private sector relative to the public sector. In relation to enterprise, we must create a proper entrepreneurial culture in Northern Ireland where risk-taking is valued rather than punished. We must also place more emphasis on employers taking the lead in skills development, as we are not training enough people to play a role in the global economy, which is to our disadvantage.

If we continue with the same approach, we will arrive at the same outcome; therefore, we must change things fundamentally. The Assembly must send out the message that we do not find the Varney II report to be sufficiently radical to address the challenge of growing the Northern Ireland economy.

**The Chairperson of the Committee for Finance and Personnel (Mr McLaughlin):** Go raibh maith agat, a LeasCheann Comhairle. The eventual outcome of the two reports by Sir David Varney and his



Treasury team was disappointing to say the least, as they — perhaps unsurprisingly — put a particular interpretation and slant on the evidence provided. However, the body of evidence collected from key stakeholders on the nature of our local economy and the challenges that it faces is a useful and abiding consequence of the Varney work. Indeed, it should prove of considerable assistance to the Executive. In that regard, I wish to highlight the considerable work undertaken by the Committee for Finance and Personnel in respect of both Varney reviews.

In late May 2007, the Committee made a submission to Varney's first review, which focused on tax policy. The main thrust of that submission was to refer the review team to the recommendations and substantial evidence base contained in reports by the economic subgroup of the Transitional Assembly. Subsequently, Committee representatives met the Varney review team and agreed a formal submission following the review's call for evidence. In that submission, the Committee concluded that the Treasury had the expertise and the resources to address the legal and administrative barriers to a competitive corporation tax in this region. Furthermore, it concluded that the real issue was whether the political will existed in the British Government to recognise our unique circumstances and to acknowledge that its one-size-fits-all approach was inappropriate for this region's economy. While recognising the value of additional fiscal incentives and other measures to boost our economy, the Committee saw those as a complement rather than as an alternative to a competitive rate of corporation tax.

The Committee held an oral evidence session with Sir David Varney and his team on 14 June 2008. That session covered a wide range of areas and, in order to inform the Committee's position in advance of this session, written critiques of the Varney reviews were received from representative organisations and experts. Furthermore, the views of the other Statutory Committees were sought to ensure that respective Committee remits were observed.

Arising from that exercise, the Committee questioned Varney and his team on a diverse range of issues, including the evidence for some of his conclusions. Among the questions put on the economic and fiscal position were what reduction Varney expected to see in the gap in gross value added per head between here and Britain if all the recommendations of the second report were implemented, and why the recommendations of the reviews did not include a measure of their expected impact. The Committee also asked what new thinking was employed in the second review, given that it was organised around the five drivers framework. That framework had been used in all regions for at least the past decade and had produced

no evidence that the economic performance of poorer regions had changed significantly.

Varney was also questioned about the adequacy of the resources available to the Executive and on how the British Government should help the Executive by providing incentives linked to reform. Finally, he was questioned on the assertion in his second report that the tax system here is competitive both internationally and in relation to Ireland. Needless to say, several of the Committee's questions went unanswered.

The record of that session, together with copies of all the stakeholder critiques of the Varney reviews, is on the Assembly website. I expect that many of the issues that stakeholders identified will continue to represent the core challenges that face our economy.

4.15 pm

Last June, DFP officials advised the Committee for Finance and Personnel that it was intended that a co-ordinated Executive response would be prepared that would highlight the flaws in Varney's policy analysis. My Committee will undoubtedly wish to pick up on that in its upcoming session with DFP officials, during which the progress of the review of the regional economic strategy will be discussed.

Speaking on behalf of my party, we share the clear perspective that the first Varney report was disappointing and that the second was worse and assisted neither the Assembly nor the Executive in their task of rebuilding the local economy. The motion is fair enough, although I note the absence — perhaps deliberate — of any timescale for producing the desired response. Therefore, in its own way, the motion remains aspirational, but it is, nonetheless, an aspiration that my party will support.

**Mr Hamilton:** I welcome the debate, which is timely, given that we are in the midst of a global financial crisis, with unemployment rates rising, the construction industry on the brink of collapse, and energy costs going up, thereby affecting our competitiveness adversely. Therefore, any opportunity to discuss economic matters should be welcomed. Although we are focusing on the Varney Review II, perhaps that can be examined in the wider context of turning our economy around in the longer term.

Varney's second report is listed on the Order Paper as Varney II, making it sound like some sort of movie — 'Varney II: The Revenge'.

**Dr Farry:** Sequels are always worse.

**Mr Hamilton:** Yes; that is exactly the point that I was going to make — the law of cinema is that sequels are always worse, with the notable exception of 'The Godfather: Part II'. Varney II does not buck that trend in any way, so I will not go into some sort of

Kermodean rant about movies and where Varney would fit in.

The second report did not do what we may have wanted it to, not only in its recommendations, but in what it says about policy implementation and where the Treasury might have stepped in and helped in some way. That does not mean that there is nothing of merit in the report — it gives a useful, if not entirely original, diagnosis of the economic problems and shortcomings in Northern Ireland, and it offers some possible solutions. Those solutions include some obvious examples that anyone who had been tasked with such a report would have produced. They include investing in infrastructure, skills development, the education system, innovation, and so forth.

At the risk of sounding like John McCain, those are the fundamentals of our economy that need to be strong if we are to be —

**Mr Shannon:** He is the wrong man to copy.

**Mr Hamilton:** I used that in a slightly different context than he did, but, hopefully, with a different result.

Anyone reporting on Northern Ireland's economy would produce such issues about fundamentals; however, Varney also gave some specific examples of steps that we should take in order to enhance our economy. If we, as a devolved region, want to turn our economy around, it is important that we do not always seek to rely on others, whether we want to achieve a corporation tax cut or when giving a knee-jerk response that says that everything should be done on an all-Ireland basis.

The second Varney report contains many sensible suggestions that could have a positive effect on our economy if they were implemented. Those may not be the entire solution to our problem, but they would at least have some positive impact. Some of those are being acted on already by some Ministers, such as the work towards ensuring better public-asset management or expediting the business-planning system, which involves major strategically or economically important investments being pushed through the planning system more quickly than they would be at present.

The Minister of Enterprise, Trade and Investment has begun a review of Invest Northern Ireland. That is important, given that it involves considering whether Invest Northern Ireland is fit for purpose in the current global economic situation.

Most importantly, many difficult matters must be considered, including public-sector reform; the public-sector pay premium, which was discussed at length in the report; whether the number of Departments that we have is sensible for our economy's competitiveness; and structural changes to the Health Service. Such sensible suggestions are worth

examining, and Ministers are already acting on them. They may make some positive difference.

The reason why the Executive have not produced their response to Varney II has been stated, and everyone knows that that is one of several matters that has become stuck as a result of the impasse.

The Minister sought responses to Varney II. Nevertheless, the fundamental lesson to be learned from the report is that if we are to make our economy fit for purpose, we must realise that our economic destiny is in our hands. Devolution is not about depending on others but about implementing the changes that we can deliver, in the hope that our economy can be turned around.

**Mr Cree:** Anyone who reads the Varney II report in light of the economic developments that were in train at the time that it was published will appreciate that much of it is already dated and that, on several fronts, it has been superseded by events. Indeed, one might say that the object of the exercise was to get over the fact that the much-vaunted £1 billion economic package was not delivered. That is bad news for the DUP, because it exposes yet another failure of the St Andrews Agreement and, doubly so, because we are approaching six months without there having been an Executive meeting. I hope that they will meet this Thursday.

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

**Mr Cree:** No.

Undoubtedly, the greatest problem facing Northern Ireland is the impact of the worsening global slowdown. Daily, we hear of businesses that are in trouble and announcements of major job losses. At a time when foreign firms are shedding jobs and retrenching, we cannot avoid the whirlwind — demand is dropping and supply is hastily adjusting. Varney II was produced in the context of a vibrant demand that no longer exists.

The Executive's most important task is to get to grips with the economic and social hurricane that is battering us. Therefore, in order that Ministers can act as a team and deal with the consequences, it is imperative that the First Minister and the deputy First Minister ensure that the Executive resume regular meetings. The deepening crisis is so great that only with a concerted effort can we hope to contain the situation and, where possible, make some headway.

The spotlight will fall on the Department of Enterprise, Trade and Investment, which must help to stimulate the economy in order to create jobs to make up for those that are being lost. The construction industry is already in deep crisis, and, given that the housing boom was greatest in Northern Ireland, so the bust will be all the more dramatic here. However, is

the Department doing what is required? Is it even pointing in the right direction?

Much stock has been placed on inward investment, and, undoubtedly, we have done well from that in the past. However, firms that benefited from generous grant regimes and other advantageous measures are already rationalising — a euphemism for packing up and leaving. That is not only happening in Northern Ireland — there are reports of foreign firms withdrawing from the South, quoting the difficulties in doing business there.

The decline in the value of the pound compared with other currencies is one factor in our favour, because, where markets still exist, our goods and services have become more competitive. The Minister of Enterprise, Trade and Investment must rapidly realign her approach in order to meet those fast-changing circumstances.

Demand will continue in some areas of economic activity, and Northern Ireland can participate in, and benefit from, them. Despite the Minister of the Environment's scepticism, the market that is based on decarbonising energy is vibrant and will continue to grow. Is the Minister of Enterprise, Trade and Investment pursuing such opportunities with the necessary vigour?

Under the Minister for Employment and Learning's guidance, our universities and colleges of further education are hotbeds of innovation and talent. The aspects of Varney II that deal with the Department for Employment and Learning are widely accepted and are being fully implemented. Indeed, two weeks ago, the Minister for Employment and Learning announced a £14.5 million investment in research relevant to the economy.

Are we tapping that created potential? There is a case to be made for guiding money into promising ideas and young people to produce cutting-edge goods and services now that will be ready for the market when demand returns. There is still private money in Northern Ireland, and we should facilitate the flow of capital into that sort of future. Are the Department of Enterprise, Trade and Investment and Invest Northern Ireland looking with intent in that direction?

We need to have a fully functioning Executive; the fiddling has gone on for too long. It is time for the First Minister and the deputy First Minister to get a grip on the situation. Furthermore, the Minister of Enterprise, Trade and Investment must move rapidly to face the realities of the deepening crisis and find ways that facilitate opportunities so that the economy can move forward.

The Ulster Unionist Party supports the motion, but any response to Varney II must be a response to the current economic crisis, however starkly it contrasts

with the optimism and improbable expectations of Varney II. That should help to concentrate minds on where we are and what we need to do.

**Mr O'Loan:** The essential question of the debate is: are we fated to be a relatively impoverished region of the United Kingdom? There is a lot of evidence to suggest that we are, and the challenge is to break out of that. The proposer of the motion, Dr Farry, is correct to ask for a response to the recommendations of Varney II.

A large part of our trouble stems from the fact that we are not in control of all the levers; we are merely a devolved region. We have little or no control over taxation, the welfare system and business regulations. None of us is likely to forget Varney's earlier dismissal of equalising the rate of corporation tax on this island, which many thought could be the significant trigger for real improvement.

The situation is worse than that. I am sceptical of the Varney II process. For instance, it was wrong, psychologically, for us to go to Westminster for answers. It was systematic of our wider lack of confidence; we always look to someone else — often to London — for answers. There is an innate conservatism here, and I mean no offence when I say that it is particularly prevalent in unionist parties. If I am right in that, it has the potential to be damaging.

There is a second lesson to be learned from the fact that we do not hold all the levers. Those that we do hold, we must use well. Stephen Farry said that, above all, we must have a cohesive society and a political system that shows a united lead, but that will only get us to an equal place on the starting grid.

It is shocking to see how much the economic climate has changed since the publication of Varney II in April; times now are more harsh and uncertain. However, now is not the time to falter; this is the time to build for the future and to prepare for the time when the current difficulties are over.

Most people have been underwhelmed by Varney. It appears as if he has given us back our Programme for Government. It is hardly surprising that he discusses the drivers of productivity, and his five models for analysis are skills, enterprise, competition, investment and innovation. We know about those, but we must learn how they can be used to get us to a new place. There is not much of the "how" in Varney.

We must take seriously his call for public-sector reform. I do not swallow all that he says hook, line and sinker, but there is a need for debate about the role of the private sector in delivering public services. NI Water receives a bad press, but it has done good things.

The response to the 3% efficiency savings does not augur well for upgrading the quality of public services.



Too often, our organisations and large parts of our political system have to be dragged in the direction of efficiency. Neither are the Assembly's methods or performances a model of efficiency. For instance, what kind of message in efficiency terms does the creation of four Commissioners for Victims and Survivors for Northern Ireland send to the public?

It is easy to do the nice things, such as providing free prescriptions and free travel at 60, but we have not tackled the hard bits.

4.30 pm

Varney II refers to the potential for Northern Ireland as part of the UK and as part of the island of Ireland. Many people talk about the best of both worlds: I am not so sure. However, we are where we are, and we must use the opportunities that we have.

Varney II points out the way for North/South links and, if we are to get anywhere, we must free ourselves on that regard and move away from scoring political points on either side. Again, I wonder whether the unionist parties are up for that. Put the test there: what will actually work? We must reach a new level of all-island thinking on infrastructure, energy, acute health provision, higher education and research. I do not see that sort of thinking in what the Executive are doing.

Varney II refers to copying the National Competitiveness Council in its annual reports. We must look behind the headline and see that that country saw that the ability to compete in global markets was central to its improvement.

I can make only a brief comment on what is a large debate. Much more needs to be said about small and medium-sized enterprises (SMEs), skills, innovation and research and development. However, I hope that when the Executive produces their new economic strategy we will see something new.

**Mr McQuillan:** My starting point must be Sir David Varney's belief that the Executive have been right to adopt economic development as a cornerstone for future success and prosperity for Northern Ireland. I also welcome the fact that the new regional economic strategy is being prepared, and that it will be based on the Executive's priorities, rather than on that inherited by direct rule. That necessary move will help to ensure that lowering unemployment and economic inactivity will remain obtainable objectives for Northern Ireland. To do that effectively, we need a well-trained, adaptable workforce who are willing to work — a description that accurately describes our workforce and employment pool. We must remember that Northern Ireland has been successful in attracting foreign investment recently. Despite the current economic downturn, I am confident that prospective employers will recognise that that is one element in their decision-making that is taken as read.

It is also essential to recognise the fact that Northern Ireland is not yet in recession. If we look back to 1991 and the UK-wide recession, Northern Ireland's economy continued to grow, which was due, in part, to the size of the public sector. We should all be grateful for the economic cushion that that gives us. Although we all aspire to reduce the size of the public sector, that can be achieved only by expanding the private sector. That is why the change from direct rule to Executive priorities in the regional economic strategy is so important.

All is not doom and gloom for the employment situation in Northern Ireland. Although my constituency has experienced some devastating job losses, unemployment for Northern Ireland as a whole has dropped by 3·8% in 10 years. As the Executive will now be setting the regional strategies, I am hopeful that the level of employment will remain high, and that the 20·4% who are classed as economically inactive will be reduced towards the UK figure. An essential part of that will be capital spend programmes of infrastructure that will benefit the hard-hit construction industry, but only if one party in the Assembly holds Executive meetings and does the job that it was elected to do.

To achieve continual growth in the level of employment, we must rely on agencies such as Invest NI to aid the search for new employment. That is why my East Londonderry colleagues and I are to meet Invest NI representatives to address the problems in our constituency. Such meetings will play a vital role in developing my constituency and any investment for the future.

I appreciate that the Minister of Enterprise, Trade and Investment is progressing a strategic review of Invest NI and, hopefully, a stronger body will emerge. That was a recommendation of Varney II and, I believe, was in hand before Varney II was published.

I welcome Varney II. It has been a useful tool in reassuring the Executive that the priorities set out in the Programme for Government are correct, while some of the recommendations that it contains are already under way. I can only hope that other Members, and the press, realise that the only block to the policy in the Programme for Government, and support for Varney II, comes from one party in the Executive that is so focused on its own agenda that, unlike other parties, it is prepared to sacrifice Northern Ireland's future by holding back necessary and urgent policy implementation. I support the motion.

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. Several economic challenges were identified in the many submissions made to both Varney I and Varney II. It was clear that there was a



need for innovative fiscal measures to be introduced if those challenges were to be met.

Stakeholders and Departments made several submissions to the review that recommended the introduction of a differential rate of corporation tax in the North along with other business tax incentives. Despite that, Varney I ruled out a cut in corporation tax.

It was argued that the fiscal freedoms required to set our own funding priorities would be an essential component in developing a plan of action to tackle deprivation and disadvantage and to ensure long-term economic development. Varney II focused on the incentives for growth and made several recommendations. However, that was also disappointing, not least because it stopped short of developing an all-island economy.

The global economic recession and credit crunch — and the impact that the subsequent increases in the costs of food, fuel, electricity and gas have had on households and businesses throughout the North — have created an urgent need to consider innovative ways of stabilising the economy. Our lack of fiscal power curtails what we can do. However, there are measures that we can take, and I hope that the Executive's response to Varney II will reflect that.

We must examine how public money is being spent and how we can protect existing jobs in the construction industry and elsewhere. Public procurement guidelines in the delivery of works, services and goods offer a unique opportunity to create employment for the most deprived and disadvantaged people in society. Embedding social clauses into all public procurement contracts can help to tackle poverty and need. It can also ensure that local SMEs and social-economy enterprises are able to compete with larger companies in securing procurement contracts.

There is a huge challenge to develop areas of the economy that can provide sustainable growth and tackle poverty and disadvantage, such as regional investment inequalities. Several projects could be implemented without further delay by individual Ministers and Departments. For example, an immediate decision to proceed with the Long Kesh/Maze project would unlock millions of pounds to the local economy and inject optimism into the construction sector. The implementation of planned public capital-build projects, which have been budgeted for in the various Departments, would also help to create and sustain employment in the construction industry.

For a variety of reasons, privately funded investment opportunities, which require no public funding, are being held up at planning stage. That is despite there being a real opportunity to create employment and offset some of the problems that are

associated with the economic slump. The planning system must show more urgency in removing obstacles to applications so that projects can proceed in a reasonable time frame.

Varney also mentioned enterprise. The development of local businesses and social-economy enterprises is crucial to the strengthening of enterprise. Varney II recommended that a review of Invest NI should be carried out. The economic downturn means that the foreign direct investment, which it was hoped would result from May's investment conference, may not be fully realised. However, that creates an opportunity to redirect that money from Invest NI's budget to local SMEs and social-economy enterprises. The development and growth of local SMEs and social enterprises will bring economic and social benefits by securing employment and encouraging investment. Innovation and the development of SMEs must be encouraged.

Certain initiatives should be implemented to create a single inward-investment organisation and to take a step towards more effective marketing. Those initiatives include the common marketing of the island of Ireland to investors — in key areas such as agriculture and tourism — and merging Invest NI and IDA Ireland. Varney also refers to a skills deficit. Improving basic skills and developing employer-led training through quality apprenticeships are essential measures that could ensure that people have the necessary skills and training that will allow them equal access to any jobs that are created.

The worldwide economic recession limits what we can do. However, we can implement innovative measures and take bold decisions that will have some impact on stabilising the economy and tackling disadvantage and need. Go raibh maith agat.

**Mr Weir:** Private Members' motions in the Assembly are sometimes criticised as having relatively little impact. However, in considering the motion, I read reports at the weekend of the death of a public figure called Mr Varney, and I wondered whether the motion had had a dramatic effect on the health of the author of the Varney II report. It turned out that it was the sad death of the 1970s sitcom actor Reg Varney. Members can rest assured that Mr Varney is alive and well. However, the health of his report is subject to greater misdiagnosis.

A week is said to be a long time in politics. Since the publication of the Varney II report, which coincided with the first signs of global economic problems, the world economy has rapidly changed. As a consequence, much of the report has been overtaken by events. The state of our economy must be approached with a sense of realism. On the one hand, everything in the garden should not be regarded as rosy; however, the black pessimism that has been heard from the

Ulster Unionist and SDLP Members who spoke first must be avoided. They painted a very black picture. One hopes that the Samaritans is not recruiting anyone from either of those parties today; they would have a detrimental affect on Northern Ireland.

Compared with some years ago, there are good signs in the economy. Unemployment figures are lower than the United Kingdom average.

**Mr O'Loan:** Mr Weir was critical of the Varney II report, which, with the best advice from the Civil Service here, struggled to come up with remedies; yet he dismisses that report. He may also choose to comment on the statistic that almost everyone quotes: we are sitting at 80% of the average GVA output of the UK, and nobody is suggesting that that will alter in the foreseeable future.

**Mr Weir:** If the Member had allowed me to continue, I would have commented on that. Elements of the report are disappointing. Given the disappointments of Varney I, which failed to grasp the nettle of corporation tax, the level of expectation for Varney II was limited.

Provided that we are not slavish, seeking advice from outside Northern Ireland must be regarded as a strength rather than a weakness. The opportunity to have a fresh pair of eyes take a look at the Northern Ireland economy, albeit through the spectacles of Treasury orthodoxy, as in the Varney II report, must be embraced. On the positive side, Varney II affirmed that the Executive were pointing in the right direction. On a cross-party basis, a lot of work suggested in Varney II has commenced and is going in the right direction by DFP, DETI and DEL. A degree of comfort must be taken from the fact that the Varney II report found that the economy was in reasonably good health.

There is a lot of common sense in the report; for example, improving the skills gap, considering training and the need for a reform of the Planning Service, which will be conducted by the Department of the Environment in order to ensure that businesses are granted approvals. All that may be common sense, but it is worth having it pointed out again, because we can lose sight of that common sense. There was also much work on foreign investment at the time of the US/Northern Ireland investment conference, and subsequently. Some people may begrudge the efforts of the Minister of Enterprise, Trade and Investment, but she has been in the United States in an attempt to gain investment for Northern Ireland, whereas others, particularly in the media, are keen to criticise the Northern Ireland economy.

There are flaws in the report, not least of which is the fact that some of it has been overtaken by events. Public-sector reform is a useful exercise, but it must be in the context of ensuring that there is growth in the private sector, which is far too small.

Given land prices at present, the emphasis on a vigorous asset-disposal sale in Varney II seems to have been overtaken by events.

4.45 pm

I welcome the motion, and the Executive should meet as soon as possible to consider Varney II. The report is only one piece of information, and it would be foolish for us to follow all its recommendations slavishly, but elements of it have merit. The Departments that are the economic drivers in the Executive should take note of that and deliver us from the current situation caused by the credit crunch.

**Mr McNarry:** Most Members recognise that the Varney II report is a sticking plaster to cover the Government's refusal to reduce the rate of corporation tax in Northern Ireland, which would put us on a level playing field with the Irish Republic. It was always suspected that the Government would refuse to agree to that reduction, because it would have led to a chorus of demands from other regions — most notably Scotland — for a similar reduction.

To some extent, the fixation on corporation tax became a virility test for the Executive at the time — it was worth the effort, but, unfortunately, it failed. The focus should have been broader and on other models that might have reduced the taxation burden. Although it is easy to say now, a small-business rates-relief scheme and a radical simplification of the research and development tax-credit system should have been top of the list.

Although attracting foreign direct investment must remain a matter of significance for the Assembly and the Executive, surely it is time to recognise the innovation and enterprise of many of Northern Ireland's SMEs. Supporting and enhancing an SME-driven knowledge-based economy must become a central aim of the Northern Ireland Administration.

Varney II asserts:

"Northern Ireland, as part of the UK, has a competitive tax system both internationally and in relation to Ireland".

That assertion must be continually challenged by the Executive. At the time, Sir George Quigley said:

"This assertion is made despite the fact that the headline rates for the UK and the Republic are, respectively, 28% and 12½% and that the gap in the effective average tax rates in 2005 was 14 percentage points. The gap will have reduced slightly with the subsequent reduction in the UK's headline rate from 30% to 28% but it remains crucially significant for an investor seeking to maximise his post tax return. Indeed the rate of return to US-owned companies on their investments in the Republic is almost 20%, which is around three times the rate of return in the UK. The tax wedge on labour for 2006 (ie the gap between what the employer pays and the employee receives) was under 15% of average earnings in the Republic (which has the smallest wedge in the OECD) whereas the UK wedge was just under 30%. The greater the size of the tax wedge, the greater, obviously, is the pressure on pay levels, pushing up the employer's costs."

That lack of competitiveness is at the heart of the problems that we face in attracting inward investment and in providing good-quality jobs for our people. The lack of a competitive tax edge must make the work of Invest NI considerably harder. I could never see the benefit of Northern Ireland going on joint trade missions with the Irish Republic when, because of its tax advantage, the Irish Republic was bound to snap up any available inward investment and jobs.

In a new and much more challenging economic climate, the questions that Varney was meant to address remain — they remain with us, they remain necessary to the solution and they must be urgently answered.

I commend the Alliance Party for tabling the motion, which has allowed us — as parties, MLAs and, particularly, servants of our country — to do our best to wrestle with the problems that people face on the shop floor and that employers face daily. I support the motion.

**Mr Paisley Jnr:** I, too, support the sentiment of the motion and congratulate the Member for proposing it. It is important and timely that we discuss the issue, but we all know why the Executive have been unable to provide a full response to the recommendations of Varney II. We hope that the Executive will meet very soon, as the First Minister indicated today, and we hope that the issue will be resolved.

We agree with many points contained in Varney II. Indeed, it confirmed that the Programme for Government's focus on economic development has been fully endorsed, and that is crucial. The report also identified key moves that could be made and services in the public sector that could be privatised. However, most of us recognise that since Sir David Varney put pen to paper, the economic climate has changed. Indeed, many of those opportunities will have to go on the long finger.

The report also indicated that the research and development tax-credits scheme could be explained better by Her Majesty's Revenue and Customs and Invest Northern Ireland, to improve the take-up rates. That is all very promising stuff, but, like most people, I recognise that the economic climate has changed.

It was bad form for the Member for North Down Mr Cree to say that it was bad news for the DUP. The fact is that the economic climate in which we now find ourselves, with people losing their jobs and the economy getting it in the neck, is actually bad news for everyone. Everyone loses out. Sound economic guidance and policies need to be deployed, rather than party political points being made.

Although Sir David Varney has received some praise, like most people, he did not foresee the crippling credit crisis that has hit the United Kingdom, Northern Ireland and most of the Western World.

At times, it seems that some people are in denial that this is not really Northern Ireland's fault, and neither it is — it is a global issue. However, the fact is that some local measures could and should be taken. Last week, the Prime Minister indicated that taxes could be cut and expenditure increased on a UK-wide basis. We would benefit from those measures, and we should encourage the Prime Minister to urgently introduce them.

The public need to hear that the much-promised public expenditure programme will actually start and that the £2 billion to be spent this side of the comprehensive spending review period is actually spent. We encourage the building sector in particular to get on with that.

Secondly, this is now the perfect opportunity to hear from the national Government and for Sir David Varney to put his money where the Government's mouth is and move on a cut in corporation tax.

People say that every cloud has a silver lining. Perhaps, in the current cloud, we could re-examine the issue of corporation tax and lower the rates on a UK-wide basis. The sooner that that impediment to investment is dealt with, the better for everyone.

A salient lesson to be learned from the current situation is that banks cannot be allowed to become the largest estate agent in Northern Ireland. If that happens, there will be vast repercussions for everyone. People will go out of business, and, indeed, Taggart Holdings, which was a huge property development company, has already gone out of business. The banks now own those properties, but only because the Government have given them a huge loan of billions of pounds. The banks will have to come up with some creative measures to prevent people from saying that they are becoming the largest estate agent in Northern Ireland.

Finally, the banks have a responsibility to state how they plan to help the small business sector, which is the most significant sector in Northern Ireland's economy. If the backbone of our economy is the small business sector, or the small farmer, I want to know how the banks are going to facilitate them during the credit crunch. I do not want to hear about people going out of business and banks seizing their properties to sell at a later date.

We know that the economy cannot rest on its laurels; we cannot pretend that it will not be badly hit. The fact that we are over-reliant on the public sector is no cushion to the current economic blow. Now is the time to kick-start the economy urgently.

I have one final message to the media. I hope that the media will start to report the situation more sensibly and move away from sensationalist, anti-business reporting in which they almost celebrate the fact that firms go out of business.



**Mr Deputy Speaker:** The Member must draw his remarks to a close, please.

**Mr Paisley Jnr:** That sends a terrible message about the economy, and I hope that the media learns from the lessons.

**Mr Shannon:** I support the motion. I congratulate Sir David Varney on producing a report that is thought-provoking, which was probably the purpose of the exercise. Many of the report's conclusions are ones to which many will have come via their own trains of thought. Although some people will not agree with everything in the report, there are many things with which they can agree.

We have one of the finest education systems in the UK, which produces superior GCSE and A-level grades. Those results indicate superior levels of literacy and numeracy. We have micro-economic stability as part of the UK. Those things should signpost good economic prospects. There is no doubt that we have good prospects – the issue is turning them into reality for the people of the Province. That reality is, in turn, becoming harder to achieve by the day as we look ahead to a grim few months in the current downturn.

Now is definitely the time for the Assembly to send a message to the people of Northern Ireland that there is light at the end of the tunnel in which we seem to be, that the Assembly is aware of the situation in which they find themselves — every Member who spoke underlined that point — and that we are working to ensure that there is economic stability and hope.

As aa' hae saed, tha rapoart is weel thought oot, an aa' haenae tiem in this Hoose tae soart oot ivery point as wuz din wi tha Business Alliance, tha Economic Research Institute O' Norn Irland an Goerge Quigley. As wi oany rapoart, ther er parts whuch aa' agree wi an yins that aa' wud tak tae task, as em shair this wull as weel be tha response o' tha Mienistar O' Finance an Personnel.

As I said, the report is well considered. I do not have the time in the Chamber to critique every point, as was done by the Business Alliance, the Economic Research Institute of Northern Ireland and Sir George Quigley. As with any report, I agree with some of its points, and question others. I am sure that that will also be the response of the Minister of Finance and Personnel.

Training and skills are more important now than ever. However, some of the first casualties of the economic situation may be the tradesmen. In my constituency of Strangford, in particular the Ards Peninsula, the threat is real and clear to tradesmen. We have been working hard to address the skills gap, because if we do not train young men and women in trades, we will, in a relatively short time, have no skilled workers.

Unfortunately, the first people to be made redundant in most businesses are the last ones in, and, in some cases, those will be the apprentices. Therefore, the Varney II report highlights that it is imperative that we encourage tradesmen to retain apprenticeships, and the correct way to do so. Just last week, the Minister for Employment and Learning told the Assembly about his intention to help apprentices.

However, the Minister of Finance and Personnel must examine one issue closely, and that is the suggested sale of Northern Ireland Executive land. I fully grasp what Varney intended by saying that some assets could be sold to provide a cash injection and to encourage business growth. However, it seems that the sale of some facilities, such as the ports, which are beginning to generate good income and have brighter possibilities, is not something that we should wish to do. It would be like nursing an animal through sickness and putting it down when it shows signs of getting better.

There are other recommendations, such as cutting public-sector jobs, which is something that the First Minister began to examine when he was Minister of Finance and Personnel. I am sure that that will continue as we ensure that there will be ample opportunities for people to work privately for the same rate of pay and similar pension schemes.

There is much to be considered in the report. However, it is startlingly clear that there are some things that the Assembly and the Executive cannot do by themselves. We must have financial and practical support from Westminster to ensure that Northern Ireland is not only stable, but thriving. We must encourage foreign investment through lower corporation tax and other incentives. My colleagues in Westminster work towards that at every opportunity. My colleague Ian Paisley Jnr has already mentioned corporation tax, and many in the Chamber would adhere to his view.

5.00 pm

Time does not permit me to go into further detail. However, I have every confidence that the Minister of Finance and Personnel will formulate a response to the report that will ensure that only measures that will create prosperity for the Province will be taken on board. I am convinced that the report can be the basis on which we can build a more prosperous Northern Ireland as an integral part of the United Kingdom. For that reason, I support the motion.

**The Minister of Finance and Personnel (Mr Dodds):** I thank the proposer of the motion for the opportunity to address this important subject, and I congratulate him on securing the debate.

Before I respond to some specific points that were raised in the debate, I will set out a few thoughts on the current underlying economic context. We are



undoubtedly facing a very difficult year. We are not in a recession at this time — an economic downturn, yes, but not a recession. The local construction and service sectors are facing difficult times, but our manufacturing sector is still registering growth in output. The latest unemployment rate of 4·1% is still well below the UK average, and is an improvement on the previous quarter. Indeed, it is still the lowest rate of all the regions of the United Kingdom.

Nevertheless, there is no doubt that recent increases in the price of energy and fuel commodities have hit local consumers and businesses very hard indeed. It is, however, important to note the recent reductions in the price of crude oil, which, it is to be hoped, will be passed on to the consumer as quickly as possible. Compared with other UK regions, we have low levels of disposable income, so the costs of energy and fuel account for a disproportionately larger share of income. Fuel poverty and hardship are real problems that the Executive will continue to address.

The global credit crunch has also left its mark on our region. No part of the world is immune to the problems that have arisen. Greater financial conservatism will mean less liquidity in our economy, with mortgages and loans more difficult to obtain. However, there is another aspect to that. Having housing mortgages at a multiple in excess of 10 times our average local salaries, which is where they were at one point, was not good or sustainable, and was a contributing factor in creating the problems that we now face. Even now, the average house price in Northern Ireland remains at seven times the average annual salary.

The recent substantial Bank of England interest rate cuts offer hope for hard-pressed homeowners, and, in that context, I urge all local banks to pass on the full 1·5% rate cut to their customers. I appreciate that housing deflation is a concern for some, particularly the construction industry, but Northern Ireland should be better placed than elsewhere because of the considerable capital spending plans that have been set out by the Executive in the investment strategy for Northern Ireland. That strategy will provide a considerable fiscal stimulus for the local economy and for local construction firms in particular.

The extent to which the local economy might contract into a formal recession is also minimised by the size and influence of the local public sector, which has been mentioned by several Members. Annual public expenditure of some £18 billion in the local economy — equivalent to some 60% of gross value added — creates considerable economic buoyancy. The fact that almost 30% of our workforce is employed in the public sector should instil greater confidence about job security than exists elsewhere.

These are challenging times for any economy. All the major economies of the world are struggling to control market volatility, and it is clear that a small and open economy such as Northern Ireland's has little or no control over the prevailing financial environment. Growing the economy, increasing productivity and improving prosperity are the keys to improving the lives and living standards of all the people of Northern Ireland.

This challenge was always going to be difficult, but the rapid deterioration in the global and national economic outlook makes it even more imperative that we have a clear view of the economic policies that are required. The key issue, therefore, is to ensure that we create a policy environment that will facilitate economic growth and development in Northern Ireland.

That growth and development will be achieved only by delivering the Programme for Government, particularly its lead priority, "Growing a dynamic innovative economy". That is, in effect, what Varney has said. His report is even more relevant in the current financial climate.

Like many others, I was disappointed that the report did not accept the need to grant some measure of fiscal dispensation to Northern Ireland, but a lower rate of corporation tax was never going to be the silver bullet or panacea for the local economy, and we emphasised that at the time. Multinational companies were never going to decide to set up here solely on the basis of the prevailing UK rate of corporation tax. As we all know, and as was borne out by the investment conference that was held earlier this year, potential investors consider a portfolio of factors.

Northern Ireland already has a good record when it comes to the factors that potential investors consider. Its advantages include our use of English; well-established regulatory and legal framework; access to markets, owing to the fact that it is located in the European Union; relatively low labour costs compared with many other parts of the EU; and a large pool of young, well-educated and skilled labour. It is important to note, therefore, that corporation tax is not the be all and end all of everything.

Mr McNarry, who has not waited until the end of the debate before leaving, said that, because it snaffled up all the foreign direct investment owing to its lower rate of corporation tax, he could not see the benefits of going on trade missions with representatives from the Republic. Of course, we know that that is not the case. Many countries levy no corporation tax, so, if it were the case that all companies and firms make decisions on where to invest based on corporation tax, why are all companies not in those countries? The reason is that those countries do not have the necessary skills.

Companies are looking for different kinds of opportunities. If one is looking for a profit centre, one will not site it in a place that levies higher rates of tax. However, if a company wants a cost-centred operation, in which costs are the most important consideration, a place such as Northern Ireland comes into its own. Property values, rental costs and available skills mean that, compared with Dublin, London and other more expensive places in which to do business, Northern Ireland is well positioned.

The simplistic nonsense about corporation tax must be hit on the head, because it talks down Northern Ireland. It is important that we talk up Northern Ireland and say that we are well positioned to attract certain kinds of foreign direct investment.

The second Varney Review was an assessment of the state of the Northern Ireland economy. It was helpful that Sir David, assisted by the Treasury's analytical resources, undertook a critique of Northern Ireland's economic-policy portfolio. A key point from the report is that Sir David Varney fully endorsed the Executive's focus on economic development in the Programme for Government. I must highlight the fact that almost all Sir David's findings relate to policies and functions that are already within the Executive's remit. It is clear, therefore, that our economic destiny lies firmly in our hands.

The Varney Review II was helpful in highlighting some of the key issues that must be considered in order to achieve the Programme for Government's economic goals. That is especially important, given the current difficult economic climate that I highlighted earlier.

Several specific economic issues were raised during the debate. The Chairperson of the Committee for Finance and Personnel, Mr McLaughlin, referred to the work that his Committee had done in providing submissions to both reviews. I appreciate the work that was done on that, and I thank the Committee for its work. Mr McLaughlin was critical of the fact that the motion did not include a timeline for the Executive to respond to Varney II. However, he will know that, although I submitted a paper to the Executive in July, and sought for it to be progressed, it has been held up by one of his party colleagues. Therefore, he may wish to take up the issue of why there is no timeline with someone other than the proposer of the motion.

Simon Hamilton and other Members spoke about the wider context, and quite rightly so. The context has moved on and, in many respects, is different to the situation that prevailed when Varney compiled his report.

Mr Hamilton also mentioned, rightly, that action is being taken on several recommendations. Other recommendations, of course, may not be appropriate.

Jim Shannon and Ian Paisley Jnr mentioned the sale of assets. We should ensure that foremost in our minds,

when making decisions on the sale of assets, is value for the taxpayer and the citizens of Northern Ireland. Therefore, we must not sell property at prices that do not yield the best value for taxpayers.

Jennifer McCann raised a point about the recommendation on the merger of Invest Northern Ireland with IDA Ireland in the South. In some respects, some recommendations are rather naive, because Invest Northern Ireland and IDA Ireland are, in many cases, in competition with each other for foreign direct investment. Just as we are in competition with regions of the United Kingdom for opportunities, we are in competition with the Irish Republic. Therefore, it simply does not make sense to suggest the merging of those two bodies.

Leslie Cree laid much emphasis on the Department of Enterprise, Trade and Investment, and I am sure that the Minister heard what he said. However, he will note the increase in manufacturing, and will have heard what I said about the nonsense spoken about foreign direct investment by one of his colleagues. He will know that the Department of Enterprise, Trade and Investment is focusing on those areas that can yield the best return for Northern Ireland through foreign direct investment and indigenous companies.

Mr Cree also laid much emphasis on the First Minister and the deputy First Minister ensuring that the Executive meet. He knows, does he not, where the blockage lies? The Member is nodding and smiling, which indicates to me that he was simply having a bit of laugh in trying to blame the First Minister and the deputy First Minister. Even at this stage, I welcome his acknowledgement about where the fault really lies for that.

Several Members raised other points, but, unfortunately, I do not have time to respond to them all. One Member mentioned the economic package and criticised my party. However, the DUP is the only party that ever sought an economic package for Northern Ireland. When other parties had the lead, they never sought such provisions for Northern Ireland. Mention was made of the budget for the Department for Employment and Learning. One of the outcomes of the discussions was the innovation fund, which, along with other measures, came about as a direct result of the Department getting extra funds. Therefore, that criticism simply does not stand up to scrutiny.

As I mentioned, in early July, I wrote to Executive Ministers inviting comments on the Varney II report in order to assist me in preparing my formal response to the Chancellor. Some of my ministerial colleagues have already acted on several of the Varney II recommendations – work that they had intended to take forward even prior to Sir David's report. For example, the Minister of Enterprise, Trade and Investment is developing a strategic review of Invest

Northern Ireland, and the Minister of the Environment is committed to quickening the pace of the planning process for economically significant applications. I, too, have begun to act on the relevant Varney II recommendations that fall to my Department, such as pressing ahead with a Civil Service efficiency and reform programme.

However, my substantial response sits in limbo awaiting clearance, because it is caught in the current impasse that has been brought about by the refusal of one party in the Assembly to allow the Executive to meet. The recommendations in Varney II have been useful. We are already actioning many of its suggestions through the delivery of the Programme for Government. The motion calls for a full response to the recommendations of the Varney II report. If we can overcome the current inflexibility in certain quarters in the Chamber, we could give that full response immediately.

**Mr Neeson:** I thank all those Members who contributed to the debate. I also thank the Assembly's Research and Library Service for providing a useful information pack for the debate.

I want to preface my remarks by quoting directly from the response of the Economic Research Institute for Northern Ireland:

"In the absence of a conceptual model of the economy the temptation is to fall back on prescriptions that address the symptoms. This is evident in the recommendations in Varney 2 which are largely about process and structures. There is also rather worryingly some basic misunderstandings about local structures in Northern Ireland and how these differ from the situation in Great Britain. This is most clearly apparent in the reference to local authorities and the planning system which is applicable in GB but not to Northern Ireland."

5.15 pm

It goes without saying that one of the major problems that we are facing is the failure of the Executive to meet. People are beginning to lose faith in the Assembly and the Executive, and the unfortunate thing is that we are all being tarred with the same brush. It would appear from some remarks that have been made today that there may be a meeting of the Executive sooner rather than later. It is in everybody's interest that the Executive meet sooner rather than later.

Northern Ireland has strengths. It has a young population and many well-educated school-leavers, reasonable transport and technological links, and relatively low costs. Socially, however, we cannot get away from the reality that the costs of segregation impact upon business. Those costs limit the amount of talent available to investors in particular locations. They restrict the efficiency of public services upon which businesses depend, and they continue to threaten stability. Political and economic stability are crucial if we are to attract inward investment.

Economically, we must develop new sectors — 67% of Northern Ireland's GVA is in the public sector, compared to 45% in Great Britain and 35% in the Republic. That renders us dependent on the whims of the UK Treasury, over which the Executive have no influence whatsoever. Northern Ireland needs to develop new sectors, become higher value, and become more competitive in order to increase productivity.

Politically, stability remains essential. We cannot get away from the fact that, while the Executive fail to meet, it is questionable whether some parties are serious about stability upon which real progress can be based, particularly in more deprived areas. That requires a new regional economic strategy. The last one, under direct rule, was about keeping Northern Ireland in its place. Is it not now time for a strategy made in Northern Ireland?

Varney recommends the creation of a competition analysis board to carry out an annual review. With all these commissioners being appointed, is it not time that we delivered on basic competition and productivity requirements in order to make Northern Ireland more prosperous? Key requirements include the completion of education reform, a review of Invest NI and a more sustainable transport planning system. Infrastructure and investment must be linked to help with economic development.

We must also have the courage to complete a proper reform of the public sector, and the review of public administration must not become another lost opportunity. It must include consideration of different delivery models, greater use of the private and voluntary sectors, and closure of the pay gap at high levels of the private and public sectors.

Varney made no reference to tax-varying powers. I am pleased that support for the development of tax-varying powers is growing in the Assembly. It is clear that we cannot have reform of corporation tax in Northern Ireland if we do not have tax-varying powers; that is a big handicap to reform.

The Minister said that he does not believe that we are in recession, but that we are experiencing a downturn. I agree with him. One of the big dangers for Northern Ireland is the talking up, particularly by the media, of the notion of a recession. I do not know whether other Members share my views on the very pessimistic Ulster Bank report that was published about a week ago. We must reinforce optimistic prospects for growing and developing the economy if we are to attract inward investment.

Stephen Farry referred to the need to modernise the economy; I entirely back his continued support for the reduction of corporation tax in Northern Ireland. I do not agree with the Minister when he says that the reduction of corporation tax was never an option. That



was certainly an issue, particularly in respect of the so-called peace dividend that the Prime Minister created when he was Chancellor of the Exchequer.

**The Minister of Finance and Personnel:** I did not say that that was never an option; in fact, I made the point that the Executive pushed for it and wanted it. I said that the reduction of corporation tax was not a silver bullet or a panacea.

**Mr Neeson:** I agree with Mitchel McLaughlin, who made the point that a one-size-fits-all approach is not appropriate to developing a regional economy. He also said that if the first report was disappointing, the second was worse. Simon Hamilton compared Varney II to film sequels, which are usually worse than the originals. He said that the fundamentals of the economy need to be strong.

Leslie Cree said that much of the report is already dated. In many ways, the economic downturn very much reflects that. In common with many other Members, Declan O'Loan made the point that we are not in control of all the levers. It goes without saying that public-sector reform must be taken seriously.

Adrian McQuillan said that we need a well-trained and adaptable workforce. The Deputy Chairperson of the Committee for Enterprise, Trade and Investment, Jennifer McCann, said that the Varney reviews have not produced measures to tackle deprivation. I know that Jennifer is very concerned about that, and about the development of the social economy.

Peter Weir restated the old adage that a week is a long time in politics and said that the report had been overtaken by events. He referred to the reform of the Planning Service. David McNarry described Varney II as a sticking plaster to cover the Government's refusal to reduce corporation tax. He said that the report should have examined other fiscal incentives.

Ian Paisley Jnr said that some public-sector services could be privatised, but that we are now in a different economic climate. Quite rightly, he said that the banks cannot be allowed to become the biggest single estate agent in Northern Ireland. Jim Shannon, rather optimistically, said that there is light at the end of the tunnel, and referred to the importance of training and skills.

This has been a useful debate and, in common with all Members, I look forward to seeing the response of the Executive to Varney II. Importantly, many of the issues developed in Varney I and Varney II are not new. Therefore, the sooner we get down to business, the better for all.

*Question put and agreed to.*

*Resolved:*

That this Assembly calls upon the Executive to provide a full response to the recommendations of the Varney II Report.

## MINISTERIAL STATEMENT

### Presbyterian Mutual Society

**Mr Deputy Speaker:** I have received notice from the Minister of Enterprise, Trade and Investment that she wishes to make a statement on the Presbyterian Mutual Society.

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** With your permission, Mr Deputy Speaker, I wish to make a statement on action that my Department and I have taken to help to deal with the problems faced by the Presbyterian Mutual Society.

Members will be aware that I have given a commitment to do everything in my power to assist the society and, indeed, its members. The Presbyterian Mutual Society is a limited company, registered with the Department under the Industrial and Provident Societies Act (Northern Ireland) 1969. The fundamental difficulty that faces the society is that, like all financial institutions, it invests money that is deposited by savers and has only a limited cash reserve with which to meet demands for repayment. The crisis affecting the financial sector generally has prompted exceptional demand for repayment from members at a level that cannot be met by the society's normal cash reserves. In order to generate additional cash to repay members, the society would require time to recover money that is out on loan or to realise the property in which it has invested members' money. The society's difficulty is compounded by the fact that it is not an auspicious time in which to realise property.

The directors have requested that I make subordinate legislation that would give them the option of placing the society in administration or entering a voluntary arrangement. Although the option of going into administration or entering a voluntary arrangement was previously available to companies, it was not available to industrial and provident societies.

My Department has now exercised its powers under article 10(2) of the Insolvency (Northern Ireland) Order 2005 to make subordinate legislation enabling that particular society to enter administration or a company voluntary arrangement. Either of those options would give the society breathing space to sort out its financial affairs under the guidance of a qualified insolvency practitioner.

The Order had to be made as a matter of great urgency because the society was faced with substantial cash withdrawals; indeed, writs had been issued for the return of members' money. My Department made the Order and sent it to the society on Friday 14 November.

**The Chairperson of the Committee for Enterprise, Trade and Investment (Mr Durkan):** I thank the



Minister for her statement and for the courtesy of advance notification — not only of the statement, but of the steps that she has been taking, on Friday and beyond.

Obviously, Members deeply regret the situation that has arisen for the Presbyterian Mutual Society. Many Members will be concerned that other companies in similar positions face similar difficulties. They want to know, therefore, that the Minister and her Department will keep the situation under review and will work and liaise with other relevant bodies.

People will be glad that the Presbyterian Mutual Society's situation has been stabilised. However, many people who invested money in the society will also want to know their position. That includes several charitable trusts of which I am aware and which have invested considerable moneys in the society. Can the Minister take action in that regard, or must she work with other Ministers in order to get the picture about who is affected, how they are affected, and when they can expect some degree of certainty?

#### **The Minister of Enterprise, Trade and**

**Investment:** I thank the Chairman for his question. I have attempted to keep him up to date. The matter came upon the Department quickly last week. Last Monday, the society's directors met the Minister of Finance and Personnel and me to discuss the difficulties that they were experiencing. As a result of that meeting, we had to act as quickly as possible and seek legal advice on the implications of that action.

Before I entered the House this afternoon, I received notification that an administrator has been appointed by the Presbyterian Mutual Society. He is Arthur Boyd of Arthur Boyd and Company, the Belfast-based chartered accountants and business-recovery specialists. Mr Boyd is at pains to point out that he will be doing his best for all of the members of the Presbyterian Mutual Society and that administration is not the same as liquidation, bankruptcy or winding up; in fact, it is designed to protect companies that face liquidity problems. He is involved to act in the best interests of everyone to whom the society owes money. He is acutely aware, as are we all, that the lack of access to funds will cause hardship to some members of the society. However, his role is to act on behalf of all the members of the society, and he will develop a plan that will, ultimately, be put to them for consideration.

5.30 pm

At present, the administrator is considering whether he can come up with a rescue plan for the Presbyterian Mutual Society or, if that is not possible, an orderly winding down. As the Chairman of the Committee knows, the Department was trying to avoid a fire sale. In the interest of all the society's members, that is exactly what we did not want to happen. That has been

avoided, and it is now up to the administrator to come up with a plan to move forward.

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. I too welcome the Minister's statement, and I hope that it will provide some relief to the savers who are affected and enable the society to continue. Does the legislation apply only to that particular society, or does it set a precedent for others?

#### **The Minister of Enterprise, Trade and**

**Investment:** I thank the Member for her question. I have received no requests for assistance from other societies. The scale of lending by, and savings in, the Presbyterian Mutual Society makes it unique, and it experienced particular problems when £21 million was withdrawn within a short period.

I want to examine the GB legislation that covers all industrial and provident societies. However, I was faced with the problems of a particular society and had to act quickly. My officials and I will now consider whether legislation to cover every industrial and provident society should be introduced, and we will consult on that in the normal way.

**Mr Ford:** I too thank the Minister, not only for her statement but for her speedy action. I declare an interest; the congregation of which I am a committee member has a substantial investment in the society. In that context, we will all be heartened by the words of the Minister, and I trust that her swift action will provide reassurance to investors in other mutual societies that, if necessary, similar action can be taken. Also, the Minister quoted the administrator as saying that there is no liquidation and that it is a matter of providing full protection to all concerned.

However, the Minister correctly acknowledged that now is not an auspicious time to realise investments in property. Will she give Members an idea of how much breathing space has been provided by the appointment of the administrator? By doing so, she will provide a corresponding level of assurance to members of the society that their investments can be secured over a longer period.

**Mr Deputy Speaker:** I ask Members to keep their questions brief, please.

#### **The Minister of Enterprise, Trade and Investment:**

My understanding is that an administrator is usually appointed for one year, but, through an application to the High Court, that period can be extended by a further six months, or whatever. The administrator works out how long he needs, as he said today, to work in the best interests of the society and its members.

**Mr Hamilton:** I join colleagues around the Chamber in welcoming the Minister and the Department's prompt response in seeking to resolve the problem. With the Presbyterian Mutual Society going into

administration, what is the position of its staff? Are their jobs protected?

**The Minister of Enterprise, Trade and Investment:** It should be recognised that it was a matter of some urgency, not only for me but for departmental officials, whom I must commend for their work.

The society has five full-time and two part-time employees, and, this afternoon, the administrator said that they will remain in place to assist him. For the moment, therefore, those jobs are safe.

**Mr Kennedy:** I am a clerk of session in a Presbyterian congregation that may be affected by the current situation, and I have a relatively modest personal investment in the Presbyterian Mutual Society.

I welcome the Minister's statement and warmly commend the actions of her and her officials. Furthermore, I warmly commend the actions of the board of directors of the Presbyterian Mutual Society in what is, obviously, a difficult situation. I assure the Minister that the Ulster Unionist Party — through its Ministers in the Executive or its MLAs — is keen to assist by lobbying Her Majesty's Government or the Treasury.

Is the Minister discussing the matter with the Treasury and Her Majesty's Government? Does she agree that it is vital that all members of the society remain calm and avoid panic or alarm, which might already exist? Although the Minister cannot give details, is she concerned that other organisations are facing, or will face, similar problems?

**Mr Deputy Speaker:** Minister, I think that there is a question in there.

**The Minister of Enterprise, Trade and Investment:** I think that there are a couple of questions in there. Part of the problem for the Presbyterian Mutual Society was that it was not covered by the Treasury's bank guarantee scheme. When the problem became apparent, Dr Paisley raised the matter with the Prime Minister. Therefore, the issue has been discussed at the highest level. Furthermore, my colleague the Minister of Finance and Personnel contacted the Treasury about the guarantee scheme. We will continue to lobby and maintain pressure on that matter. I thank Mr Kennedy for his comments about his own party.

Last Friday, we offered the Presbyterian Mutual Society an option, and, as I informed the House, it took that option, which will provide breathing space. It is a difficult situation for members of the Presbyterian Mutual Society who have saved all their lives and invested money, for their retirement, in that organisation. They are worried and might not fully understand what is going on. I want to tell those people that, as far as I can ascertain, the directors of the Presbyterian Mutual

Society have done everything in their power — as Mr Kennedy, rightly, said — to take prudent action. I believe that the organisation will continue to work with the administrator to provide that reassurance to its members.

*Adjourned at 5.38 pm.*

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# NORTHERN IRELAND ASSEMBLY

Tuesday 18 November 2008

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

*Members observed two minutes' silence.*

## PRIVATE MEMBERS' BUSINESS

### Education, Employment and Training

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

**Ms S Ramsey:** I beg to move

That this Assembly expresses its concerns at the number of 16-19 year olds who are not in education, employment or training; and calls on the Minister for Employment and Learning to outline his actions to address this situation.

Go raibh maith agat, a Cheann Comhairle. Young people who are not in education, employment or training are usually the most vulnerable in society. Often, they are the young people who have dropped out of school or who have left school with few or no educational qualifications. For that reason, I have taken on board — and we will accept — the SDLP amendment, which is quite helpful.

Such young people have frequently been absent from school or have been in care, and they are often on the fringes of the juvenile justice system. They are also the young people with learning difficulties, who — as the Assembly has discussed many times — can face huge difficulties in and barriers to accessing training and employment. Sometimes they are those young people who have given up hope of having a better future and better opportunities, and they have given up hope that their lives can be different.

For all those young people, it is crucial that we address how they can be re-engaged in learning, in attainment, and in seeing themselves as valuable members of their families, communities and society.

Those young people need to believe that we can provide them with the kind of services and support that will enable them to re-engage and make a success of their lives.

Approximately 34,000 young people in the North are not in employment or are not participating in training schemes or education. That represents 15% of all 16- to 24-year-olds, and the figure among 16- to 18-year-olds is 12%, or 9,000 young people. Although the figure for young people who are not in education, employment or training is slightly lower than that in England, it remains a huge area of concern.

A large number of young people leave education without any qualifications. Those young people make up almost 40% of those who are not in any kind of employment or training. Addressing the educational outcomes of young people while they are in school is crucial to improving their life chances and to ensuring that they are more likely to make a valuable contribution to society.

Education must work for all our children. After 12 years of compulsory education, no young person should leave without qualifications and skills. As the amendment states, I call on the Minister of Education to outline her plans to address the most disadvantaged young people.

The young people who are most likely not to be in education, employment or training are boys — almost twice as many boys are in that situation than girls. Among the girls who are at risk, young mothers are at the most risk. Young people with learning difficulties and disabilities are twice as likely to be in that position as those without. The group is also getting older, as young people who are aged 18 and over are more likely not to be in employment, education or training.

It is shocking and worrying that such substantial numbers of our young people are completely disengaged from any kind of occupation or improvement. It is likely that the current economic downturn will serve only to make that situation much worse. There are also substantial economic costs that are associated with youth unemployment. A 2007 report indicated that youth unemployment was costing the economy here almost £1.6 million each week.

I welcome the Minister for Employment and Learning to the debate. It is crucial that he outlines what actions he plans to take to cut the number of young people who are in that position. A dedicated programme of action is required, rather than simply relying on existing mainstream programmes. A concerted and focused approach must be developed that encourages young people back into the system as soon as they show signs of dropping out, and then supports them to find different and new opportunities if their current training or education is not right for them.

In England and Wales, the policy debate regarding those young people has progressed substantially, with dedicated programmes and approaches being established that are aimed at keeping track of young people as soon as they become disengaged with employment, education or training. That recognises that an excellent universal system for all young people is needed to prevent them from disengaging. It also recognises that young people who become disengaged — but who have no specific barriers to engagement — require an efficient and dedicated service to get them back into learning, and further includes a more targeted and intensive support programme to engage those young people who have particular barriers to participation and re-engagement.

I ask the Minister to outline the extent to which we identify and track young people who are, or who are at risk of becoming, disengaged. The Westminster Government use Connexions Direct to identify and track young people, and there are targets for the local authorities to reduce the number of young people who are disengaged. However, as far as I am aware, that service is not available here.

There are also proposals to make it a legal duty on post-16 providers to notify Connexions Direct if a young person drops out to ensure that they are not simply lost from the system and do not receive support. Will the Minister explain how, and to what extent, we track our young people who are at risk? What targets are in place to reduce the numbers of young people who are at risk at local level and overall? Will the Minister also clarify whether he is minded to introduce such a legal duty? If so, who would have that responsibility?

Most young people who are not in education, employment or training say that it is because the right provision is not available, or because they do not have the qualifications to proceed.

It is vital that a level and choice of provision be afforded to all our young people, allowing them the opportunity to progress. Due to the large number of those young people, it is crucial to have good entry-level programmes that specifically engage and support young people. It is also crucial that the programmes be flexible and have start dates throughout the academic year. That will mean that those who drop out have an opportunity for re-engagement.

We have often debated the lack of provision for disabled young people, who are not alone in finding it difficult to access the right course or to address the barriers that prevent them from engaging and progressing. I am aware of the excellent work of the Training for Success scheme in addressing the needs of young people not in employment, training or education. However, a more targeted programme and intervention is required.

Will the Minister for Employment and Learning advise the House about the success of the current provisions in re-engaging young people? Furthermore, will he outline whether he has any plans to introduce a strategy or service that is specifically aimed at young people not in education, employment or training, who require further support other than what is universally available?

Finally, as I said earlier, I recognise that the responsibility for those young people lies both with the Department for Employment and Learning (DEL) and the Department of Education. What co-operation has there been between those two Departments in implementing any strategy? I support the motion.

**Mr D Bradley:** I beg to move the following amendment: At end insert

“; and further expresses concern at the number of 16 year olds who leave school with few or no qualifications; and calls on the Minister of Education to outline her actions to improve the qualifications/skills base of 14 to 16 year olds.”

Go raibh maith agat, a Cheann Comhairle. I thank the Members who tabled the motion, which addresses an important issue that requires the full attention of the House. However, I believed that the motion needed to be strengthened because it gives the impression that the numbers of 16- to 19-year-olds not in education, employment and training are the sole responsibility of the Minister for Employment and Learning — a point that I am glad that Sue Ramsey addressed during her speech. The reasons that so many 16- to 19-year-olds are not in education, employment or training can be traced to their education before the age of 16 — to their secondary education, and, in many cases, to their primary education. That is why I tabled the amendment.

We cannot separate one part of the education system from the other as though primary and secondary education have no connection with further and higher education. They are connected, and what happens during the earlier stages has a knock-on effect during the later stages. If we do not identify the weaknesses at primary and secondary levels, it will be more difficult to address them at later stages in the system. That should not absolve the Minister for Employment and Learning from any responsibility, because he must play his role. However, the amount of success that he will have in attracting more young people into employment, training and further education will be determined by what happens during the earlier stages of our education system.

One of the main reasons why so many 16- to 19-year-olds are not in education, employment or training is that many young people finish secondary education without basic qualifications, and without basic numeracy and literacy skills. However, do not take my word alone for that:

“The recognised level of performance for entry to further education or onto the employment ladder is the achievement of five or more GCSEs at grades A\* to C, or equivalent level 2 qualification. Some



37% of children did not achieve that standard in 2006. Under-performance is concentrated in the most disadvantaged communities. Being caught on the bottom rung of the career ladder because of poor literacy and numeracy skills is bad not only for young people, but also for employers and the North of Ireland as a whole. Each year 4,000 pupils leave school without the necessary literacy and numeracy skills.” — [*Official Report, Bound Volume 22, p223, col 2*].

I was quoting the Minister of Education, so it is appropriate that she has just arrived. That quotation shows, therefore, that both the Minister and the Department of Education recognise what is happening.

10.45 am

In 1998, the Department of Education launched a strategy for the promotion of literacy and numeracy in primary and secondary schools. The House of Commons Committee of Public Accounts criticised that strategy in its report ‘Improving literacy and numeracy in schools (Northern Ireland)’, which is dated 27 November 2006.

That Committee found that 20% of our children leave school without attaining a level of competency in numeracy and literacy that would prepare them adequately for life. The report found that many of those young people do not have the basic tools that will enable them to continue in education or to go into employment or training. Of a total of 25,000 school-leavers, 7,000 are likely to leave secondary school with a lower-than-expected level of mathematics.

The report found that educational underachievement is particularly low among boys in inner city areas. In the Belfast Education and Library Board area, boys trailed girls by an unbelievable 29%. That reflects what Ms Ramsey said earlier about the low levels of young male adults in education, training and further education. That problem is even more evident in disadvantaged Protestant areas than in deprived Catholic areas. Only 17.3% of pupils in schools in those areas achieve grades A\* to C in English. Even more astonishingly, only 4.4% achieve those grades in mathematics.

Only 37% of school-leavers from the most disadvantaged areas leave school with five or more GCSEs; the average across Northern Ireland is 61%. The skills base in neighbourhood renewal areas also compares very unfavourably when measured against that of the whole of the North of Ireland. In those areas, only 20% of people aged between 16 and 65 are qualified to level 2, whereas the Northern Ireland average is 45%.

A review of the Northern Ireland literacy strategy, which was carried out on behalf of the Northern Ireland literacy steering group in October 2006, investigated substantial research on how neighbourhoods influence educational attainment. Tests for the existence of those effects on 2,500 young people in Scotland found a significant correlation between levels of deprivation in the home and neighbourhood and levels of educational

attainment. The study’s conclusions were that policies to alleviate educational disadvantage cannot be focused on schooling alone but must form part of a broader initiative to tackle social deprivation in society. That means that a cross-cutting approach must be taken.

It is now generally accepted that the children who face the greatest obstacle when it comes to raising attainment levels are those from disadvantaged families — they live in disadvantaged neighbourhoods or attend schools with many other disadvantaged children. In Northern Ireland, it is estimated that 102,000 children are living in poverty — that indicates the scale of the problem.

If social deprivation, which is one of the major causes of educational underachievement, is not addressed as part of a coherent strategy, the vicious circle of underachievement will continue unabated into the next generation. That point is made in the Office of the First Minister and deputy First Minister (OFMDFM) anti-poverty strategy, entitled ‘Lifetime Opportunities: Government’s Anti-Poverty and Social Inclusion Strategy for Northern Ireland’.

The OFMDFM report states:

“Policy must break the cycle and the process that results in children who are born into poverty developing into underachieving young people with limited aspiration and low levels of educational qualifications and skills. They in turn become working age adults living in low incomes often in poor health and benefit dependence, with the prospect of a shorter, less healthy, comfortable and financially secure older age. They are also the adults most likely to be parents of children again born into poverty — with the cycle continuing. Policy must disrupt this process focussing on different priority needs and different times in people’s lives, from early years through to childhood, adult working life and later years.”

It is undoubtedly true that education can improve the situation — school factors can raise attainment for an average pupil at GCSE level by up to 14 points. Clearly, schools are good places in which to improve children’s skills.

Nevertheless, a strategy that focuses solely on improving average school performance is less likely to be effective in reducing educational underachievement than a cross-cutting departmental approach, involving communities, that addresses the causes of social deprivation as well as educational underachievement. Close co-operation between the Department of Education, the Department for Employment and Learning and the Department for Social Development (DSD) is the best way to approach the problem. Go raibh míle maith agat.

**Mr Newton:** Although I support the motion, I am pleased that the amendment was accepted by the Chairperson of the Committee for Employment and Learning, and I pay tribute to her vision.

The motion is of the utmost importance and, in the current economic climate, it is timely. On many occasions in the House, I have stated that, in the past, Northern

Ireland had one of the most skilled workforces in the world. It will only be through training and educating our young people that a skilled workforce that suits economic needs will be created.

The House's aspiration must be for young people either to stay in education or training or to gain full-time employment, and their failure to do so would mean that they would not have acquired the skills that are necessary to meet the demands of future life. The Northern Ireland economy will prosper, and we will reduce the negative impact of the economic downturn, only when our young people learn. When the current economic difficulties pass, it is certain that the economy will change quicker and, consequently, learning and skills requirements will become increasingly demanding. Encouraging young people to stay in post-education training in order to acquire the skills demanded by a job not only supports them economically but improves their social skills and equips them to prosper in future life.

Approximately 9,000, or 12%, of 16-to-18-year-olds are not in education, employment or training (NEET), and every Member must admit that that figure is shocking. Having asked the Minister of Education, I was appalled to learn that approximately 30 young people leave schools in my constituency each year with no qualifications.

Research demonstrates that the young people who are categorised as NEET form a diverse group. Some young people are planning to join that group, and, in some ways, I encourage that — they may be planning to take a gap year before going to university. Others may encounter significant barriers to their participation in education and training, such as poor home circumstances and problems due to offending or substance abuse. Whatever the circumstances, the policy must be to address those barriers, and, given the current situation, the likelihood is that that will only be achieved on a one-to-one basis. Children who have rejected school and stayed away from the classroom, have low educational-attainment levels, and have failed to acquire the necessary life skills are at the greatest risk of spending long periods in the NEET category.

It appears that young males are most at risk, especially those who have a statement of special needs. That suggests that measures to make classrooms — or learning environments, as we should perhaps call them — more attractive to improve achievements in the three Rs and to boost attainment are likely to have the biggest long-term effect in addressing the NEET issue.

Investment in preventative work is necessary through specialist training programmes. Individual programmes may not address the issue, but implementing the synergy that is required between programmes will help to address the needs of, and improve the long-term chances for, the most disadvantaged.

However, Ministers must ensure that that happens now, not some time in the future. The figures demand it, and it is the right thing to do for the young people, their parents, the economy, and Northern Ireland's society.

Turning to the amendment, Ashfield Boys' High School and Ashfield Girls' High School had poor educational records. They were categorised by low and poor attendance, appalling behaviour, and low staff morale. Over the past number of years, the head teachers — Andy McMorran and Adeline Dinsmore — and their teaching and support staff have raised respect for the school in the minds of the educational bodies, pupils' parents, and the wider community. Each school now has an environment that is composed and purposeful — pupils are uniform conscious and respectful, and the school corridors are covered with evidence of the educational and vocational achievements that have led to pupils' development as responsible citizens.

This is a complex issue that has many aspects. However, it is necessary that we address it.

**Mr McClarty:** One in 10 of our 16- to 19-year-olds is not in education, employment or training. That is a problem that we cannot afford to ignore. The costs of that statistic are enormous — the life chances of the individuals concerned are reduced, and their families, communities and society are affected adversely. The economy and public services also suffer due to lost opportunities in job creation and as a result of a reduction in revenue.

The Northern Ireland statistics compare favourably with the UK average. However, statistics for the UK show that it is thirteenth among the old EU membership of 15 states — only Italy and Finland are worse. Scandinavia and the Republic of Ireland have half our problems — approximately one in 20 16- to 19-year-olds is not in employment or education. We should be able to match the standard that has been achieved in those countries.

However, I appreciate that the Minister for Employment for Learning is on the ball on the subject. Any Member who doubts that should consult the Hansard reports from 14 April 2008 and, particularly, 15 October 2007, in which in answer to a question from Alex Attwood, the Minister spoke of his Department's commitment to ensuring that the NEET issue was dealt with in the Programme for Government, which was in preparation at the time. The Minister also outlined some of the measures that were in hand.

Large numbers of children are disengaged from the norms of society. In all probability, they were absent from school frequently and they gained few or no qualifications. Motivating members of that group to enter one of the programmes that are aimed at the NEET problem is likely to be challenging and would be best approached

by professionals. In fact, many in that group will be motivated positively against involvement.

The Department for Employment and Learning, through various strands of its Training for Success programme, is addressing the problem. It has in place flexible opportunities that consider the particular needs of the individual. I know that developments can be made, and I am confident that the Minister is advancing the agenda.

Some children have learning difficulties or disabilities, and they are in need of programmes and support that are tailored to their special educational and personal needs. There are programmes in DEL that seek to help that group, and I am aware that the Minister is seeking improvements in certain areas.

11.00 am

When one drills down, one finds that there will be other identifiable groups with different circumstances and motivations. A set of broad approaches and programmes are needed to address the overall problems of those groups and, within those programmes, the ability to provide advice and tailor courses and actions to individuals.

We are dealing with 9,000 different personal problems. If we are to halve the numbers classified as NEET and attain comparability with the Republic, we must personalise the solutions to the individuals. The motion relates to the actions that the Department for Employment and Learning is undertaking and new programmes that are being embarked upon. However, the problems and their solutions are interdepartmental. There is also a clear case for the involvement of the voluntary and community sector, particularly those organisations that have special expertise in interacting with young people, such as those with mental or physical disabilities or the hard-to-get-to groups with which mainstream society usually has little contact.

The Department of Education also has a significant role to play. We are becoming more aware of the need for early educational intervention to ensure that when young people reach their teenage years, they are established within the education system and have the capabilities to get the most out of it.

The Ulster Unionist Party supports the motion. We cannot abandon the one in 10 of our youth classified as NEET and the impact that that has on their life chances. My party supports fully equality of opportunity. Those young people need our help to access those opportunities.

**Ms Lo:** I support both the motion and the amendment. It is totally unacceptable for our young people to leave school every year with few or no qualifications. The statistics show that 9,000 of our 16- to 18-year-olds are not in education, employment or training, and that is worrying. It is not what our young people or their families

aspire to. It is not only a waste of a young person's potential, but a loss to society and the economy as a whole. As we know, such young people are more prone to future long-term unemployment, social exclusion, poverty and poor mental health. I look forward, therefore, to hearing the Minister's plan for addressing the issue.

However, the Department for Employment and Learning alone will not be able to solve the problem. We must get those young people interested in learning from a young age — from pre-school programmes right up to age 16 before they leave school. We must address the low attainment level in some of our schools and raise the aspirations of our young people. We must stop young people from falling out of education, training or employment by motivating and encouraging them while they are still in school and offering attractive and relevant provisions post-16 years of age.

As other Members have said, the gender gap is widening, with 16-year-old boys being more likely to be not in employment or education than 16-year-old girls. We must get those young males interested in acquiring qualifications. However, it is important that the training courses and opportunities available are relevant to them and meet their needs. It is such a pity that we now see so many apprentices being made redundant in the construction industry — although I understand that the Department for Employment and Learning is doing what it can to help those young people to redress the situation. The majority of the young people who are not in employment, education or training are only in that situation for a short period.

The Government must urgently ensure that those young people are quickly re-engaged in education, employment and training. Young people and those at risk of dropping out must be identified by those services as early as possible in order to ensure that the right interventions are made to secure the relevant skills and knowledge that open the way to training and employment. That will enable those young people to make informed choices about their future.

People with specific needs, such as learning difficulties or disabilities, must be given help and support that enables them to overcome barriers to participation, and that places them on a level playing field. The reason that school-leavers from ethnic minorities have below-average education attainment must be seriously considered by the Department of Education, in order that those people avoid missing higher and further education and employment opportunities. They must be offered the chance to reach their potential and to contribute to society.

**Mr Easton:** Everyone in Northern Ireland is living in difficult times. Challenges arise from the pressing need to establish devolved institutions against a background of a historical and frightening underinvestment



in our physical infrastructure and a breakdown in community cohesiveness that stems from four decades of violence and disturbance.

The collapse of the world's capital system multiplies those difficulties, and means that solutions must be found in an environment in which resources are extremely limited. Times are challenging for everyone, but for young people in particular.

Recent research by Barnardo's has shown that many older people have a negative and stereotypical view of youth. It is easy to get matters out of proportion and perspective. We should be proud of the vast majority of young people, and parents and teachers who helped those young people to fulfil their academic ambitions and make a positive contribution to society. Schools, colleges and universities throughout the Province have dedicated staff, parents and governors who ensure that everyone has the education and training opportunities that allow those young people to get on in life and to obtain suitable and rewarding employment.

Experience informs me how much I owe to people who helped me in school and in further education. The period of moving from education to employment is crucial, and young people must make that transition in an environment that presents many challenges and obstacles. Traditional family structures have altered greatly, and the rapidly changing labour market faces years of recession. Young people who do not make the best use of their time at school and who do not opt for further education or training are at a serious disadvantage, which presents society with a serious and costly problem.

**Mr Shannon:** Does the Member agree that statistics issued by the Department of Education and the Department for Employment and Learning showed that young Protestant males underachieved in comparison with their Roman Catholic counterparts? Does the Member agree that something must be done to assist young Protestant males in urban areas to integrate into society and to reach their full potential?

**Mr Easton:** I thank the Member for that intervention and I agree with his comments. I urge the Minister to give that matter urgent consideration, with a view to addressing that problem.

I have been referring to young people between the ages of 16 and 24. However, Members must concentrate their attention and energy on the group aged 16 to 18, often referred to as NEET — not in education, employment or training.

Children most at risk have an impoverished background and low educational attainment. That includes those who, for one reason or another, are persistent truants, are frequently excluded from school, and who may use alcohol and drugs. Those not in education, employment or training also includes children with disabilities, those in care, and those who are involved in crime and

antisocial behaviour. There are also many teenage mothers who are not in education or employment.

Those young people often have a very negative self image and low self-esteem. They feel a deep sense of failure and are easily persuaded into criminality and antisocial activity.

We must realise that a big factor is that many young people are functionally illiterate and lack many important life skills. Perhaps part of the solution is to concentrate a lot of energy and resources on our schools so that there are early indications of the children who are most at risk. Can we appoint a task force that comprises those who work in schools, such as teachers and counsellors, and who have experience in addressing successfully children's literacy and who can advise us on how to deal with what is a central problem? Can the Children's Commissioner be involved in the urgent formulation of a serious response to a serious problem?

We must put huge emphasis on school attendance and review constantly the academic performance of children. We must provide all schools with specifically tasked counsellors who follow children through their secondary education to ensure that they have structured support. We must ensure that no one leaves school without being able to read and write to a standard that allows them to function comfortably in the workplace. We must work with disadvantaged families and provide resources in community settings where those who need help can receive it.

In order that no time is wasted in arriving at the appropriate courses of action, we could learn a great deal from the experiences of other countries that are tackling the same problems. We cannot afford to deny the skills and opportunities that are necessary to succeed in life to such a percentage of young people. We are talking about 34,000 young people, which is 15% of 16- to 23-year-olds, and 9,000 15- to 18-year-olds, which is 12% of that age group. That is a devastating indictment of the system, and the situation cannot be allowed to continue.

I join my colleagues in calling on the Minister for Employment and Learning to outline how he will address the situation.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh dhíospóireacht an lae inniu. Beidh mé ag labhairt mar Chomhalta den Tionól agus ní mar Aire Oideachais.

I am speaking as an Assembly Member, rather than as the Minister of Education. I welcome the motion — this is a very important issue, which is one reason why I was moved to speak in the debate as a Member. I thank Sue Ramsey for tabling the motion, and we have accepted the amendment.



Throughout my life, I have said that we must address disadvantage and disadvantaged groups. The level of disadvantage in our society is frightening. Our at-risk children were mentioned earlier, and it is essential that programmes are implemented in every Department to help them. Our children from the Travelling community suffer multiple disadvantage in all indices across all Departments. Working-class Protestant boys were mentioned, and they face significant discrimination in our system in every area of deprivation.

Our girls face different barriers to our boys, but those barriers are significant. Indeed, the previous Member who spoke mentioned some of them. In addition to teenage pregnancy, our girls have to contend with a high incidence of violence against women and children, which is so widespread that many do not report it. That has a huge impact on them throughout their lives, and it creates intergenerational difficulties for their children. We must stop that cycle of disadvantage.

Catholic working-class boys also face serious disadvantage. Although Protestant boys face a higher rate of disadvantage, that does not mean that there are not Catholic boys who suffer disadvantage. All Departments must, therefore, target resources on the basis of need.

In our migrant communities, there are young people from different parts of the world who face multiple barriers in their lives. The Assembly must implement mechanisms to support those people. Our education system must be more flexible at all levels.

11.15 am

Some Members talked about transition periods and about early-years provision, both of which are crucial for young people because they are times of change. All transition periods are important; from pre-school and primary school to post-primary education, and from post-primary education to further education.

We need a good, flexible careers strategy, as we are losing children before the age of 16. Many young people find the year between the ages of 15 and 16 difficult, and that is often when they fall away from the system. However, they cannot enrol in a further education college at that age; therefore, we must consider the difficulties associated with transition periods.

We need to create job opportunities. It has been said that girls are more likely to have jobs, but those jobs are often poorly paid, and many of them remain in those jobs throughout their lives. Therefore, we must create real job opportunities for young women and men, and the cross-departmental investment strategy gives us an opportunity to do that. We can exert a positive influence and change people's lives through public procurement. Billions of pounds will be spent in the investment

strategy. New procurement guidelines have been produced, and all Departments must adhere to them.

Every public spending project should include social objectives, such as employment of the long-term unemployed and apprenticeship training. We can and should take the initiative now, as it could have a dramatic effect. For instance, if one job was created or one apprentice was trained for every £500,000 that the Executive plan to spend, it would equate to 40,000 people over the next decade. We need some radical, well-thought-out interventions to bring about change for unemployed working-class people.

**Mr Hilditch:** I welcome the opportunity to debate the issue, and I support the motion as amended.

Over the past 10 years, Northern Ireland has had a higher rate of long-term unemployment than the rest of the UK. In December 2007, some 9,000 people between 16 and 18 years of age and 19,000 people who are between 16 and 20 years of age were economically inactive, not participating in Government training schemes or in full-time education. Therefore, it is time for the Minister and the Department to address the numbers of 16- to 19-year-olds who are not in education, employment or training and to give priority to that age group in the Lifetime Opportunities anti-poverty strategy.

A survey by Barnardo's revealed that four out of 10 young people in the Province live in poverty. The level of poverty in Northern Ireland is worse than in England because more parents are on benefits, families are bigger, incomes are lower and the cost of living is higher. Those children are more likely to become addicts, to get involved in crime and to become homeless.

Poverty has serious implications for children's development, and children born into poverty find it difficult to move on and to get out of those situations. Their health is affected, their educational attainment is affected, and their chances of getting good employment are affected. They will be affected by crime and by addiction to drugs and alcohol. They may not necessarily become addicted themselves, but they will be affected by other members of their families or communities who are in those situations.

The term "NEET" is used to describe 16- to 18-year-olds who are not in education, employment or training. Ten per cent of all 16- to 17-year-olds across Northern Ireland fall into that category, and that has been a steady trend since 2004.

We have only to look at our constituencies and communities to see how many youths are hanging about without jobs, apprenticeships or education. Research shows that 16- to 18-year-olds who are not in education, employment or training increase their potential for unemployment, low income, depression and poor mental health in later life.

In November 2008, approximately 610 people in Carrickfergus, which is in my constituency of East Antrim, are claiming jobseeker's allowance. Young people say that they are not in education, employment or training because they do not have the right qualifications to progress or because the right provision is not available.

In October, we discussed the fact that fewer than 10% of people with learning difficulties are in paid employment; there is no doubt that there is a huge gap for people with learning difficulties finding employment. Those people are socially and educationally disadvantaged. It is not only people with special needs who are in need of more employment opportunities; disabled people are losing out.

It is time for the Department of Education and the Department for Employment and Learning to work together to get economically inactive people into further education, employment or some kind of training.

I welcome the Minister for Employment and Learning's recent announcement that his Department will contribute a modest amount of conditional funding towards the additional wage costs that are incurred by foster employers who take on apprentices. I also welcome the news that the age limit for apprenticeships has been removed, and I commend all those who have taken up apprenticeships. The contribution of apprenticeships to society is vital, because they offer the potential to obtain a qualification while following a career path.

We are all aware of the current economic climate, but we must not let that interrupt those people who wish to enter apprenticeships. With the help and support of family and friends, most young people can make a successful transition from childhood to adulthood. However, the Department for Employment and Learning must tackle the multiple barriers to participation that prevent some young people from receiving the careers advice and guidance that they require.

I understand that getting people out of need will be a cross-departmental issue, and not one solely for the Department for Employment and Learning to address. If Departments can work together to reduce fuel poverty by 2016, upgrade deprived housing areas, and halve child poverty by 2010, that will help to reduce the numbers of those who are in need.

I thank those Members who proposed the motion and those who tabled the amendment. I look forward to the Minister's response.

**Mr K Robinson:** I support the motion and the amendment, as did my colleague David McClarty.

It is important to remember that most young people between the ages of 16 and 19 are not in the NEET category. Although we all take great pride in our children and grandchildren, and those of our relatives, neighbours and friends, who are getting on with life and building

their futures, we can all identify young people — that one in 10 — who are outside that busy and fulfilled majority; those who, for one reason or another, are not getting on and building for future fulfilment in life, attainment and happiness.

From any ethical standpoint, given economic considerations of loss of opportunity and its impact on the net national product, state income and state expenditure, or of the social impact on the individual and his or her family and community or society in general, the problem cannot be ignored. There is an imperative on society and on Government to put resources into tackling the problem.

If I am reiterating any of the arguments that were made by my party colleague and other Members, it is because this is such an important point. Those in the NEET category represent one of the most significant social and economic challenges facing this Assembly and this Administration.

Although the Department for Employment and Learning has a responsibility to deal with the consequences of young people's not being in education, employment or training, the die is often cast for those young people much earlier, in their primary-school years. Children who move into post-primary education with minimal capabilities in reading and writing, and who are not able to add, subtract, multiply and divide, will experience severe difficulties as they move from primary class-based teaching methods to post-primary subject-based teaching. If, after seven years of education, children arrive in post-primary education ill-equipped to cope with the variety of classes and the intensity of class work, and are unlikely to catch up, they will get little or nothing out of a further five years of formal schooling.

**Mr McClarty:** Is the Member saying that it is much more important to invest in primary education than to rectify what has gone wrong in post-primary education?

**Mr K Robinson:** Yes, that is what I am saying. It is much more cost-effective, too.

**Ms S Ramsey:** Will the Member give way?

**Mr Speaker:** The Member will have an extra minute to speak.

**Ms S Ramsey:** I am taking his minute off him.

I appreciate what the Member said. However, he should take on board the point that I made earlier when I accepted the SDLP amendment. The Department for Employment and Learning and the Department of Education have roles to play, as do other Departments. Will the Member confirm that he is not saying that we should not focus on those 34,000 and more young people who are not in education, employment and training? There are two streams to concentrate on; we must focus on the young people who are in education,

employment and training now, but we must also ensure that young people do not fall into the NEET category.

**Mr K Robinson:** I thank both Members for their helpful interventions. We have a problem that we must deal with now, and we have an ongoing problem that must be dealt with at source. In fact, we must go back beyond primary education and get into the home, almost as soon as the child is born, in some instances, in order to compensate.

It is no wonder that so many children become disengaged, become problem children in their schools, and are persistently absent, with all the attendant dangers of being on the streets. All of that is well documented, and I refer Members to the Committee of Public Accounts report on literacy in Northern Ireland schools, which was published in 2006. That report revealed that in 2004-05, nearly one quarter of children in Northern Ireland left primary school below the standard level, with resultant adverse effects on their future life chances.

Indeed, the Prince's Trust report, 'The Cost of Exclusion: Counting the cost of youth disadvantage in the UK' highlights and enumerates the cost of educational underachievement, particular in literacy and numeracy. The Prince's Trust quotes an International Adult Literacy Survey that shows that 22% of 16- to 25-year-olds in GB lack the basic literacy and numeracy skills to operate effectively in the job market. Without those skills, they cannot operate effectively in society.

In Northern Ireland, 20% of school-leavers lacked those skills, which is a little better than the average in GB. However, as other Members have mentioned, we do not compare favourably with other EU states. We must learn from the culture of learning in those countries.

Primary education is fundamental to addressing the challenge of young people who are categorised as NEET. To focus on what happens at the age of 11 is to miss the point entirely. Improving basic literacy and numeracy at primary level will have a major impact on the size of the NEET problem; although, as has been highlighted, it will take a few years for the improvement to be seen in the 16- to 19-year-old group. However, if we make serious inroads into the level of young people who are classified as NEET, we will achieve a major improvement for our country, economically and socially.

We have an economic and social duty to do better for our young people. The Minister for Employment and Learning's approach to the matter is proactive, and I look forward to hearing what he is doing when he responds to the debate. The largest part of the problem, and the means of making the greatest long-term impact to reduce the level of people who are classified as NEET, lies with the Department of Education. The allocation of money and resources at primary level and programmes to improve literacy and numeracy are fundamental to addressing the economic and social

changes that are posed by the far too high numbers of young people who are categorised as NEET and whose talents and skills are wasted.

I support the motion and the amendment.

**Mr Irwin:** I welcome the opportunity to speak in the debate, and I support the motion and the amendment.

A worrying number of young people are not in education, employment or training, and the reasons behind the figures are as varied as the young people themselves. When young people leave school, they have more choice in their career paths and in their learning options than ever before. However, they also face more problems than ever before in sustaining themselves through education and training, and, ultimately, in finding employment.

University and further education is now heavily associated with tuition fees and inevitable debt. The financial pressures that are associated with university mean that people who leave school at 16 and come from a disadvantaged background are put off from pursuing higher education, and that must change. Social background has also been proven to affect a young person's determination and drive to find and pursue a career path, and that means that young people need greater support throughout their primary and secondary education in order to give them the necessary mindset to pursue either further education or training.

Reports have proven that young people who are not in education, employment or training are more likely to become involved in antisocial behaviour, drug use and alcohol misuse. Although not everyone fits into that bracket, resources are diverted to deal with those knock-on effects. I worry that a significant number of young people who remain in the NEET bracket can generate an unwelcome trend for younger family members, who may also develop lower determination to succeed and may follow a similar path simply because their peers do not provide an example.

People who wish to follow apprenticeships in the current economic climate are also at a disadvantage, and many have been engaged in training only to see the employers who took them on terminate their employment due to the downturn in many trade sectors. Incentives must be given to employers to encourage them to take on apprentices in that climate and to see the training to its conclusion. Northern Ireland has thrived on good tradesmen, and it would be detrimental in the long term to the Province for a trend to develop of young people rejecting the path of learning a trade.

The problems are too numerous to cover in the Chamber today, and, given the range of issues that has been discussed, I call on the Minister to outline how he intends to deliver on the measures that are required to reduce the number of young people who are not in education, employment or training.



11.30 am

**The Minister for Employment and Learning (Sir Reg Empey):** I welcome the debate and the contributions of Members. It is widely accepted that engagement in learning and educational attainment are critical to young people if they are to make a success of their lives. For a variety of reasons, including a range of social and personal issues, many young people do not continue in learning beyond the age of 16 or drop out between the ages of 16 and 19 and, therefore, are not equipped with the skills that they need for successful employment. Those young people are, therefore, the long-term unemployed of the future.

A recent labour force survey stated that 10% of young people between the ages of 16 and 19 are not in education, employment or training in Northern Ireland. That compares with an average of around 13% in the UK, as has been mentioned. Several interdepartmental strategies embrace the needs of that group, principally the 10-year strategy for children and young people. My Department is actively engaged in the implementation of that strategy, and its actions focus heavily on those disengaged young people. The Department aims to provide support for young people who are not in education, employment or training through the provision of appropriate further education and training, and careers guidance and advice.

By the age of 16, young people's attitudes to education and training are well established, and their views of themselves and what motivates them are very hard to change. I believe that young people must be engaged in education and undertake courses that offer success and motivate them. That is why my Department is working with the Department of Education to introduce a range of professional and technical courses to all young people between the ages of 14 and 19 so that they can experience a wide range of occupations and can have a chance to gain hands-on practical experience. The range of courses on offer allows young people to find out what they enjoy, to make informed decisions about their careers, and helps to keep them engaged.

As for the amendment, although I cannot comment on the responsibility of another Minister, what I say today has a bearing on improving the employment prospects of those who leave school with no qualifications whatsoever. A case in point is the joint vocational enhancement programme (VEP), which ran as a pilot scheme from 2004 to 2008, and which informed the development of a framework that supports local collaboration among schools and further education colleges.

That programme introduces school pupils to professional and technical or vocational courses at an earlier age and contributes to a more interesting and engaging curriculum. During the 2007-08 academic

year, 215 post-primary schools, including 30 special schools, together with six further-education colleges, provided opportunities for approximately 12,500 pupils under the vocational enhancement programme.

The VEP has shown that inclusion of professional and technical learning, as part of the curriculum, widens the education pathway provided to 14- to 19-year-olds by ensuring that they are aware of all the career choices that are available to them. In February, the Education and Training Inspectorate published 'An evaluation of the vocational enhancement programme in schools and colleges of further education', which stated:

"There is discernable improvement in the motivation and quality of learning of previously disaffected pupils through their participation in VEP."

That is why we must build on that type of provision through schools and colleges working together.

In order to address that problem in England, there are plans to change the law so that the age of compulsory participation in formal education or training is raised to 18. Of course, up to the age of 18, everyone should have access to education and training. However, the question of whether we go down that route will require some serious consideration. I have very strong reservations about doing so.

Further education colleges also offer a wide range of courses for people who leave school at 16 and who decide not to enter into employment or training. In recent years, further education colleges have enrolled annually approximately 42,000 learners between the ages of 16 and 19. Such learners receive advice and guidance on the course of study that is most appropriate to them.

Work is under way to enhance that process further to ensure that each learner agrees an individual programme of study to meet his or her aspirations and level of study. We aim to have the enhanced arrangements in place for the start of 2009-10 academic year.

The Prince's Trust team programme secured funding from the European social fund, which my Department's European unit administered. The training component of that programme is delivered by further education colleges, the cost of which is met by the funding allocated to DEL's further education sector. Statistics from the Prince's Trust show that of the 77% of Northern Ireland participants who finish the course, 84% progress to further study, training or employment.

Further education colleges also carry out extensive marketing each year in order to reach out to young people who are not currently enrolled.

The Department's Training for Success programme is firmly focused on the needs and aspirations of each young person, and offers flexible opportunities. Each participant is provided with a personal training plan that identifies individual needs and the specific actions



required to address them. The Department is committed to endorsing flexibility of training under the programme — time permitting — in order to enable young people with additional needs or disabilities to realise their full potential and achieve targeted qualifications.

There are several such programmes. Training for Success is designed to enable participants to progress to higher-level training in further education or employment, and provides training that is designed to address personal and social development needs and, where necessary, individual essential skills training. The Skills for Life strand addresses the personal and developmental needs of young people who have disengaged from learning and/or face significant obstacles. The Skills for Work strand includes those who have been assessed as not yet being capable of achieving a pre-apprenticeship, for example, due to low academic standards, specific learning difficulties or other barriers.

The Department has enlisted a number of suppliers such as Disability Action, Opportunity Youth and Include Youth, who will work in conjunction with training organisations to deliver the Training for Success programme. I have visited some of those organisations and spoken to young people whom they are helping. That was a very moving experience, and, as a number of Members have reflected, it was a frightening experience.

We have been arguing about the position of the 11-plus for a long time. I was struck by what Mr Bradley said. The problem is largely at 11-minus. Some young people are in severe difficulties by the time they reach the age of 11. The pattern is virtually the same no matter where one looks. Young people transferring from primary to secondary school without the basic building blocks — which many of them do not have — are facing uphill struggles.

When visiting one of those groups, I spoke with three or four young people who told us of their experiences. One young man had a brother who had been very badly behaved at school. He told us that he had been tarred with the same brush, and treated as if he were also a miscreant. He did not have appropriate reading abilities, yet he was trailed out in front of his class and forced to try to read something — he was made a fool of, and was then stuck at the back of the class, where he completed his education several years later. That humiliation — and that is what it was — is perhaps an isolated example in our education system. That is not representative by any means, but it illustrates how that young person became so hard to reach by the time he left school at 16. I am sure that every Member could quote similar examples.

We must also consider the current social and economic situation. I visited another unit, named Bytes, with which I am sure that Members are familiar. There, we

met young people who have a totally alternative lifestyle. Those young people are getting up at 2.00 pm or 3.00 pm. They are not part of a nuclear family, and do not have any significant self-esteem. They live in a totally different atmosphere, in a totally different world, disengaged from the system.

I have highlighted a number of initiatives that are being taken by my Department. We are also taking initiatives with the Department of Education on the career strategy and its implementation, which we hope to deal with in the next few months. That is squarely targeted at follow-up for individuals, but we have to be careful about data protection issues in respect of such monitoring. There is an enormous problem in respect of the gap between how those people are living, and how the rest of our community lives.

When proposing the motion, the Chairperson of the Committee asked me whether a specific monitoring mechanism is in place. In truth, the answer to that question is both yes and no. A specific monitoring plan does not exist, but we work closely with the Department of Education. The Careers Service follows up on individuals; however, there are data protection issues. I will take that up with ministerial colleagues as it is a cross-departmental issue.

I am not trying to pass the buck. As Members said, three or four Departments could be involved in the matter: the Department for Employment and Learning; the Department of Education; the Department of Health, Social Services and Public Safety; and the Department for Social Development.

There is a gap. We are talking about thousands of young people, and the sad thing is that we are churning out more such young people every year and adding to that list. I welcome that, statistically, our record appears to be better than that of England and Wales; that is a tribute to the work of many professionals. However, I do not know that we can yet be proud of what we have achieved; we have a long way to go.

A huge pool of potential is being lost; that represents a loss not only for those young people for the rest of their lives, but for the entire community. How will those people make an economic contribution? How will they achieve in life through a fulfilling opportunity or job? There is a huge undertaking still ahead that will require us to work together at an interdepartmental level, and there is no problem with that. However, the system that Sue Ramsey asked about is not in place.

The Careers Service contacts 16- and 17-year-olds in that category with a view to engaging with them. For data protection reasons, however, the Department of Education cannot share information on individual pupils in order to formalise those arrangements. I understand that; it is one of the issues that we have to address. No one is trying to be difficult; it is not an

obstruction; it is a fact. As Dominic Bradley said in proposing the amendment, a cross-departmental look at the matter will do no harm.

The Departments co-operate closely on this. The Minister of Education and I are intimately involved in the careers strategy, and I hope that we will soon be able to make announcements about it, including the implementation of the strategy.

Mr Shannon, and other Members, mentioned the disproportionate number of young Protestant males affected. That is a well-known statistic, and there is no question that that is a huge issue. There is a wider male and female issue too. There are very complicated reasons why we are in this position, and much more work must be done to address that.

Through partnership arrangements between training organisations, early leavers from Training for Success are referred to the Careers Service — which has much to do with this issue — for follow-up advice and guidance. We are working with the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), and there is a great deal of engagement with the criminal justice system.

My Department, and many Members, are deeply committed to taking the lead in a scoping study to research further data on this group in Northern Ireland; to identify the relevant actions in place across all Departments; and to recommend whether a cross-departmental strategy could achieve better outcomes for that group in future.

Given the multiple deprivation issues, I am happy to look very closely at whether the formal establishment of a cross-departmental group is needed to address those issues and to scope what we can do.

Society is losing a shockingly large pool of potential. No one can be proud of the statistic; just because it is slightly better than that of GB does not mean an awful lot. European statistics demonstrate that it is a shocking waste.

*11.45 am*

I will, certainly, engage with departmental colleagues and Ministers and return to the House in due course to inform it whether a proposal can be made at interdepartmental level that will tackle seriously and bear down even harder on that tremendous societal problem.

**Mr O'Loan:** I thank all Members who took part in the useful, instructive and constructive debate. The motion is timely. The case to get skills right so that the North can compete in global markets is compelling. That has, certainly, been brought into focus by the global economic downturn.

Members are aware that the USA might adopt a more protectionist stance. Barack Obama has indicated that jobs will be kept at home. That poses a serious risk to the North and, indeed, to the world economy if it

were copied by other countries. It must be challenged at the highest political level.

There is a compelling and distinctive case to enhance the skills base. In a debate on Monday 17 November 2008, I referred to the five drivers of the economy; infrastructure, competition, investment, enterprise and skills. It is possible that skills will become relatively forgotten among the five drivers. That will not do; indeed, it must be given extremely high priority. If not, the economy will be unable to get off the ground in the way that everyone genuinely wants that to happen.

It is interesting that in his foreword to the 'National Development Plan 2007-2013' in the South, the then Taoiseach, Bertie Ahern, referred to skills, innovation and research, which are the axes of economic prosperity — not the factor on which the Assembly often focuses; a low level of corporation tax. There is a lesson in that for the Assembly.

I refer particularly to the comments of Sue Ramsey and Dominic Bradley, whose remarks were amplified by other contributors to the debate. I appreciate greatly the consensus and support for the amendment that has emerged during it. I thank Sue Ramsey not only for her formal acceptance of the amendment, but for the excellent way that she spoke to the motion. She, quite rightly, pointed out that a large number of people are not in education, employment or training, which is simply not socially or economically acceptable. She said, rightly, that no one should leave the ordinary education system after 12 years without qualifications. That immediately brings in my party's amendment. I thank her for supporting it well.

Ms Ramsey made an interesting point that action must be taken at the first sign that someone might drop out of education. She referred to programmes to deal specifically with that in England, which identify young persons who might be at risk of dropping out in order to target them and deal with them intensively. The Department must consider such programmes seriously. In his response, the Minister referred to similar mechanisms in further education, which include working with partners in the community and voluntary sector. David McClarty also spoke in favour of and recommended that. Certainly, Sue Ramsey's message is valuable and important.

In proposing the amendment, Dominic Bradley made the key point, which was picked up and agreed on by all Members, that the matter is not simply DEL's responsibility. The Minister described it starkly when he said that the problem begins at "11-minus". The reasons why young people are not in education, employment or training relate to their experiences during secondary schooling and, indeed, much earlier. It is, therefore, critical that weaknesses are identified at those early stages. No proper life chances exist for

young people unless they have basic literacy and numeracy skills.

That assertion was correlated by considering the experience of families living in disadvantaged areas. Members said that boys in inner-city areas are trailing and that the problem is worse in disadvantaged Protestant areas. Unionist Members must consider flexible educational structures to address that situation.

All Members agreed that we must break the cycle and work on early years. Such an approach will be less costly and more effective in the long term. Although schools can make a difference, a strategy that focuses solely on schools will be less successful. As Dominic Bradley said, the Department of Education, DEL and DSD must co-operate to find a solution.

**Mrs McGill:** Go raibh maith agat, a Cheann Comhairle. I thank Minister Empey for being present for the entire debate. Moreover, I thank Caitríona Ruane, who spoke as an MLA rather than as a Minister.

Sinn Féin proposed the motion, and the SDLP tabled an amendment. I pay tribute to the number of contributions; such a degree of agreement makes my job of making the winding-up speech much easier.

Several themes emerged from the debate, such as the relationship between poverty and poor educational attainment and skills. Members on both sides of the House, and the Minister, mentioned disengagement with young people. The Committee for Employment and Learning discussed the needs of those with special needs and disability at its previous meeting — perhaps the day that Disability Action visited Parliament Buildings — and we discussed the need for joined-up thinking on the issue of providing opportunities for special-needs children, young adults and people with disabilities.

I will now address, go raibh maith agat, a Cheann Comhairle, some Members' contributions. As Declan O'Loan said, the Chairperson of the Committee for Employment and Learning, Sue Ramsey, made some all-embracing comments that comprehensively supported the motion and the amendment. She outlined how the most vulnerable individuals cannot find employment, education or training and, subsequently, stop trying. It is an indictment of society that so many young people are in that situation. Ms Ramsey called for a dedicated programme of action, discussed the introduction of legal requirements for training organisations and providers, and suggested how to tackle the issue of disability.

Mr Bradley — who has left the Chamber — moved the amendment and said that the motion is important and called for a broader approach to tackling social deprivation. During his winding-up speech, Mr O'Loan accepted graciously Sinn Féin's support for the amendment and mentioned the need for a cross-departmental approach.

The Deputy Chairperson of the Committee, Mr Newton, said some things that I can easily relate to. In particular, he spoke about learning environments, which, in my view, are critical. In my time, I have met very few young people who do not want to learn. However, much depends on the environment in which they are expected to learn, and also, to some extent, on the teacher/pupil relationship and other factors. Mr Newton said that it was a complex issue, and I agree with that.

Mr McClarty said that the problem is one that we cannot ignore. He referred to several existing programmes that are managed by DEL, such as Training for Success. Anna Lo referred to social exclusion and mental-health issues, and I agree with her remarks. She also mentioned ethnic minorities and asked the Department of Education to consider that issue — I have no doubt that it will do so. Alex Easton spoke in a wider context about the global issues that we face. He also said that we are proud of our young people, and I can relate to that statement.

**Mr Cobain:** Is the Member sure that she is in the right party?

**Mr Speaker:** The Member must not make comments from a sedentary position.

**Mrs McGill:** Go raibh maith agat. I am in Sinn Féin, in case Mr Cobain is not clear about that. Mr Easton and Mr Newton are on the Committee for Employment and Learning, and we work together to try to make things better for young people. This is an important issue. Mr Cobain is one Member in particular who associates himself with trying to speak for those who are socially disadvantaged. I commend him for that, and am glad that he is here to listen to the debate.

Caitríona Ruane spoke about disadvantaged young people and about mechanisms and transitions, all of which are important. Mr Hilditch referred to poverty, and he commented that he often hears that the right provision is not available. I agree that that may be the perception. Perhaps, for some reason, the message about exactly what provision is available is not getting out. Although the departmental officials — who regularly appear before the Committee — are trying to do their best, perhaps the message is not always adequately expressed.

Ken Robinson referred to investing in primary education, and William Irwin stated that the problem of young people not taking up employment, education or training has causes that may be as varied as the young people themselves. He also referred to apprenticeships and the current economic downturn, of which we are all well aware.

I welcome the fact that the Minister intends to consider that issue. Although the Minister did not mention it, the Local Employment Intermediary Service (LEMIS) operates in Strabane, in my constituency, and also in



Belfast and Derry. It is an advice service that is designed specifically to help young people to overcome barriers.

Some people in my area had issues with that service, and perhaps I will speak to officials about that. I very much welcome the cross-departmental approach to this issue.

*12.00 noon*

Mr O’Loan talked about skills and how the economy must be made a priority. He quoted Mr Ahern, and I understand the point that he was making. However, we must return to the issue of education, and not for just the economy. Perhaps I am running against the grain, but young people should not be thought of as people who simply go out and get jobs — education must be thought of as something that is a bit more than that. Go raibh maith agat.

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

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

*Resolved:*

That this Assembly expresses its concerns at the number of 16-19 year olds who are not in education, employment or training; and calls on the Minister for Employment and Learning to outline his actions to address this situation; and further expresses concern at the number of 16 year olds who leave school with few or no qualifications; and calls on the Minister of Education to outline her actions to improve the qualifications/skills base of 14 to 16 year olds.

## PRIVATE MEMBERS’ BUSINESS

### Rural Out-of-Hours Ambulance Coverage

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr McQuillan:** I beg to move

That this Assembly calls on the Minister of Health, Social Services and Public Safety to ensure that rural communities are adequately provided for during periods of ‘out-of-hours’, and are not disadvantaged due to the reorganisation in the provision of ambulance cover.

I wish to place on record my admiration for all the ambulance staff in Northern Ireland, applaud them for the difficult job that they do, and assure them that, with this debate, I am in no way criticising how they do their job. I sought this debate in order to protect the emergency ambulance services that are provided to rural areas throughout Northern Ireland, not to demoralise or put down ambulance staff. In fact, the motion will enhance morale because ambulance personnel will see that the Assembly is addressing their needs. It will also greatly help ambulance staff to do their jobs even more efficiently and expertly.

One constituent was so worried about the response times to emergency ambulance call-outs in rural areas that he said that he hoped and prayed that he never had a heart attack at home. As someone who was born in, and who lives in, a rural part of Northern Ireland, I understand and appreciate that statement. In one sentence, that constituent summed up the fear of the rural population regarding the speed of ambulance response, which is a matter of daily concern to rural dwellers.

Living in rural parts of Northern Ireland is a way of life for many people, and those people neither know nor want anything else. Living where they do, should they, therefore, be subject to a second-rate emergency ambulance service? Of course not. That, however, is the reality for those of us who dwell in rural areas. It is all very well for the Minister to say that an ambulance should reach an urban emergency call-out in eight minutes. It is rarely added that the target for rural areas is 20 minutes or more.

Table 4.20 in the ‘Health and Social Care Inequalities Monitoring System Second Update Bulletin 2007’ shows that the median response time for rural call-outs in 2004 was 14 minutes, but that rose to 14.3 minutes in 2006. The median response time for urban areas during the same period fell from 7.3 minutes to 6.6 minutes. That does not make for comforting or easy reading for the rural dwellers of Northern Ireland. The



use of a median figure is, in any case, a statistical illusion; it is a centre point on a line and has nothing to do with reality. It is just a useful piece of spin for the Minister to use when trying to convince rural dwellers that things are getting better. The more telling figure is the 91% higher rural response time on the same page of the bulletin.

Although I welcome the Minister's substantial investment of £12 million in the Ambulance Service over the next three years, I am more concerned about the reliance and importance that he places on the purchase of rapid-response vehicles (RRVs). I can see the value of RRVs in urban areas, but I fail to see their real use in rural Northern Ireland. Many others share the view that they are nothing more than an attempt to reduce statistically the response times in rural areas by using an estate car that cannot transport patients to hospital. In fact, an ambulance has to be mobilised in addition to an RRV in order to transport a patient to hospital.

This is not value for money in rural areas but a smokescreen to hide reality. Indeed, I would go as far as to say that it is a total waste of money, with two vehicles being mobilised for callouts at a substantial cost to the public purse, while vital resources that could be better utilised elsewhere are tied up. Does the Minister honestly believe that that is the way to achieve an efficient emergency ambulance service that is geared to the patient, while still making the required 3% efficiency savings over the next three years? The approach that the Minister has adopted will endanger, rather than save and protect, lives in rural areas of Northern Ireland.

The Minister has constantly referred to the 3% efficiency savings that every Department must make over the next three years. Perhaps a good start would be to examine the futility of wasting precious resources in the doubling up of equipment and skilled personnel in an attempt to make rural dwellers believe that they are being afforded a better ambulance service.

Ambulance crews want to save lives, and they do so often. However, some have told me that they foresee greater difficulty in continuing to do so, and that a reduction of cover will become a fact as a result of the use of RRVs. One crew member described the use of RRVs as a weapon in public confidence, rather than a useful tool in rural areas.

The Minister said in a press release on 7 October that there would be an increase of 61,000 hours of emergency ambulance cover. However, he failed to clarify that hours of cover provided by RRVs were included in that figure. That is an unintentional misrepresentation of the facts.

The people of Northern Ireland have a right to a twenty-first-century emergency ambulance service. Rural people have to wait the longest and are being fed a hyped-up version of something that is not going to be

reality for them. The fact is that RRVs will replace ambulances. The rural population needs ambulances, not RRVs. That population also needs response times to be reduced, something that can be achieved by stationing crews in strategic locations where they can respond quickly to emergency callouts to a greater degree than at present. I appreciate that that might be difficult for crews, but could rural medical practices not be used as local ambulance bases? The facilities that crews need would be there for them. Of course, if a crew is required to attend an emergency away from the area, it goes without saying that it would be dispatched.

At the beginning of my contribution, I talked about one of my constituents and his fear of having a heart attack in his rural home. One of his relatives had a heart attack at 6.00 am in Portstewart and the cardiac ambulance, dispatched from Coleraine, took 11 minutes to reach the patient. Therefore, it is not surprising that my constituent feels uneasy about his chances of ambulance cover if he has a heart attack. The Minister will doubtless say that an RRV is the answer, but that is not the case. A cardiac patient requires an ambulance to get to hospital, not an estate car — albeit one with a highly trained paramedic. Indeed, I am convinced that paramedics in RRVs are placed under additional and intolerable strain as they try to save lives on their own. That is unfair on paramedics and will result in an additional turnover in staff, as the effects of stress take their toll.

There are occasions when an RRV could be useful. In the case of a serious road accident, an RRV could be used as a backup in rural areas. In such cases, an RRV would eliminate the need for a second ambulance to be mobilised, unless it was genuinely required.

In short, RRVs should be used as support units in rural areas rather than first-response vehicles. That could doubtless be reversed in urban areas, where RRVs could probably make their way through heavy traffic more easily than an ambulance. However, we are discussing rural areas; therefore, I will stick to the point.

The ambulance fleet has installed the most modern satellite navigation systems and the location of every vehicle can be seen, at a glance, by an ambulance controller. This is another example where targeted expenditure can produce real benefits — the key word here being “targeted.” The Executive require every Department to make efficiency savings of 3% over the next three years; I would call those savings value for money. As I have said previously, the waste of resources on RRVs cannot be taken as a serious attempt to achieve such savings in rural areas. However, satellite navigation systems allow controllers to send the nearest ambulance to an emergency callout, reducing response times in real time and the running costs of the service. Fuel costs, in particular, are minimised. That is a good example of how comparatively modest expenditure can produce economic benefits in the mid- to long-term.

It is probably easier for the Minister to ensure savings through the use of RRVs in urban areas than in rural areas. That is mainly due to the distance that each vehicle has to travel to a callout, and to the geographical areas in which rural and urban ambulances have to work.

Urban areas have high density and easily accessible housing, whereas rural areas have a widely dispersed population. However, that does not mean that Northern Ireland's rural population should accept anything other than parity with their urban counterparts. I acknowledge fully that change will not come overnight, but the length of response times on emergency call-outs for ambulances in rural communities must be dealt with.

People who are brought up and live in rural areas should not be penalised for that. We are just as deserving of having an ambulance — not a rapid-response vehicle — at our doors when it is required, just as is expected in urban areas. I urge the Minister to deal with the response times in rural areas as a matter of great importance. The Minister should examine the best value-for-money option, but that is not to send both a rapid-response vehicle and an ambulance. We rural dwellers ask only that we receive treatment that is equal to that received by our urban counterparts.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I support the motion. I commend the good work that is done by the Ambulance Service. Ambulance personnel are at the front line of healthcare, and they do a difficult job in what are often very difficult circumstances. They must be admired for that. I condemn any attacks on ambulance personnel, who are simply trying to do their job. The people who carry out such attacks must realise the implications of their actions.

The issue of ambulance and emergency service provision has not been far from the spotlight in recent months. Recently, there was a debate in the Chamber about the changes in ambulance provision. That debate involved much discussion about the introduction of an increased number of rapid-response vehicles. The Member who proposed today's motion also referred to those increases, but even during the previous debate, Members relayed genuine concerns about the changes. During that debate, the Minister of Health, Social Services and Public Safety gave assurances that those changes do not equate to changes in the level of service, arguing that they would lead to an increased or enhanced level of service. However, despite those assurances, Ambulance Service personnel have suggested that they do not accept that that will be the reality for them.

I visited Ambulance Service headquarters, where I saw the rapid-response vehicles up close, and I was quite impressed by them. In my opinion, they seemed to be well stocked, and I am sure that they do a very good job, in so far as they can. However, considering the strong objections that we are hearing from Ambulance

Service personnel, I remain unsure as to whether those vehicles will be the answer to the problems that are experienced on the ground. One member of the Ambulance Service stated that a system that is based around rapid-response vehicles is not suited to rural areas. I find that quite concerning, given that the Ambulance Service, by its own admission, treats everywhere except Belfast as a rural area.

The withdrawal of services over many years means that people who live in rural areas believe — rightly — that their areas must receive increased Health Service investment. There must be equality of Ambulance Service provision in rural communities, and those areas should not be affected disproportionately by any changes in service. Rural communities must not be short-changed by the Department when it comes to the provision of life-saving emergency services. We need assurances from the Minister of Health, Social Services and Public Safety that he will do all in his power to ensure that our rural communities are not disadvantaged. I support the motion.

**Mr McCallister:** I agree with the Members who commended the work of the Northern Ireland Ambulance Service and all its staff.

I am disappointed that a motion of this nature was tabled. I recognise that one of the greatest concerns that people have is how quickly the health services can respond in an emergency. That is especially true of people who live in rural areas, and as someone who lives in such an area, I know the importance of response times.

People also, rightly, want the best possible out-of-hours service. However, much of the debate on these issues has been built on speculation and a certain amount of scaremongering. As we all know, the Health Minister has initiated a major process of reform in the Health Service. The main purpose of that reform is to improve front-line services as well as the efficiency and effectiveness of Health Service administration.

12.15 pm

All parties are aware that much of that reform is being driven by the 3% efficiency savings that the Executive agreed. The DUP, whose Members proposed this motion, was the party that most enthusiastically voiced its support for such tough targets. In fact, it did not even see the need for more money going into the Health Service in last year's Budget, and it did not have the courage to bring another annual Budget.

However, if the DUP wants improvements, it must accept that change is necessary. Sometimes, Members hang on to a direct rule mentality — they play the simplistic blame game. Regrettably, constructive and responsible legislative scrutiny and assistance appears to be beyond many Members.

The Minister has embarked on a process of improving the efficiency and effectiveness of all out-of-hours services throughout Northern Ireland. In April 2008, he launched the new emergency-care record for patients who attend accident and emergency departments or out-of-hours services. A patient's emergency-care record is a summary of information taken from his or her GP practice, and it includes his or her date of birth, gender, address, phone numbers, current medication and any known allergies. That means that patients can be treated more effectively, because more detailed medical information enables staff to make better-informed treatment decisions; that was not the case before the initiative was implemented.

Concerns have been expressed in the debate; however, to date, the Minister has delivered only improvements. The Northern Ireland Ambulance Service is an integral part of the Health Service, and, therefore, it is at the front line of modernisation and necessary change. Ambulance Service coverage in rural areas is a key concern for the Minister, and he is aware, and will take account, of specific demographic and geographic matters when deciding on the best levels of coverage. Consequently, on 5 August 2008, the Minister announced a £3 million investment in services in Fermanagh and Tyrone. The money has gone towards providing additional ambulance cover in the Omagh and Enniskillen areas, 24/7 coverage in Castleterragh and the roll-out of paramedic-led thrombolysis, which can be a life-saving treatment for people suffering a heart attack.

Furthermore, in May 2008, the Minister opened the new regional dispatch centre at the Northern Ireland Ambulance Service's headquarters. The new centre uses geographical information systems to dispatch the nearest available ambulance to emergencies, and that will have a significant effect on response speeds, especially in rural areas.

Moreover, the Minister recently announced that up to 60 new accident and emergency ambulances, 60 non-emergency vehicles and 26 rapid-response vehicles will be purchased over the next three years — notwithstanding the DUP's opposition to the 26 rapid-response vehicles. The Minister will inform Members that the Ambulance Service requested those vehicles, and one would assume that the service understands its job better than Mr McQuillan does.

In addition, the Minister announced £17 million of capital investment and plans to invest approximately £100 million over the next 10 years in the fleet, in its estate and in vital equipment, such as defibrillators. That amounts to the largest single investment in the Northern Ireland Ambulance Service's history —

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

**Mr McCallister:** The service is also on target to reach its ambulance response times. Thank you, Mr Speaker.

**Mr Gallagher:** I support the motion, and I thank its proposer for raising this important matter. In rural areas, there are concerns about ambulance cover. Those concerns will not go away easily, and I do not agree with the previous Member, who said that they can be dismissed as scaremongering.

Members are aware that ambulance staff work in demanding and often challenging circumstances, and I acknowledge the professional manner in which, in the great majority of cases, they carry out their work.

Several years ago, following the review, response times improved in urban areas; however, although better, they are certainly not perfect in rural areas. In conjunction with those improvements, the service improved staff training and skills, and I congratulate it on that achievement.

I was fortunate enough to visit the Ambulance Service headquarters, and the highly trained force that works there was plain to see. However, in contrast to that was the fleet, which comprised aged vehicles — a situation that has led to problems in rural areas. Some of those problems, particularly those related to breakdowns at crucial times, have been mentioned here and in the media. Following devolution, the Minister's announcement to the House of a £17 million package was welcome news. That money is being rolled out in the next three years to replace the old vehicles with new ones and to introduce rapid-response vehicles. Mr McQuillan mentioned the shortcomings in respect of the use of rapid-response vehicles in rural areas, and I share his concerns.

There are problems with some routine work that is carried out by the Ambulance Service in rural areas, particularly at the Tyrone County Hospital. Some weeks ago, I highlighted the case of an 80-year-old who was brought to the hospital by ambulance and told to make contact when he was ready to go home. Despite three phone calls and promises that an ambulance would be along to pick him up in 10 minutes, an ambulance did not arrive, and that individual had to find another means of getting home. Something is wrong with an Ambulance Service that can allow that to happen.

Throughout the Health Service, trusts are referring patients — particularly those from rural areas — to independent clinics in order to speed up waiting lists. The current ambulance cover arrangements do not extend to those patients who are given appointments at independent clinics. Those people receive a notice from the trust to attend the clinic, but there are no ambulances available for them when they request one. It may be possible for patients in urban areas who are attending a clinic for a minor procedure to get a lift, bus or taxi, but it is not as simple as that in rural areas. I know of an elderly person who priced a taxi for such



a trip and was told that it would cost £45. That issue must be addressed.

The co-operation and collaboration between the ambulance services north and south of the border is reassuring for the people who live close to the border. However, I appeal for even greater co-operation, because that can bring about benefits in certain areas. That co-operation must be developed at North/South level.

**Mr McCarthy:** I support the motion, and I thank Mr McQuillan and Lord Morrow for securing the debate on such an important subject. Furthermore, I am grateful that the Health Minister is in the House to listen to the debate.

The Alliance Party offers its thanks and support to the Northern Ireland Ambulance Service for its excellent work in serving the community at all times — sometimes in difficult circumstances. We condemn the attacks that have been perpetrated against the ambulance staff by morons and thugs who have no regard for any of the emergency services.

The motion is targeted at out-of-hours periods. The Minister announced recently a major investment in relation to new ambulances and, as has been mentioned, rapid-response vehicles. That investment is welcome, but along with that announcement came the proposal to reduce front-line services through the reduction of working hours throughout the Ambulance Service. If implemented, that development will contribute to more uncertainty in the Ambulance Service and the communities on the availability of ambulances, especially during out-of-hours periods.

There is also the question of the capabilities of the rapid-response vehicles, in that they cannot transport patients to hospital. The out-of-hours periods are always times of great concern. Unfortunately, people have no control over when serious illnesses occur. Everyone in the community is aware of the out-of-hours service and expects a prompt and efficient service, which, by and large, has been provided. However, there can be times of excessive stress and strain if illness strikes at an unearthly hour of the night, and a lot of anxiety can be caused to patients and relatives alike as they wait desperately for an ambulance to arrive. It is incumbent on Members to do whatever is necessary to reduce all those anxieties. The Alliance Party calls on the Health Minister to ensure that there will be no diminution of ambulance cover now or in the future, particularly in rural areas.

In calling on the Minister to play his part in giving the community confidence in its ambulance cover, the general public — particularly our rural population — can help themselves by having their addresses easily identifiable. I and, I am sure, other Members have heard of occasions where an ambulance has had to travel all

over the place to find a rural destination, simply because, in many instances, house numbers are non-existent.

Many rural dwellers live up lonens — particularly farmers and landowners. I am sure that Members know what a lonen is. However, just in case city dwellers do not know, it is an Ulster-Scots word for a lane. I call on all country dwellers to ensure that their house numbers are clearly placed at the end of their lane. Councils, of which many of us are members, are responsible for placing street and road names around the country and, by and large, that usually happens. However, how can an ambulance or any other emergency service find a destination if a lonen has no house number? No time would be wasted in reaching a destination if house numbers were placed at the end of lanes.

We all have our part to play in ensuring that we get the service to which we are entitled. I support the motion.

**Mr Buchanan:** In rising to support the motion, I thank the Minister for being in his place. Since taking up his post as Health Minister some 18 months ago, the House has had several debates, Adjournment debates and questions asked about inadequate ambulance provision, especially in rural areas. The fact that the motion on rural out-of-hours ambulance coverage is being debated again shows the concern that remains among political representatives, community organisations and health professionals about the gap in the service that, if not bridged, will continue to have a detrimental impact on the lives of rural dwellers, which could result in preventable deaths.

I remind Mr McCallister that we are not scaremongering; we are talking about reality. If he is so out of touch with his rural constituents, I have no doubt that they will let him know at the next election.

Although I acknowledge the fact that the Minister has announced a financial investment for the Ambulance Service, there has been little evidence of the fruits of that investment being rolled out. I am sure that each Member who represents a rural constituency has his or her own harrowing stories of constituents who have been practically stranded during out-of-hours periods when an ambulance was simply not available, or perhaps when an ambulance took some considerable time to reach the scene — well outside the eight-minute target.

*12.30 pm*

That target cannot be met in rural areas unless rural hubs or something similar are created to bring emergency services closer to rural communities. That is why there is grave concern that the reorganisation of ambulance cover will further disadvantage rural communities. I hope that the Minister will address those matters today. Making promises is good publicity; however, improving the reality is where the tale is told and where lives are saved.



If rural dwellers are to be treated with equality and given confidence and peace of mind that an adequate service exists, a vast improvement must be made in the ambulance service in my constituency of West Tyrone and in the entire south-west quarter of Northern Ireland. I will not rehearse the arguments and concerns of previous debates, which were raised today by Tommy Gallagher, about ambulance-cover difficulties in rural areas — especially in the west of the Province. It is crucial for Tyrone that the proposed and welcome investment be fast-tracked, made properly and urgently brought to fruition. Tyrone is the only county — and I make no apology for stating it again — with no acute ambulance provision; it relies solely on emergency ambulance cover. That cover is needed to ensure the safety of everyone who is unfortunate enough to require acute medical attention.

That is why I am concerned about the use of rapid-response vehicles, especially in rural areas, rather than accident-and-emergency ambulances. Such a practice may be deemed part of efficiency savings because it is cheaper to purchase, run and maintain rapid-response vehicles; however, rapid-response vehicles cannot transport a casualty to hospital. That casualty must wait for an ambulance — a practice that is inefficient and a duplication of resources. The initial dispatch of an ambulance rather than a rapid-response vehicle cuts out the need for that response vehicle, which, at best, is a first-aid box on wheels.

I commend the staff of the Ambulance Service to whom everyone is indebted for their sterling work over the years in delivering life-saving care on the front line of emergency services, sometimes in difficult circumstances.

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

**Mr Buchanan:** The Member had his chance to speak. If he could not say what he intended in the time that he had, that is too bad.

I call upon the Minister ensure that the Ambulance Service is properly equipped to deal with the many challenging tasks that confront it in rural areas. I also seek the Minister's assurance that the rural out-of-hours ambulance provision will be strengthened urgently. That would overcome the difficulties experienced by rural dwellers and the frustration of ambulance staff caused by a gap in service provision.

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

**Mr Buchanan:** It would also instil confidence in a Health Service that is delivering for rural as well as for urban areas.

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

**Mr Buchanan:** Perhaps the Minister will consider that.

**Mr Speaker:** I insist that the Member's time is up.

The Business Committee has agreed to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. On resumption, the first Member to be called to speak will be Mrs Claire McGill.

*The sitting was suspended at 12.33 pm.*

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

2.00 pm

**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Members who tabled the motion. Although the issue was discussed on 7 October 2008, the emphasis in this motion is on rural areas, which I welcome. I commend the members of the Ambulance Service for their work.

“Out of hours”, “reorganisation” and “rural” are the key words in the motion. I represent West Tyrone, which is a large rural constituency that includes Omagh, Gortin, Greencastle, Loughmacrory, Strabane, and Cranagh. It has already been mentioned that the roads in West Tyrone are not always what they should be and that there are access difficulties.

In answer to a recent question from my party colleague Barry McElduff, the Minister of Health, Social Services and Public Safety said that there had been an improvement in ambulance provision in Omagh. I have spoken to Ambulance Service employees, and they want me to thank the Minister for that. However, will the money that has been invested in ambulance provision in the Omagh district and in Castlederg — which is part of the Strabane district — benefit people in rural areas? I have been asked whether the extra ambulances in the Omagh area will be deployed to places such as Altnagelvin, and I would welcome some clarity on that from the Minister.

In the previous debate on the issue in October, the Minister accepted that there will be a reconfiguration of non-emergency vehicles' hours of operation. He also said that Ambulance Service proposals would mean a small reduction in the number of accident and emergency ambulances. Will the Minister clarify what that means for the rural constituency?

Although he said that there would be an increase in the number of rapid-response vehicles, not everyone agrees that they can do what people traditionally expect from an ambulance. In the previous debate, Minister McGimpsey recalled his experience of shadowing a rapid-response vehicle on a busy night in Belfast, footage of which was shown on television. He said that someone who had been knocked down was treated and admitted to hospital within minutes. However, that happened in an urban setting. Would there be the same response in Strabane — and its rural hinterland — or in Omagh or in other parts of West Tyrone?

Another Member mentioned the eight-minute target, and I wonder whether that can be achieved in rural areas. There is a target for ambulances to respond to 70% of life-threatening incidents within an eight-minute target, but what about the other 30%? Does that 30% comprise life-threatening incidents in rural areas? What is the time frame for the remaining 30% of

responses? I would like some clarity on those issues. Go raibh maith agat.

**Mr Craig:** I support the motion, and, like others, I pay tribute to the Ambulance Service for the valuable service that it provides for the whole community.

I hope that the debate will trigger a positive response from the Minister. Unlike others, I do not regard the motion as an attack on anything that the Minister has done. I simply see it as an issue that must be debated and investigated by the Ambulance Service. However, there is no fixed way forward.

There have been cuts in the Ambulance Service, and further cuts were to be made in all budgets, not just in the health budget. However, we received assurances that front-line services would not be included in the cuts. I accept that, and I respect the Minister's judgement on that. However, we must debate the issue of how cuts will be introduced in the Ambulance Service and whether they will have a detrimental effect on service delivery.

Rural dwellers are the most vulnerable group in Northern Ireland, because they live the farthest from hospital provision. The Ambulance Service is moving towards the use of rapid-response vehicles to try to meet the eight-minute response time which has been imposed on it, and it is coming increasingly close to meeting that response time across the Province.

However, we must ask a fundamental question — and only the Minister can make a judgement on this. If an ambulance arrives at someone's home within eight minutes, but fails to save the person's life, it is counted as a success. However, if an ambulance arrives within 15 minutes and the paramedics save the person's life, it is counted as a failure. That is not a good way of judging the Ambulance Service's performance. The service must fundamentally examine that.

That said, in many respects the service is stretched, and moving to rapid-response vehicles will, without question, improve response times. Are we only interested in response times, and in a paramedic arriving on the scene?

A rapid-response vehicle is like a giant toolbox for paramedics. They can attend the scene with their equipment and do valuable work to try to save someone's life, but, at some stage, the patient must be taken to hospital. The simple truth is that rapid-response vehicles do not have the capacity to take patients to hospital. In those cases, an ambulance is called out to the scene.

The management of the Ambulance Service have stated that a rapid-response vehicle and an ambulance are sent out to the scene at the same time. If that were the case, I would question why a rapid-response vehicle was actually needed in the first place, because

it would be duplication of service. I am sure that the Minister is as interested as I am in cutting that out. The truth is that the rapid-response vehicle goes to the scene and makes a judgement call, and then the ambulance is called out. However, that can have inherent dangers, because, in certain situations, patients must be taken to the nearest hospital as soon as possible.

In those cases, a rapid-response vehicle is not good enough. Nine times out of 10, unfortunately, such incidents will occur in a rural setting. The greatest response times and the longest distances involved are always in a rural setting. We must examine closely how rapid-response vehicles are deployed in the countryside.

**Mr Deputy Speaker:** I ask the Member to bring his remarks to a close.

**Mr Craig:** I will leave that matter in the hands of the Minister. I support the motion.

**Mr K Robinson:** I pay tribute to the Ambulance Service personnel and the wonderful way in which they carry out the most harrowing of tasks for everyone in the community.

The population of Northern Ireland is spread thinly across the land mass, which means that a large part of Northern Ireland can be considered to be rural. In turn, that means that in every decision that the Minister of Health, Social Services and Public Safety takes, he must also consider geographic and demographic issues. He must also consider the infrastructural resources, or the lack of them, in certain areas, and the fiscal resources that are available to him. However, the main concern is that front-line services should be of the highest possible standard for all people, regardless of where they live.

Although I recognise the concerns that have been expressed in the debate, Members should deal in facts. As my colleague said, the Minister of Health, Social Services and Public Safety has undertaken a reform process that is designed to tackle two interlinked fronts. First, the Minister is making our Health Service more efficient and effective, and along with new money that he secured in the Budget round, he will pump efficiency savings back into front-line services. That means that the nature of some services will change, but the overall goal is that the quality of care will improve.

There are, unfortunately, those who want to have their cake and eat it. I note that the Minister of Finance and Personnel said yesterday that our large public sector will save us from the worst of this recession. However, his predecessor did nothing but complain about the size of the public sector and the nature of its inefficiency. The Members who proposed the motion have, in the past, urged the Minister of Health, Social Services and Public Safety to make reforms, but now

they are ambivalent about the proposed changes. That is an unfortunate and inconsistent approach.

Out-of-hours services are being reviewed by the Department as part of wider reforms. However, the Minister has always intended to involve the Committee for Health, Social Services and Public Safety and the Assembly in that process, as he has done with any other reforms. Anything that is reported at this point is mere speculation. What is being debated today is hearsay and media speculation.

In addition, we have heard much about changes in ambulance cover. I understand people's concerns about the availability and effectiveness of emergency services, and that fears are often felt more acutely in rural areas. I, too, represent a largely rural area. The people of Island Magee, in my constituency of East Antrim, were so concerned about the lack of ambulance cover that they formed what was probably the first responder unit in Northern Ireland. It has been called into operation many times over the years, and has been very successful.

To put today's debate into perspective, we have just witnessed the largest single investment in the Ambulance Service in Northern Ireland's history. That is further proof, if it is needed, that devolution can make a difference. We have witnessed the creation of a new command and control centre that will deliver ambulances more quickly to people in need than was the case in the past. That cannot be denied, and it must be supported and recognised by Members today.

**Mr McCarthy:** Does the Member agree that despite having introduced those measures, there is grave concern in the community about the loss of man-hours and woman-hours in the Ambulance Service, which is creating a great deal of uncertainty, particularly in rural areas?

**Mr K Robinson:** I accept what the Member said. As someone who finished up in an emergency ambulance some years ago, I particularly appreciate the work of the Ambulance Service and the difficulties that they face as the service is stretched.

The introduction of rapid-response vehicles does not reduce the Minister's targets for ambulance response times, or for standards of care. Rapid-response vehicles are designed to improve the speed of response to emergency incidents. They will act as a supplement to the existing service, and not as a replacement; ambulances will still be deployed.

The Minister is improving efficiency and front-line services. That is what the parties in the Executive have mandated him to do. Now that he is delivering on that collective mandate, he is being criticised for it. I suggest to Members that they should urgently and constructively engage with one of the Executive's most innovative Ministers. I note that he is blushing now.

Members are always right to raise concerns. After all, that is our role in the Assembly. However, given that there is an appropriate legislation mechanism to do that and the fact that the Minister is willing to engage any such complaints that are aired in such a manner, today's debate looks like political opportunism. Do Members want the best service possible or do they want to be seen to be attacking an energetic Minister who is attempting to deliver what he was mandated to do?

2.15 pm

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Ba mhaith liom mo bhuíochas a ghabháil leis an tSeirbhís Otharchairr fosta. Sílim go ndéanann sí scoth oibre ar son an phobail.

I too thank the personnel of the Ambulance Service, to whom many of us have been grateful at one stage or another. I recognise the substantial investment that the Minister has announced for the Ambulance Service, and I thank him for it. I wish to make a few points of clarification rather than of complaint.

Better co-ordination is needed between the non-emergency part of the Ambulance Service and hospital appointments; I have raised that issue with the Minister previously. A patient in my constituency arrived late for a 10.00 am appointment at the Royal Victoria Hospital, even though he had been ready for a pick up by a non-emergency ambulance since 8.00 am. In the same week, that same patient waited for an ambulance that did not arrive because the driver was taken ill. When I enquired, the Ambulance Service told me that there was no arrangement for a back-up driver to be made available in such circumstances and that patients may miss appointments.

I find it difficult to believe that patients who live 40 miles from the Royal Victoria Hospital and who depend on a non-emergency ambulance to get them there on time are given appointments that the service cannot meet. Before appointment times were issued, it would make sense if consideration were given to where patients live and to the length of journey times. It is equally incredible that no sickness cover is available when drivers are ill. Under such circumstances, patients will miss important appointments, which will cause them added anxiety and will add costs to the service.

The operation of the non-emergency service is no reflection on the drivers, who can only operate within the system that is organised by administrators. The Minister tells me that a review of that part of the service is ongoing, and I look forward to hearing from him the outcome of that review.

I too am concerned about the reduction in shift hours. My constituency is losing three eight-hour shifts in Newry and one 12-hour shift in Armagh. That will mean that only one ambulance will be on call in the

Newry and south Armagh areas during those times, which will drastically reduce ambulance cover.

I understand that the proposal is to replace ambulances with rapid-response vehicles, but those vehicles do not have the capacity to ferry people to hospital. It is ironic that, on several occasions, ambulances have arrived at the scene before rapid-response vehicles. If crews are not available in, for example, Banbridge or Kilkeel, crews from Newry are asked to cover. That could leave Newry without ambulance cover.

**Mr Dallat:** Will the Member agree that the poor condition of roads in many rural areas, cutbacks in maintenance and the postponement of capital programmes mean that it does not matter how good an ambulance service is as it is badly inhibited by the roads on which it must travel?

**Mr D Bradley:** I thank the Member for his useful intervention. That is the case in much of my constituency; the surfaces and orientation of rural roads is such that ambulance target times are not met.

I agree that greater investment in roads will aid the Ambulance Service in rural areas. As I said, that is a serious issue, which has huge repercussions for rural areas, such as south Armagh, where there are no ambulance stations and where crews have difficulty providing cover and responding in the golden hour after an accident has happened, under the present arrangements. If the new shift arrangements are allowed to go ahead, crews will be stretched even further.

People who live in the greater Newry area depend on a sub-standard ambulance fleet that constantly breaks down. Often a replacement vehicle is not readily available and ambulance cover is put at risk. As I said, my intention is not to carp and complain, but to raise with the Minister matters that are of concern to my constituents. I am interested to ascertain how much of the investment, which the Minister announced earlier this year, will be applied to my constituency of Newry and Armagh. I am particularly interested in finding out to what extent the service will be affected by a reduction in shift patterns. Go raibh maith agat.

**Mr G Robinson:** I congratulate my colleague on securing this debate on a matter that is of vital importance to the rural population of Northern Ireland. I pay tribute to the dedication and hard work of all ambulance crews and staff throughout Northern Ireland.

As Mr McQuillan said, the debate is about seeking equality for the rural population. In the twenty-first century there is no reason why an ambulance cannot be the vehicle that responds to an emergency call, and response times in rural areas should not be much greater than those in urban areas.



The hard-working rural population in Northern Ireland is often left isolated because, at present, it is without ambulance cover. We must, therefore, ensure that a speedy response to emergency ambulance call-outs is provided in rural Northern Ireland. It is fair comment to say that the Minister envisages such provision being delivered by rapid-response vehicles. As has been stated previously, perhaps those vehicles are well suited to being a first response to emergency calls in urban areas, but they are not the answer in the rural communities. They are a waste of the resources at the Ambulance Service's disposal.

Locally located ambulances will reduce response times and ensure that patients can be transferred to hospital without the requirement of a second vehicle. Mr McQuillan pointed out that the strategic location of ambulances in rural areas could be accommodated with the co-operation of local medical practices. I hope that the Minister will seek to expand such provision throughout Northern Ireland's more remote areas. I agree entirely with my colleague's remark that time is of the essence in responding to emergencies. Much is always made of the golden hour — or, as it is called now, the golden half-hour — being critical for patients. If that golden half-hour is so vital, let us strive to ensure that an ambulance is dispatched, rather an RRV.

I have said previously that, if every minute is essential in securing the best possible outcome for a patient — as I had personal experience of four years ago — saving lives and reducing hospital admissions, then the idea of strategic location of ambulances is an essential element of that concept. I fear that otherwise a life will be lost. I stand by my comments. Let us put an end to the disadvantage that people in living in rural areas feel when they require an ambulance. The Minister and the Assembly must ensure that rural communities are treated with equality. I support the motion.

**The Minister of Health, Social Services, and Public Safety (Mr McGimpsey):** I thank Adrian McQuillan for tabling the motion and Lord Morrow for seconding it. This is the third debate that we have had on the Ambulance Service since the 7 October. On each occasion, Members have highlighted the importance of ambulance services in rural communities. Just last week, the Assembly discussed ambulance services in Omagh and North Antrim, and during the debate in October other members raised concerns about their local areas, including the Ards Peninsula and Enniskillen.

On each occasion, concerns were expressed about the changes in service provision proposed by the Ambulance Service in response to the Executive's requirement for efficiency savings. I would point out to Mr Craig that Peter Robinson described them as efficiencies — not cuts. That is what we are working on. I am required to implement a 3% efficiency saving, and when Mr Robinson, as Finance Minister, talked

about those requirements, he referred to them as efficiencies. He was right to call them efficiencies; they are not cuts.

I welcome the opportunity afforded by these debates and recent oral questions, of which there have been a number, and views expressed by the general public, to confirm that the Ambulance Service proposals are not about cutting services. They are about providing a more effective and responsive Ambulance Service to the people of Northern Ireland, and increasing access to skilled paramedic care for all the people of Northern Ireland, no matter where they live.

I have said it before, and I am happy to say it again: I am committed to providing a quality, fit-for-purpose, twenty-first century Ambulance Service for all the people of Northern Ireland, including those in rural areas. Our emergency response capability will be increased by these changes, not reduced.

People are, understandably, anxious when proposals are made to change the operation of a service that they regard highly and on which they rely for help in often life-threatening situations. That is especially understandable for those in more remote areas. They will, quite rightly, be keen to get the facts out into the open so that they can consider them and make up their own minds whether they are comfortable with what is being proposed. The Ambulance Service will shortly put its proposals out to public consultation, and I encourage everyone who has an interest to read the consultation documents and make their views known through that process.

I fully appreciate that changing a service model that has been in place for a very long time might be regarded by some as a step into the unknown. A few consider it a step in the wrong direction, but they are wrong to do so. It perhaps requires a new way of thinking about what the Ambulance Service does, and what frontline Ambulance Service staff are trained to do. Paramedics do not simply snatch injured patients from the scene and scoop them off to hospital. Ambulance Service staff are skilled healthcare professionals trained to provide a range of clinical, potentially life-saving interventions in emergency situations.

One development has attracted more attention than others: the increased use of rapid-response ambulance vehicles (RRVs) manned by a single paramedic. Each accident and emergency ambulance has a single paramedic and a medical technician — generally the driver — and each RRV has a single paramedic. Paramedics in RRVs and in accident and emergency ambulance are equally skilled and trained, and all the equipment in an accident and emergency ambulance is in an RRV. An RRV is not, as someone on the DUP benches said, a first-aid box on wheels. I cannot remember who said that, but the same people might

say that Ambulance Service personnel are great people and then go on to talk about them driving around in first-aid boxes on wheels. That is the type of remark that I regard as scaremongering and scurrilous because our personnel are not about driving around in first-aid boxes on wheels.

The RRV is in contrast to the two-man ambulance service. RRVs have been in use in Northern Ireland for more than four years. That development represents a move towards a model of service that has been applied extensively in England, Scotland and Wales, and has been proven to work. It has been said that the rollout of RRVs has been halted in Wales. In fact, it was trade union opposition to the change that slowed the expansion of that service model in Wales. However, it is used extensively in Scotland and England. There is no evidence whatsoever that patient care is compromised, or that increased use of the RRV represents a less effective or less responsive emergency service. As RRVs allow us to put more paramedics on the ground, and enable them to reach emergencies more quickly than a traditional ambulance, that model offers a better chance of saving lives.

The Ambulance Service's proposals will increase paramedic cover by more than 9,000 hours in the northern division, 3,500 hours in the southern division, 7,000 hours in the western division and by almost 8,000 hours in the eastern division. That is what must be done if we are to improve the responsiveness of the Ambulance Service.

2.30 pm

Demand on the Ambulance Service rises between 8% and 10% per annum. That figure is growing all the time, and we must cope with that fact. Members have mentioned, and I have seen at first hand, the work that RRVs do. I know the importance of getting vital medical assistance to the scene of an accident as quickly as possible so that treatment can be administered. I must restate that when an emergency call is made, an RRV and an ambulance are dispatched simultaneously. That is not a waste of resources but is done in order to achieve the best possible response and to get the appropriate medical care to the patient as quickly as possible. When someone is injured, time is of the essence.

Each RRV is equipped with the same life-saving equipment as an accident and emergency ambulance, and it will typically get to the scene more quickly. That is even truer in rural areas than it is in urban areas. RRVs offer greater efficiency, because, once at the scene, paramedics can assess whether an accident and emergency ambulance is required. That illustrates a solution to the problem that is 10% of emergency calls not requiring an accident and emergency ambulance. In such cases, the RRV can stand down the ambulance, allowing it to be directed to another call.

The focus of the debate is on out-of-hours ambulance provision. Strictly speaking, there is no such thing as out-of-hours for the Ambulance Service. The Northern Ireland Ambulance Service provides pre-hospital emergency care 24 hours a day, seven days a week, 365 days a year. The level of cover provided varies during any 24-hour period. Peak-demand times are from 11.00 am to 4.00 pm, with a further peak occurring in the evenings and at weekends.

The Ambulance Service's job is to ensure that the number of emergency vehicles on the road at any time, day or night, is sufficient to handle demand. That is what the Ambulance Service does every day, using a detailed statistical analysis of the pattern of calls to anticipate where resources should be deployed.

I have informed Members of the considerable investment that will be made in the Northern Ireland Ambulance Service. Over the next three years, £12.1 million will be given in revenue funding and £17.4 million in capital funding. That money is available for reinvestment only as a result of the 3% efficiency savings that were achieved in the comprehensive spending review. As I announced recently, that marks the start of an investment of almost £100 million in capital funding over the next 10 years.

In the first three years, that money will buy the Ambulance Service 60 new accident and emergency response vehicles, 60 patient-care vehicles and 26 RRV vehicles. In the longer term, it will enable the Ambulance Service to replace its vehicles and equipment regularly, so that the average age of its fleet will be no more than two to three years old at any time.

Before I made that announcement, I committed to an investment of £3 million over the next three years to improve emergency response times in Fermanagh and Tyrone. That money is on top of the announcement that I made on capital spending. It will provide an additional ambulance and crew in Omagh and Enniskillen, enable 24/7 cover for the Castlederg area and support the roll-out of paramedic-led thrombolysis services for heart-attack victims.

All that adds up to our having a modern Ambulance Service, which is what the people of Northern Ireland deserve, and I intend to ensure that they get it. It has long been recognised that the quicker that patients receive care, the more likely they are to survive. In many ways, it is as simple as that.

As changes are made, skilled ambulance staff will not find themselves sitting in fixed ambulance stations. Instead, there will be an increasing number of paramedics dynamically employed in key positions so that when a call comes in, they can get potentially life-saving care to the patient as quickly as possible.

Providing emergency services for people who live in more remote rural areas brings significant challenges,

about which we must be realistic. It must be acknowledged that, in more remote areas of Northern Ireland, it is difficult to meet the target response time for a life-threatening incident. No matter how many resources that we make available to the Ambulance Service, local geographic conditions and road infrastructure will, at times, prevent an accident and emergency ambulance from reaching the scene of an emergency within that eight-minute target time.

A responsive ambulance service is vital. In recognition of that, I will continue to seek improvements in response times throughout Northern Ireland. Indeed, in my priorities for action for 2008-09, I have set the Ambulance Service a target for meeting response times for category-A calls of 62.5% in each health and social services board area.

Targets focus on times, not on outcomes. That is an important distinction. The aim is to get appropriate medical care to patients as quickly as possible.

**Mr McCarthy:** Can the Minister convince Members that the Ambulance Service is provided with up-to-date navigation facilities so that paramedics know where to go when they must respond to calls in remote rural localities? Do they have the necessary up-to-date, modern facilities to get them to their destinations?

**The Minister of Health, Social Services and Public Safety:** Indeed I can, because that is exactly where most capital investment in the Ambulance Service goes. Other Members have had the opportunity to visit Ambulance Service headquarters to see that equipment in operation. Having the necessary technology and investment in place maximises ambulance availability in rural areas.

The Department has introduced additional ambulance deployment points and rapid-response vehicles; new technologies, such as geographic information systems and digital mapping; new computer-assisted dispatch systems; telephony systems and digital-radio systems; and new automatic vehicle-location and satellite-navigation systems to ensure that the nearest Ambulance Service resource reaches an incident by the shortest possible route.

My Department has also explored the feasibility of rolling out volunteer first-community-responder schemes in rural areas. I must make it clear from the outset that first responders are not a substitute for the Ambulance Service — their role is to complement available resources. Again, the aim is to get appropriate medical care to patients as quickly as possible. First responders are local people who live and work in the community and are trained in first aid, cardiopulmonary resuscitation and the use of defibrillators.

I hasten to add that first-responder schemes are not unique to Northern Ireland — they have been introduced successfully in the UK. Such a structure is particularly

useful in areas such as the glens of Antrim, where a first-responder scheme is due to start soon. When someone in the glens of Antrim suffers a heart attack, a short amount of time — perhaps only a few minutes — is available to get life-saving care to that person. In those circumstances, what that person needs most is for someone to arrive quickly and to use a defibrillator to stabilise the rhythm of his or her heartbeat.

That scheme is about to be rolled out in the glens of Antrim and its local communities. A team of volunteers, Moyle District Council and the Dalriada urgent-care GP out-of-hours service have all been involved. I congratulate all of those parties. That pilot scheme has been established, and will be rolled out regionally. Priority will be given to the most remote localities, in areas such as Fermanagh.

I must emphasise that ambulances are no longer simply patient-transport services. Forty years ago, ambulance provision typically consisted of two men with two stretchers who drove to the scene, put the patient in the back of the ambulance, and drove him or her to hospital. Now, ambulance provision consists of skilled paramedics with modern equipment who travel to injured people as quickly as possible in order to provide life-saving support. The quicker that happens, the better.

The fact is that rapid-response vehicles can provide life-saving treatment faster than accident and emergency ambulances, although accident and emergency ambulances must take over that treatment. I have seen that in operation. That is particularly important in areas where access is more difficult. Rural communities will continue to have the emergency response that they need at all times of the day and night, and will not, in any way, be disadvantaged as a result of current proposals.

Indeed, the number of paramedic hours will have risen dramatically by more than 60,000 hours per annum by the end of year three.

**Lord Morrow:** The debate has, mainly, been useful, and the majority of Members have understood the aim of the motion. I thank the Minister for his response. Like other Members, I condemn attacks on ambulances responding to emergency calls or other calls. Today's society has absolutely no consideration, and young thugs attack ambulances when paramedics are carrying out their duties and attending to patients who desperately need hospital treatment. The Assembly has, today, sent a strong message that it utterly condemns such bad behaviour.

Contributions to the debate were, generally, constructive. Some Members think that raising issues constitutes a personal attack on the Minister, the Department or a service. That is, of course, not the case. The purpose of today's motion is to seek ways to



improve the Ambulance Service for the urban and rural population in Northern Ireland.

Adrian McQuillan pushed the right buttons and addressed the core of the matter. The sad reality is that ambulance response times in rural areas are increasing rather than decreasing, whereas the opposite is the case in urban areas. That should not be the case. Mr McQuillan made a valid and important point. He said:

“Table 4.20 in the ‘Health and Social Care Inequalities Monitoring System Second Update Bulletin 2007’ shows that the median response time for rural call-outs in 2004 was 14 minutes, but that rose to 14·3 minutes in 2006. The median response time for urban areas during the same period fell from 7·3 minutes to 6·6 minutes.”

Referring to the Minister, he continued:

“I am more concerned about the reliance and importance that he places on the purchase of rapid-response vehicles (RRVs). I can see the value of RRVs in urban areas, but I fail to see their real use in rural Northern Ireland. Many others share the view that they are nothing more than an attempt to reduce statistically the response times in rural areas by using an estate car that cannot transport patients to hospital.”

That assertion was not challenged.

Furthermore, Mr McQuillan said that an ambulance and an RRV must be mobilised in order to take a patient to hospital. He called that approach “a total waste of money”. I agree with that comment; there is wastage, and I trust that, on reflection, the Minister will consider how to improve the situation.

I am beginning to think that John McCallister lives up a tree. I thought that he was previously a farmer, but I am starting to think that his farm must be located in east or south Belfast. He told the Assembly that all is fine. That might be true in the leafy suburbs of south Down. I do not know because I do not live there. However, when he is not busy, he should, perhaps, have a wee look around County Tyrone, where there are no acute-services hospitals. I suspect that he did not know that that service is disappearing.

That area should, at least, have an adequate ambulance service. Mr McCallister castigated some Members for getting at the Minister. I am not getting at anyone. I am not interested in that tactic, and I do not play that game.

He should not judge others by his own standards. However, when a certain Department is allocated 51% of the Budget expenditure, expectations of that Department are greater. Mr McCallister should keep that in mind.

2.45 pm

Tommy Gallagher spoke generally in support of the motion because he understands rural people — Mr McCallister take note — he lives among the rural community and understands what makes it tick. Mr McCarthy spoke in general agreement with the motion and educated us on what lonens are — well done, Mr

McCarthy; but some of us had cottoned on. He, too, said that waiting to be collected causes a patient extra trauma, stress and strain and that that is all part of rural living.

Tom Buchanan pointed out that there are gaps in the provision of ambulance services. He is absolutely right; there is a big gap in County Tyrone — I am sure that the Minister will address that gap in due time. Mr Buchanan also spoke about the removal of acute hospital services in County Tyrone, and that is something that those of us who are rural dwellers and who represent rural constituencies will continue to flag up.

Claire McGill spoke at length about the response times of ambulances. She mentioned the eight-minute supposed response time and challenged the Minister and the Assembly to consider that issue. It needs to be considered, because all too often no proper consideration is given to the road infrastructure in rural areas. We are not discussing motorway driving; we are not even discussing class-A roads. Some ambulances have to weave their way along narrow lanes and roads, which is dangerous and takes a great deal of time. Those are the issues that cause concern.

The criticism levelled against Jonathan Craig was unfair, as I think that he was speaking metaphorically — he made the point that it is all very well to have a well-equipped ambulance but that the important issue is response time. The Minister has not convinced me that he is totally satisfied that the issue has been dealt with properly.

Dominic Bradley spoke about a patient living some 40 miles from the Royal Victoria Hospital and said that sometimes ambulances arrive before the rapid-response vehicle, which is interesting. I, too, have heard of occasions on which the rapid-response vehicle arrives after the ambulance. That raises the question of whether there is a duplication of services that needs to be addressed.

This is not about getting at the Minister or his Department — it is about dealing with an issue that people are speaking about day and daily to their elected representatives: to their MLAs, their MPs, or their district councillors. Those are issues that need to be tackled, and I hope that that will happen as a result of what is said in the Assembly today. We need not sit back and think that all is well and that everything runs like clockwork, because sometimes it does not.

Adrian McQuillan quoted a crew member who described the rapid-response vehicles as a weapon in public confidence rather than a useful tool — that is not an MLA speaking; it is a member of an ambulance crew. Those issues need to be dealt with. There is room for improvement, and I trust that as a result of what has been said in the Chamber today, the Minister and his Department will address those issues. Every party, with the exception of the Ulster Unionist Party,



supports the motion. We will see whether the Ulster Unionists will want to divide the House on the issue.

I suspect that that party will not divide the House, because it will look absolutely and utterly foolish if it does so on an issue that affects its constituents on a daily basis. Given that acute services are being downgraded in hospitals such as the Tyrone and Fermanagh Hospital and the South Tyrone Hospital, services will not be the same in the entire county of Tyrone. That being the case, we expect nothing less than an effective, efficient Ambulance Service.

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

**Lord Morrow:** I was going to continue, but my time is up.

*Question put and agreed to.*

*Resolved:*

That this Assembly calls on the Minister of Health, Social Services and Public Safety to ensure that rural communities are adequately provided for during periods of 'out-of-hours', and are not disadvantaged due to the reorganisation in the provision of ambulance cover.

## PRIVATE MEMBERS' BUSINESS

### Reaffirmation of Executive Matters

**Mr Deputy Speaker:** I have been advised that there will not be an Executive response to the motion. That being the case, I will not call any member of the Executive to speak in that capacity. If any member of the Executive indicates that they wish to speak during the debate, they will be called as a private Member and should contribute from the Back Benches.

The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make the winding-up speech. All other Members who wish to speak will have five minutes.

**Mr O'Loan:** I beg to move

That this Assembly reaffirms its resolution of 16 September 2008; and welcomes the call by leaders of business, manufacturing and construction for an early meeting of the Executive to discuss the delivery of key objectives, including a prompt roll-out of capital and regeneration projects, reform of the planning system, increased investment in education and skills for workers, reform of the public sector to reduce bureaucracy, a review of available resources to assist innovation and export, improvement of energy efficiency, investment in the development of renewables and the publication of overdue Delivery Implementation Plans for health and education facilities.

I must confess that I am disappointed that no Minister from the Office of the First Minister and deputy First Minister (OFMDFM) will respond to the debate. That would have been proper courtesy to the proposers of the motion and to the Assembly.

Someone who worked in public services for some years in Northern Ireland said recently that their experience of public services was that there was:

“an aggression that is unnecessary in civilised situations.”

If I am critical of some of our political developments and parties, I stress that it is more in sadness than in anger.

It seems that white smoke has risen from the headquarters of both the DUP and Sinn Féin today — separately, of course. However, I think that our motion still has a great deal of relevance because we can analyse what has happened and we can say something about how we hope the Executive will move forward.

I will set some context for the discussion. Among the many everyday activities that occur here and the sometimes petty squabbles that we have, we can lose sight of the bigger picture. We are attempting to govern in a very difficult situation. We are emerging from 40 years of conflict. A great deal of pain, animosity and resentment that resulted from that conflict is still around. Those issues did not come directly from the conflict, which itself arose out of a deep division that is still with us. That division goes

back for centuries. It is still here, and it strikes to the heart of every element of our social fabric.

That places a major responsibility on all parties here. Government here will work only if our talents are pooled. We need to respect our differences and make space for each other, and we need to be prepared to change.

Unionist and nationalist parties have responsibilities. The Democratic Unionist Party made a big decision in May 2007. Throughout last year, on many occasions, people said that they never thought that they would see the day.

There was a feeling that things had changed; that everything was possible. We can make some comparison with the mood in America following the election of Barack Obama. There was a real feeling of “Yes we can.”

However, that mood began to change, and it seemed that the DUP started to become unsure of its ground. For myself, I felt that the rot set in one day early in the present mandate when — as Members may recall — Peter Robinson repeated the mantra, “four-party mandatory coalition”, and his entire party chanted that mantra behind him. That was a totally inadequate stance from any party in that Executive, and it was particularly bad coming from the largest party. It was a statement that that party was here under duress, and that it did not want to be here under the present form of Government.

However, nothing has been mandated here that has not been mandated by history. People may see the weaknesses of the present form of Government, and there may be validity in that view. However, it is the only workable form of Government at this time, and it requires everyone to be involved for it to deliver. I ask DUP members to fix their eyes on the target and not to be diverted; to make clear, as they seemed to have made clear last May, that they, as unionists, have come to terms with the rest of the people on this island; and to stop looking in the rear-view mirror at Jim Allister. That can all be left behind — it has all been left behind. Make it clear that you have done so.

Sinn Féin is contributing hugely to the current underachievement. That party constantly mouths the words of equality, but in truth it has a view of Irish citizenship that is primitive in the extreme, as it does not encompass everyone. Furthermore, Sinn Féin has no real concept of equality. It has not shown a real place for unionists, and there have been many incidents and statements in the past 18 months that illustrate that point. Above all, that party has not come to terms with the enormity of the conduct of the republican movement over the past 40 years. Sinn Féin must face up to its past.

Recently, several people have said to me, “well, at least we are not killing each other.” Is that the best that we can do? It is not. We must achieve real change in

our political culture. I have a real fear that the best that we can achieve here is mediocrity; that, even if we can keep the show running, that is the best level at which we will operate in relation to public services and the state of our economy; and that we will still be wasting so much energy on internal political friction that we will not be engaging in real, meaningful activities and will not be able to achieve real outcomes. To do better, we need everyone to fully embrace the system and co-operate to make it work.

The motion is based on an open letter from business leaders — the Institute of Directors, the Confederation of British Industry (CBI), Northern Ireland manufacturing, and five construction bodies. For them, the writing of such a letter was an unusual step as, for a considerable period, they have usually kept their heads down and not involved themselves in the political process. The fact that they felt it necessary to issue that letter demonstrates the seriousness of the situation. They state that we are entering a recession, and that the challenge for us in the Assembly is to reduce the severity and duration of that recession.

They talk — very interestingly and importantly — about confidence. Clearly, there has been a massive worldwide loss of confidence; that is at the centre of many global problems. Furthermore, they state that the Executive have a key role to play in restoring local confidence, and that what the Executive do will influence business, investment decisions and the wider community. They want strong leadership and bold action.

*3.00 pm*

The leaders of business, manufacturing and construction are very specific in their requests — they spell out eight areas of work that, taken together, form an excellent agenda for urgent action. We have summarised those in our motion. Those areas of work include the rapid roll-out of investment strategy capital projects and the major regeneration projects, and dealing with the delays in building health and education facilities. Just today it was reported in the news that 28 schools are awaiting repairs that are seriously overdue and that our school capital estate needs repair work totalling £217 million. Those business leaders want to see our public sector reformed and our planning system made fit for purpose.

Now that it seems that the logjam has been cleared, we must learn the lessons from it. Our partnership Government must be made a virtue, not treated as a deadweight. We must get on with the real task of Government. I ask all parties to show leadership and give confidence back to our people — that is what they want from the Assembly, and it is time to give it to them.

**Mr Shannon:** I support the motion. As a member of the Committee for the Office of the First Minister and deputy First Minister, and as a member of various

all-party groups in the Assembly that deal with issues such as child poverty and fuel poverty, I can say firmly that it is essential that the Executive meet. The Executive must rubber-stamp the actions that some individual Ministers have been working on to help the people of this Province.

For too long, the Assembly has been held to ransom. The people of Northern Ireland are anticipating the time when our Ministers will meet. As Mr O'Loan said, it seems that the white smoke has arisen. However, that is relevant not only to the two largest parties; it is good news for everyone in the Assembly. It came as no surprise to me that the leaders of business, manufacturing and construction have called for the Executive to meet. They are facing financial ruin, and it is the duty of all in this Chamber to do everything in our power to ensure that that does not take place. We must be seen to be doing all that we can.

Aa' nummer o' developers goet in touch wi' me a shoart tiem ago, whau ask't me tae meet them along wi' tap plennin ofichers tae tauk aboot waes in which tha plennin set-up cud be changed tae heft developers, whiel still lukin efter tha publick suroons. It wuz cleer fae that meetin, that as things staun, oor biggin industrie is in an unstudy posishun, an as weel it wull shairly tak maer than new plennin rules tae turn things aroon — but plennin wud be a helpfu' step in things getting better.

I was contacted recently by a consortium of developers who wanted to meet senior planning officers to discuss ways that the planning system could be changed to help developers, while still protecting the public and the environment. During that meeting it was clear that, as things stand, our construction industry is in a very precarious position and that it will take more than new planning regulations to turn things around. However, reviewing planning would be a helpful step towards that industry's recovery.

Last week, I was heartened to hear the statement that Sir Reg issued, saying that he was working to ensure that apprenticeships do not lose out in the short term, as the current problems could leave us with a skills dearth in the long term. However, as we all know, a statement is not enough; actions must be taken. It is imperative that the Assembly and the Executive use their strength to ensure that the best proposals are made and are put into action quickly, so that people on the ground will see the difference. This afternoon's motion is very helpful and raises many issues that could be discussed.

Every Department has a nod for what particular needs it must meet, and that seems to be a scary prospect for some. However, I have every confidence that we will be able to pull things back for Northern Ireland and, with a lot of hard work, return to an

economic high. I believe that our Minister of Education still has time to do the right thing by our children, if she will listen to the teachers and the parents. I know that our Health Service, although it already provides a high quality of care, has the potential to deliver a first-class care system.

I trust that our Minister of Enterprise, Trade and Investment will continue to deliver initiatives to encourage foreign investment and small businesses alike. I am sure that the Minister for Social Development can meet the needs of the everyday person who needs a little help. I have faith that our Minister of the Environment, Sammy Wilson, can and will ensure that we are as self-supporting as is possible.

Despite our small size, we have the potential to be a great nation, and we just need two ingredients: belief in ourselves and hard work. I do not have time to raise all the points that I would like to. Just as a working nation needs a working Government, a thriving nation needs a thriving Government. We must work together so that we can thrive — the time for that is long overdue. The Executive will meet soon, but that does not mean that the problems will be solved.

Much hard work is required to pull us out of the economic slump into which we appear to be slipping. Nevertheless, I have every confidence that DUP Ministers have been working hard behind the scenes to ensure that there is a plan of action. Of course, as the well-known saying goes, no man is an island. We cannot achieve our aims alone, and that is why I am glad that the DUP is ensuring that our best interests are maintained on the mainland by providing strong representation in the House of Commons.

It is very important that the Executive meet. It is of greater importance, however, that the Ministers and their Departments are aware of their duties and are prepared to carry them out. I look forward to the announcement shortly that the Executive will meet, and I wait even more anxiously to discover what Ministers have planned during this time of waiting. I support our tradesmen, businessmen and workers, whether on the streets or in offices. I support our children in their classrooms and the teachers who teach those children. I support the motion.

**Ms Anderson:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion, which — although somewhat redundant as a consequence of today's announcement that the Executive will meet on Thursday — provides an opportunity to discuss some of the proposals that have been called for and the commitments that will be required to deliver them.

All Members are keen for the Executive to meet, and all Sinn Féin endeavours during the past months were aimed at resolving the issues that prevented that from happening. Sinn Féin acted thus because it was

determined to ensure that the institutions deliver real change for all the people — those who live in poverty; working families that are struggling to keep a roof over their heads; pensioners who are forced to choose between eating a decent meal or heating their homes —

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

**Ms Anderson:** No. We acted thus for the businesses that are being forced to the wall and for communities that are being damaged by crime and antisocial behaviour.

Last weekend, I attended a charity function held by the Federation of Small Businesses, and I spoke to many people who understand the importance of equality and of partnership arrangements. It is taken as given that the Assembly must deliver real change for those who need it most. Therefore, let us ensure that the Budget that we have is used effectively and efficiently to bring about the change that the pensioners who were here yesterday demanded and that the young people who were here yesterday evening want to see.

In order to implement the proposals in the motion and to bring about the changes that people in society — young and old, Protestants, Catholics and others — are demanding, we must fully commit to, and utilise, equality impact assessments. Sinn Féin believes that the economic downturn can be tackled only if the Executive is founded on equality and partnership and when people's needs are equally cherished, regardless of where they live or for whom they vote. Until now, we have had nothing close to that.

All the difficulties of recent months emanated from the refusal of some, and the inability of others, to accept the basic principles of partnership and equality in Government. That is at the heart of the matter. The Good Friday Agreement and the St Andrews review are predicated on the principles of equality and parity of esteem, and that is why Sinn Féin is determined to see those agreements implemented — people deserve nothing less.

The debate about the transfer of policing and justice powers had less to do with confidence in the community than with a lack of confidence among some unionist parties in the Assembly. Moreover, the debate was about some people's refusal to accept that nationalism has a right to decide how it is policed and how justice is administered.

Sinn Féin is not prepared to allow the rights and entitlements of the people it represents to be ignored, as they were under a previous Executive, when, during his time as deputy First Minister, one of the motion's sponsors — who is not yet in the Chamber — failed to stand up to rejectionist unionism or for the people who suffered most from years of neglected infrastructure, and who still fails to stand up for Derry. Sinn Féin has stood up for equality and for the people whom it represents.

Valuable progress has now been made, and I welcome wholeheartedly the fact that the Executive will meet on Thursday. However, much more work is still to be done, and only time will tell whether all the parties in the Chamber share Sinn Féin's view that the needs of all the people across the North are paramount — no matter from where they come, whom they represent or for whom they vote. We have something to build on now, and I endorse the measures that are described in the motion and the proposals of the deputy First Minister, Martin McGuinness, to tackle the economic crisis as part of an economic package to assist those who are in greatest need as a consequence of the current recession. Go raibh maith agat.

**Mr Kennedy:** I am sorry that the attendance in the Chamber is so low. Twenty-four hours after the Assembly supported an Ulster Unionist Party motion calling for the Executive to meet immediately, I welcome the news that the Executive will meet on Thursday. *[Laughter.]*

However, it is astonishing that the DUP/Sinn Féin differences over policing and justice seem to be the sole issue that prevented the Executive from meeting — no other issue is mentioned in the documents that were released today.

**Mrs Long:** Does the Member agree that that is particularly strange, given Ian Paisley Jnr's contention in the Chamber yesterday that there would be no carve-up on an Executive meeting on the basis of policing and justice only?

**Mr Kennedy:** That question remains unanswered. That being the case, one must ask why policing and justice was not sorted out between the DUP and Sinn Féin in their separate meetings. Such an arrangement would have allowed the Executive to meet to agree a common approach to address the impact of the worst economic downturn since the 1920s. What have the past 152 days been about?

Given that there is no mention in the documents of education, the Irish language or the national stadium, do we have any guarantee that one or all of those issues will not become another excuse to return the Executive to suspended animation? Are we to conclude that the DUP and Sinn Féin have engaged in another series of side deals and that they will do so again? Where is the guarantee that the people of Northern Ireland can expect uninterrupted Government between now and 2011?

Where is the accountability in a system in which the DUP and Sinn Féin, without consulting the Assembly or Executive, can be "minded" to appoint an Attorney General for Northern Ireland and to then name that person? Where too is the DUP's spoken guarantee that policing and justice will not be devolved until the conditions and circumstances are right? What



happened to Nigel Dodds's not-in-a-political-lifetime timescale?

The promise to commence a process of building confidence in order to achieve cross-community buy-ins is a sop to Sinn Féin; it will be given whatever it has demanded, and the selling job will follow. Sinn Féin stamped its foot last June, and the DUP has now bought it off.

What about the other issues that Sinn Féin complained about? Is Martin McGuinness in a position to inform the Assembly that Sinn Féin is prepared to accept collective Executive accountability on the matters that are outstanding?

The decision to call the Executive to meet on Thursday is a small, albeit important, step in the right direction. However, there is a problem in that it is only one solution to only one dispute between the DUP and Sinn Féin. We are in the run-up to Christmas, and one can only hope that that does not turn out to be an unappetising mixture of fudge and humbug.

3.15 pm

It should be noted that Northern Ireland plc cannot recover or get the last 152 days back. While the rest of the world reacted to the present global economic crisis, Government in Northern Ireland was forced to stand still. Time will tell whether our inability to react has cost us dearly. It has been argued recently that the United Kingdom is one of the worst-placed major economic powers to deal with the crisis due to our unprecedented levels of debt. I argue that Northern Ireland, due to the inability of Sinn Féin and the DUP to work together, is now the least-prepared region in the United Kingdom to deal with the recession.

It is imperative, now that the impasse has been overcome, for Sinn Féin and the DUP to ensure that that situation never happens again. I support the motion.

**Mrs Long:** I welcome the fact that we are having this debate in the context of reassurances given publicly by the First Minister and the deputy First Minister that the Executive will meet this week and will continue to meet weekly until the backlog of Executive business has been cleared. As was stated at length during yesterday's debate in the House, it is the absolute minimum that we as Members, and the public who elected us, have the right to expect from all the parties in the Executive.

Over the coming weeks, when we have had adequate opportunity to consider and reflect on the details of the proposals that have ended the five months of stalemate, and when we have seen their totality — for I fear that we have not seen their totality in the statements today — we will be better able to judge whether those proposals are worth welcoming.

The proposals that have been set out today will ultimately be judged on whether they deliver sound and effective governance arrangements for the devolution of policing and justice, and not on whether they provide a sufficient fig leaf for Sinn Féin to go back into the Executive and continue to work with the DUP — at least for the meantime — in the face of overwhelming public criticism. We have all lived through faltering Administrations, and so the uninterrupted functioning of the Executive, to which the deputy First Minister referred today, is key. Often, the so-called constructive ambiguity that got those Executives back on the road was the very same destructive lack of clarity that drove them off the road and into a ditch only months later. For the sake of the public, I hope that we are not re-entering such a phase in this Administration, and on that I concur completely with Danny Kennedy.

The revolving-door Assembly is no longer an option. Stability and durability count, particularly where community confidence, which is key to the delivery of the completion of devolution, has been so fundamentally undermined by the shambles of the past few months. The agreement that has been reached will also be judged on what the Executive deliver in the coming weeks and months, not simply on party-political and partisan agendas to satisfy their core constituencies and fend off their main detractors, but for the benefit of the whole community.

In its motion, the SDLP listed many of the issues on which urgent progress is required, and the Alliance Party concurs with those. However, the motion fails to mention — as did the original motion of 16 September — the need to deliver on the shared and better future that was promised in the Programme for Government. Although it has been a long time since the draft cohesion, sharing and inclusion strategy was with the Office of the First Minister and deputy First Minister, we need, even more urgently, evidence of real cohesion, sharing and integration in the Executive. The last few months have shown that work to build a shared and better future is needed not only on the ground — as we are so often reminded — but at the very heart of the Administration. I am not sure that cohesion, sharing and integration played much of a part in the resolution of the current difficulties, considering that at least two parties whose members form part of the Executive were not, apparently, party to those discussions.

Ultimately, success is not the delivery of an agreed statement today, although that is a step in the right direction; it is the Executive delivering on a coherent shared agenda in the weeks and months to come. Throughout this debacle, we have remained focused on achieving a sound, durable and fair resolution of the difficulties that the Executive faced. Our aim has been

to be constructive, even in our criticism, and to urge delivery and progress on behalf of the public, who have demanded so much in these financially difficult times.

Owing to the backlog of Executive business over the past five months, and the serious financial context in which calls for action have been made from the business and voluntary sectors, the Alliance Party's chief whip, Kieran McCarthy, has today written to the Speaker to ask for additional plenary sittings. That could be done through the scheduling of additional sittings during sitting weeks or by delaying the Assembly's Christmas recess. That would ensure that the five-month backlog of business is cleared for the public's benefit.

We are ready for business, and business is waiting for us. The question remains whether the Executive are ready to do business.

**Some Members:** Hear, hear.

**Mr Poots:** The value of a devolved Administration lies in whether it makes a difference. If we are to move away from direct rule dithering, it cannot be to a situation in which there is devolved stagnation. Ultimately, that situation has existed, to some extent, over the past five months, as a consequence of the actions of one party — not two parties, as Mr Kennedy suggested. Thankfully, there was a Programme for Government and a Budget that enabled Ministers to carry out a limited amount of work.

Unfortunately, one party in the Executive voted against a key aspect of the Budget. Therefore, taking lectures from that party is not particularly agreeable. I will accept one lecture from Mr O'Loan, however, and that is about looking in the rear-view mirror at Jim Allister. Having watched how the SDLP was so busy looking in its rear-view mirror at Sinn Féin for many years that it did not notice that it was being overtaken, I will not be concentrating on Mr Allister. He is so far behind that I would need a magnifying glass in order to see him.

In respect of the motion, I note that the SDLP was pointing out problems —

**Mr A Maginness:** Why is the DUP so obsessed with Jim Allister? He is not a Member of the House. He is a former member of the DUP and a Member of the European Parliament, but why is the DUP so obsessed with him? Can the Member explain whether that is pathological or psychological?

**Mr Poots:** I am happy to. The Member's colleague Mr O'Loan brought Jim Allister into the equation, not me. I responded to those comments. Therefore, the Member should place the blame on his colleague.

There is much that we must deal with, and there are many aspects of the motion that I support. The planning system that has been inherited by the

Assembly is symbolic of a Belfast metropolitan plan that was introduced in 2001 and is nowhere near a conclusion. The Magherafelt area plan is nowhere near conclusion; it took seven years for a planning decision on Sprucefield; a hotel project in my constituency of Lisburn waited four years for a planning decision; and John Lewis has submitted three planning applications in three years, which have not yet been dealt with. There is a raft of work to be done by the Minister of the Environment to deal with those issues. In education, our schoolchildren are enduring decrepit facilities, and 28 capital projects remain outstanding.

The south-west hospital was to be completed in 2010, but the tendering process has not even been completed; therefore, there is no prospect of that happening. The women and children's hospital that was to be in place after the closure of the Jubilee Maternity Hospital by a Sinn Féin Minister will not be in place until 2018. A full generation of births will take place in that hospital without adequate facilities in place.

There is a particular Department that the SDLP omitted to mention, namely the Department for Social Development. Of course, the SDLP seem to think that —

**Mrs M Bradley:** Will the Member give way?

**Mr Deputy Speaker:** Order. The Member obviously does not want to give way.

**Mr Poots:** The SDLP seems to think that DSD is run by "little Miss Perfect", who never does anything wrong and always does everything right. However, that Department's response to the social housing crisis has been pitiful. There are 2,000 people in my constituency who are on the housing list and who are under pressure, but new builds are not even in double figures. That crisis is not being responded to or dealt with. The urban regeneration programme demonstrates that DSD might easily be described as the "Department for Belfast and Londonderry", because no other town or city in the Province receives significant funding from that Department. That must be dealt with by the Minister for Social Development.

**Mrs M Bradley:** Does the Member accept that the Maze prison site was in his gift when he was a Minister? What did he do about that?

**Some Members:** Hear, hear.

**Mr Poots:** I am shocked and surprised that some Members think that the Department of Culture, Arts and Leisure had responsibility for that project — it was the responsibility of the Office of the First Minister and deputy First Minister.

I am glad that Mr Kennedy is in the Chamber, because I do not like saying things about people behind their back — I prefer to say them to their face. Mr Kennedy spoke about the decision today, a decision that is welcome and represents progress. When Mr

Kennedy faithfully followed his former leader Lord Trimble, his party regularly made concessions to Sinn Féin demands. On this occasion the DUP was tested and did not blink — Sinn Féin has returned to the table and agreed to the terms that were available to it five months ago.

Whether or not Mr Kennedy likes that, the truth will come out in time. He can have his fudge and humbug for Christmas, but the stuffed turkeys of the Ulster Unionist Party may not enjoy this Christmas. Mr Kennedy tried to cast doom and gloom on a day when everyone should be looking forward.

The SDLP motion, as far as it goes, is good: the Executive should be allowed to get on with their work, and the Department for Social Development should help with that.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. As has been pointed out, the motion has been overtaken by events, which probably explains the sparse attendance in the Chamber. I am sure that all MLAs and parties — even the SDLP — will welcome today's development.

As I said previously in the House, there is no reason for any party to continue to refuse to recognise that Sinn Féin and the DUP were negotiating on genuine issues. During the peace process, many difficult issues that had created or sustained conflict and division in our shared but conflicted society were identified, negotiated and resolved through agreement. The announcement today is another welcome step along the road to an agreed future.

However, as other Members said, there are still issues to be resolved and agreed on. It is incumbent on all the parties to address those issues, which we all know exist, in an attempt to find solutions. Our society has been riven with conflict and division since partition; therefore, it will take time to resolve all the issues completely.

**Mrs D Kelly:** Have the restrictions on nationalists applying for the post of policing and justice Minister been removed?

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

**Mr McLaughlin:** There should be no such restrictions. It is up to parties, particularly if they have been awarded a sufficiently strong mandate, to try to ensure that there are no restrictions. If parties have been denied that mandate, they may have to take their oil.

The DUP and Sinn Féin addressed the issues that were creating obstacles to the fair, full and efficient functioning of the Executive on the basis that they would continue until a solution emerged. That is the formula that the DUP and Sinn Féin recommend to other parties, particularly those that had an opportunity

to adopt such an approach but which singularly failed to do so. We will address and resolve the outstanding issues — there will be equality of outcome, parity of esteem and equality of opportunity for all sections of our community.

3.30 pm

**Mr B McCrea:** The Member has sorted things out very well, and I did not notice whether he blinked, but Mr Poots will be watching him carefully. Does the Member need any more help from the rest of us at this end of the Chamber on issues such as education or the Maze stadium, or can Sinn Féin and the DUP sort out everything on their own?

**Mr McLaughlin:** I can say with some confidence that we could address all those issues, but it would be better if we could work with all the parties, including the SDLP and the UUP.

I did not introduce the matter to the debate; nevertheless, before the hiatus in the Executive, which, fortunately, has been resolved, the SDLP Minister agreed budget proposals. However, the SDLP repudiated her and voted against an agreement that she had made. If that is the kind of help that the Member is offering, we can manage without it.

This is an important day. The motion addresses urgent issues that need to be addressed. All parties can now say with hand on heart that they have the opportunity to deal with them, as a space has opened up between us. We also have to address other issues, and if we can address them on a cross-party basis, we should do so.

However, some parties have adopted a quasi-oppositional role, so they will seek to be negative no matter what is put before them. They will seek to undermine and to play party politics on issues that do not require such an approach, and they have made that mistake many times. If there is one lesson to be learned from the episode that caused the blockage of the Executive meetings, it is that there are triple locks and vetoes all over the place and that people should be very careful about introducing them.

**Mr Hamilton:** Like my colleagues, I welcome the motion. It is not an exhaustive list, but on first reading, one would think that it covers all the issues, especially given the length of it. It touches on many serious issues that the Assembly and the Executive must deal with.

The motion is important and it deals with serious matters, but it has been superseded by events. I am surprised that the proposer of the motion or some other Member has not taken the credit for getting the Executive to meet on Thursday. Indeed, if his party — *[Interruption.]*

The proposer's party leader may suggest that the arrival of the BBC's 'Question Time' in Belfast is



somehow responsible for getting the Executive to meet. No doubt someone will claim that today's events have come about as a result of the tabling of today's motion.

I want to touch on some important issues in the motion, and I wanted to talk about the partnership that many Members have spoken about, because it is an important issue. However, I am not sure how some people define the word partnership; sometimes there is no actual partnership in the definition of partnership. Nevertheless, there are important issues.

The current financial predicament teaches us as a global community, and not just as a community in Northern Ireland, that the country must sink or swim together. There is no way that one community will be able to ride out economic problems while the other community suffers. We sink or swim together.

Those are important, mature points that require discussion as we move forward. I wanted to dwell largely on those points, but, given that it is a serious debate that deals with serious matters, some of the unfortunate comments made by Mr Kennedy cannot go without response. My party and I will not take any lecture from the Member on the issue —

**Mr Kennedy:** You used to be a Member of our party.

**Mr Hamilton:** Yes, I used to be. I, and others, sought to lecture Mr Kennedy and his colleagues at that time. Perhaps they should have listened to those lectures. Had they done so, they might not be sitting at that end of the Chamber, and could still have been sitting at this end. They ignored the advice that was given, and they paid the price. I will not take any lectures from Mr Kennedy or other Members from his party on this matter. It is funny how that party's stock critical response deviates —

**Mr B McCrea:** I am grateful to the Member for the advice that he gave to my party in the past. Perhaps he will illuminate the House, and tell us what advice he has given his current party on the way forward, and on partnership. Is there any blinking going on? What is happening? How many deals have you done now, Simon?

**Mr Deputy Speaker:** The Member will have an extra minute to speak.

**Mr Hamilton:** One piece of advice that I will certainly give to my colleagues is not to let the honourable Member anywhere near finance. There has been some talk of the Executive expediting big financial projects. The Member is able to expedite his own finances far too quickly throughout the year.

I will not take any lectures from the Member's party on the issue of policing and justice — far from it. The UUP agreed the devolution of policing and justice powers by the mid-point of the last Assembly, in 2005. Indeed, it would have led to the appointment of a Sinn

Féin Minister. That is where the spectre of Gerry Kelly having control of policing and justice powers came from — because Mr Kennedy and Basil McCrea's party agreed to it. Mr McCrea was not even a member of the UUP at that time; he is a johnny-come-lately.

**Mr Kennedy:** That was a political lifetime ago.

**Mr Hamilton:** I hear the call about a political lifetime. I appreciate that, on average, a political lifetime is much shorter for members of the Ulster Unionist Party than it is for some others. Those Members are being either deliberately disingenuous on this matter or just being downright dishonest.

**Mr A Maginness:** Will the Member define what a political lifetime is in the DUP? What is the definition of several political lifetimes? That comment was attributed to the First Minister.

**Mr Hamilton:** If the Member had allowed me to continue, he might have got an answer. Perhaps it would not have satisfied him, but it would have been an answer.

The point that Mr Dodds made about political lifetimes was about Sinn Féin, and the Member knows that full well. It was not about policing and justice powers per se; it was about giving responsibility for the devolution of policing and justice powers to members of Sinn Féin. That point was made very clearly, and to say anything otherwise is to be deliberately disingenuous.

Danny Kennedy has trotted out a stock party response to the events that have taken place elsewhere today, even though he knows that what has been agreed today is good, not only for unionism, but for the entire community. I am glad that there is now an opportunity to move forward and to deal with some of the serious issues mentioned in the motion and with other issues that face the Executive and this country.

**Mr Elliott:** Today's announcement goes some way towards answering some of the questions that were asked yesterday. However, there are more questions to be asked about what was not said today. That is the crux of the matter.

I do not wish to be mean about today's development, and I want to give it a fair wind. I appreciate that progress has been made and that an Executive meeting will take place on Thursday. Progress has been made over the past few years, and we have gone from "over my dead body" and "not in a political lifetime" to "maybe sometime in the near future". I am pleased that progress has been made, at least.

It is unfortunate, however, that over the past five months, we have had minority rule in the Province. We have had minority rule by Sinn Féin, which has held the process, the political institutions and Northern Ireland to ransom. It has done that in the same way



that the republican movement held Northern Ireland to ransom for almost 40 years through its terrorist activities in the Province.

What is going to happen with regard to all the issues that have not been mentioned in today's announcement? My colleague Danny Kennedy mentioned them earlier.

Where is the progress in education? Where is the progress on the Maze stadium and the entire Maze project? I am deeply interested in that issue, and I would be surprised if Mr Poots, Basil McCrea and company were not also interested. What will happen with divisive issues such as the Irish language? We have not heard what will happen with that. What side deals have been done alongside the document and the process? Only time will tell.

Over 12 months ago, we heard about the financial package that was coming with the deal. Where did that package go? It went somewhere else, but it certainly did not come to Northern Ireland.

**Mr B McCrea:** It went to Lehman Brothers.

**Mr Hamilton:** Mr McCrea's record on unemployment suggests that he is almost a one-man Lehman Brothers.

Mr Elliott knows full well that a financial package worth over £1 billion was successfully negotiated prior to devolution. Can he remind the House what financial package his party requested in 1998? The Member himself opposed the deal in 1998, but perhaps he can cast his mind back and tell us what his party negotiated for Northern Ireland at that time.

**Mr Deputy Speaker:** The Member will have an extra minute in which to speak.

**Mr Elliott:** Thank you, Mr Deputy Speaker. Mr Hamilton was a member of my party at that time. Perhaps he will correct me if I am wrong, but, as I remember, he was opposed to sharing power with Sinn Féin at that time. Not only was he opposed to power sharing in the Executive, but he was opposed to power sharing with two First Ministers in the Assembly. Now his party has gone into the Executive with five Sinn Féin Ministers. Mr Hamilton has said that he will not take any lectures from the Ulster Unionist Party; I will not take any lectures from you, Simon.

Let us focus on where the blame lies. It is unfortunate that the Republican movement has held the process to ransom. I want a commitment from it on education, which I have not heard today. Where are we going on education? I would be surprised if other Members do not hear similar questions to those that I hear about what will happen to next year's P6 pupils. They are left with a dilemma that has not been answered by the document, and I have not heard a way forward.

**Mr Deputy Speaker:** Order. I remind the Member to deal with the motion, not with the document. The debate should be on the motion.

**Mr Elliott:** I am dealing with the motion; the issue of education is of key importance to it. Several Members have mentioned that issue.

Where will the next stalemate in the process come from? Now that we have got over this stalemate, can we expect another one in less than a year's time, or after more than a year? I am concerned that unless the issues are tied down now, there will be a carve-up between the two larger parties in the institution, this place will be brought into stalemate once again, and, eventually, this place will come down. In the early 1980s, republicans plotted to break out of the Maze Prison. I wonder whether they are now plotting to break out of the Northern Ireland Assembly.

**Dr McDonnell:** I support the motion, to which my name is attached. It is a useful, honest and genuine motion that reflects the needs, expectations, hopes and demands of the community that has elected all of us to the Assembly.

None of us should need reminding of the fact that the world is in a financial and economic crisis, which, perhaps, we should better have seen coming. Nevertheless, when the crisis hit a few months ago, it did so with an impact much greater than anyone expected, and that impact continues to inflict damage. The damage is, in many ways, beyond our control.

3.45 pm

Our crisis is similar to that which exists in the many other parts of the world where people face growing unemployment, negative housing equity and a whole series of other factors, all of which can lead people to become depressed and to despair for the future. However, we have compounded our share of the global problem with a self-inflicted political crisis that is — for many Members and the vast majority of the public — neither understandable nor justified.

Like many others, I am delighted that the crisis appears to have been overcome today. However, I am not sure whether I want to bet my shirt on the crisis not being resurrected again at an appropriate time. My concern is that the Executive have not met for 152 days, which is almost five months. Therefore, let us be glad, grateful and thankful that they will now meet.

However, we must not forget the lost opportunities and the terrible waste. We must ensure that, whatever our differences, be they party political or otherwise, we do not throw the baby out with the bath water. That is what has happened for the past five months. We have allowed individual and party differences to build up and to hold political progress to ransom.

I know that there has been much blinking and winking by certain Members in the Chamber — some may even have been “ginking” — but we do not need to get into that. What we do need is a clear, honest and open process, whereby we work together to solve mutual problems.

At least 28 new school buildings are badly needed. Other schools also require maintenance work; however, those 28 schools are the ones that are in the worst state of repair and need replacing urgently. Replacement of those schools should have begun 18 months ago when devolution was restored. A backlog of high-priority, and absolutely essential, school maintenance work — amounting to some £200 million — exists and must be cleared.

I have visited schools in my constituency and elsewhere. A few weeks ago, I visited Sacred Heart College in Omagh, and to say that the place is falling down is an understatement. The school should have been replaced long ago; it is falling down and requires urgent repair. The responsibility for doing that comes back to the Assembly and the Executive, to which we nominated Ministers. Having a dysfunctional Executive has led to a delay in necessary short-term maintenance work and medium- to long-term replacement work.

Aside from the needs of schools, 60 items of Executive business are blocked in a pipeline. I am told that there is a backlog of 15,000 planning applications because of PPS 14. I am told that some 1,000 small and not-so-small businesses have gone bankrupt in the past few months. Some 33,000 people are now on the dole, while another 10,000 construction jobs will be lost by next March. The Maze project, if we are to get it together, will create 10,000 jobs and offset those job losses in the construction industry.

Some 160,000 —

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

**Dr McDonnell:** Some 160,000 households are living in fuel poverty. Last but not least, the 11-plus crisis is affecting 15,000 primary-7 children, and it will soon affect 15,000 primary-6 children.

We must get our act together. We must unite for a common purpose, in order to ensure that the people who elected us get a fair deal.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. First, I welcome the fact that the Executive are to meet at last on Thursday. The view that people on the street hold is that maybe, just maybe, the politicians are catching themselves on. I will focus my comments in particular on the construction industry, which covers a multitude of businesses, from large development firms to small-house builders, local builders and jobbing tradesman.

The focus of the Assembly and the Executive should be on tradesmen and operatives — the people who do the hands-on work on the building sites — many of whom have been left with large debts because of unpaid bills.

I have a particular concern about the social role of the building industry in rural areas. Building workers in the cities are often concealed behind hoardings; all we see is a crane. If anyone were to stand at any major road junction or roundabout west of the Bann, where most of our constituencies and homelands lie, they would see the vans heading east at 6.30 am, albeit in decreasing numbers. In the mornings, men can be seen in high-visibility vests and dusty boots, waiting for their pick-up with their lunch boxes under their arms. There are hundreds, even thousands, of them, and at 6.30 pm, they can be seen coming home again. Entire villages and rural communities are absolutely dependant on those commuting builders.

The building industry soaks up unemployment in places that no other industry can or ever will reach, and it is extremely disappointing to read the projections that the CBI has released, which state that, potentially, another 10,000 of those jobs could be lost. Construction work — and nothing else — is a supplement for part-time farming, making it viable across the North. It has a unique social function, and that is why it is deserving of unique support through public policy.

**Mrs D Kelly:** Dr McDonnell clearly outlined the reasons why the Executive should be up and functioning. Does the Member share my concern that the reason that the Executive were not functioning was more to do with sectional party interest than the public good?

**Mr McGlone:** I do not think that anyone could come to any other conclusion. The average 5' 8" — the people whom we are talking about — were the meat in a cynical political sandwich. That is not good enough; we must see movement.

We must ensure that any measure that is implemented in support of the building industry reaches the vast army of tradesmen and building workers. There are two mechanisms for doing that. As has been mentioned, ‘The Irish News’ today published a list of high-priority repair and maintenance work needed in our schools — there are 28 projects worth more than £1 million each. Those projects incorporate some smaller jobs, some worth just a few thousand pounds. The great benefit is that that work is spread right across the North, at hundreds of sites. That work has been budgeted for and is urgently needed. Backlogs can be brought forward, but we need a functional Executive in order to do that.

My colleague touched on another backlog: the 1,500 planning applications for houses that are stuck in the pipeline because of PPS 14, the ban on rural housing. Each build would contribute between £50,000 and

£100,000 to the construction-supply sector, the maintenance sector, and other tradesmen. Every site adds up to several years of employment in rural areas where there are no other employment options.

It has been hinted that Gordon Brown will radically increase investment in social housing newbuilds. That may allay some of the concerns of those Members who have said that our Minister is not doing enough. Our Minister would build many more houses — I am not second-guessing that; she has said it often enough — to try to meet the existing demand for homes, to try to give more work to the construction trade and to get more work done in our community, if she had the money. Who was the Finance Minister? Which members of the Executive refused to offer more money when a formal request was made? It was the DUP members.

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

**Mr McGlone:** I am sorry, Edwin, I cannot give way; I will not get any extra time.

I have spoken to my colleague Margaret Ritchie, who has taken soundings from Whitehall about that additional investment. The Assembly and the Executive can inject dynamism into the building trade — all it takes is political will and co-operation from relevant Ministers. Hopefully, we are now back in business.

Some Members have spoken in support of the motion, such as Mr Shannon. I listened to Martina Anderson, who went some way to be critical of the SDLP, but what is new about that? Whenever one throws a stone, one can expect one to come back.

She said that the SDLP had failed to stand up to rejectionist unionists when it came to people's rights and entitlements. Could that be coming from Provisional Sinn Féin, the same party that negotiated that no nationalists need apply for the post of justice Minister? Could it be coming from the same Provisional Sinn Féin that conceded not one, but three, DUP vetoes at St Andrews? That party did not stand up to the DUP but cowed over and fell at its feet. Could that be the same Provisional Sinn Féin that has had a total inability to deliver unity to the people of this island across a growing gulf of division that it has perpetrated and sustained throughout the years? That is a fact — let us face that reality.

Danny Kennedy and Naomi Long said that they hoped that the Executive meeting will be a step in the right direction. Naomi Long made special reference to her meetings with the voluntary sector. She also referred to the importance of that sector.

Edwin talked about direct rule dithering. What have we had for the past four months if not DUP and Sinn Féin dithering? It absolutely beats me.

Edwin also talked about the votes against the Budget, and yes, the SDLP voted against the Budget, and — *[Interruption.]*

**Mr Deputy Speaker:** Order. Comments must be made through the Chair.

**Mr McGlone:** There were major issues to do with water charging, education, childcare, and the voluntary sector. Some of the people sitting here were the first ones who went out crying to those sectors.

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

**Mr McGlone:** No, I will not Edwin; it will eat into my time.

Those people went crying to those sectors, saying that it is awful what the nasty Executive have done to them. Who were those people? They were the DUP and Sinn Féin. They drove those cuts through against those communities, who face those issues at the coalface. I will not hear anything about the shortcomings of the SDLP when others have a huge mote in their eye to the point of being blinded.

Another interesting point was made; indeed, Edwin has been a great source of information today. He confirmed to us —

**Mr Deputy Speaker:** Order. I remind Members to address other Members by their surname.

**Mr McGlone:** If Mr Poots does not mind, I do not mind. He let the cat out of the bag when he confirmed that Provisional Sinn Féin has rolled over to the DUP again on the devolution of policing and justice. No nationalists need apply, again — thank you. *[Laughter.]*

Moving on to Mr McLaughlin — *[Interruption.]*

That “thank you” was in inverted commas; standing up for nationalists — that is really good.

**Mr Deputy Speaker:** Order.

**Mr McGlone:** I listened intently to what Mr McLaughlin said, and there is a need for inclusive Government, inclusive talks, and for reaching agreements. The only problem, as he said, is that there are triple locks all over the place. Who negotiated those triple locks at St Andrews? It was the aforementioned Provisional Sinn Féin.

Mr Hamilton said that someone might take credit for getting the Executive to meet. I have to say to Mr Hamilton, who has disappeared — I am sorry, he has moved; I thought that perhaps he was moving this road. I have to say to Mr Hamilton that not much credit is associated with getting people back to the work that they are supposed to be doing.

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

**Mr McGlone:** I will conclude by saying that we must get back to the appropriate level of co-operation in the Executive. I believe that that is what the public is asking us to do. It is not an option to do nothing or to have no Government. We must get on with it now in the interests of the wider community. Go raibh maith agat.

*Question put and agreed to.*

*Resolved:*

That this Assembly reaffirms its resolution of 16 September 2008; and welcomes the call by leaders of business, manufacturing and construction for an early meeting of the Executive to discuss the delivery of key objectives, including a prompt roll-out of capital and regeneration projects, reform of the planning system, increased investment in education and skills for workers, reform of the public sector to reduce bureaucracy, a review of available resources to assist innovation and export, improvement of energy efficiency, investment in the development of renewables and the publication of overdue Delivery Implementation Plans for health and education facilities.

4.00 pm

*Motion made:*

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

## ADJOURNMENT

### **Sexual Assault in South Belfast**

**Mr Deputy Speaker:** Order. Members must resume their seats. I remind Members that the proposer of the topic will have 15 minutes in which to speak and all other Members will have approximately seven minutes.

**Ms Lo:** Fifteen minutes? Wow.

In Northern Ireland, the number of recorded rapes has increased from 292 in 2001-02 to 457 in 2006-07. However, the rate of conviction for rape after trial decreased from 28.2% in 1994 to 19% in 2005.

Police figures for South Belfast show that during the seven months between April and October 2008, 23 rapes have been reported to the PSNI. Nine of those reported incidents have been forwarded to the Public Prosecution Service (PPS); four people have been charged; two incidents were deemed “no crime” after investigation; and seven incidents are currently being investigated.

The PSNI stated that the rate of reported sexual assaults in South Belfast is no worse than that of anywhere else in Northern Ireland, despite the fact that it has a vibrant night-time economy, and that there is no evidence that a “uni-rapist” lurks in the area. It is important that residents are not alarmed unduly and that disproportionate fear about sexual crime in the area is not raised. However, it is equally important to strike a balance in the dissemination of relevant details in order to inform the public in a responsible and preventative manner.

In fact, 32% of reported rapes are committed by the victim’s partner; 22% are committed by someone whom the victim knows; 8% are committed by total strangers; and 8% are false allegations. Between 70% and 80% of rapes are not reported. Most rapes occur in private premises, often under the influence of alcohol, but rarely involving drugs.

Northern Ireland’s attitudes towards what constitutes rape or sexual assault must be examined. An Amnesty International survey of students in Northern Ireland on violence against women, published in September 2008, made some appalling findings: 44% of respondents believed that a woman is totally or partially responsible for being raped or sexually assaulted if she is drunk; 46% believed that she is responsible if she has behaved flirtatiously; 48% believed that she is responsible if



she has failed to say no clearly; 30% believed that she is responsible if she is wearing revealing clothes; 33% believed that she is responsible if she has had many sexual partners; and 47% believed that she is responsible if she is alone and walking in a dangerous or deserted area.

Often, blame for this horrendous crime is put on women. The survey's findings reflect attitudes that are shown throughout society and among people in Government, policing and the criminal justice system. A cultural change is needed in how sexual crime against women is viewed. Public opinion must be won in communities, schools, colleges, youth clubs, and in the public and private sectors for the fact that violence against women — in whatever form, including rape — is totally unacceptable.

Universities alone cannot cause that societal change; it must be integral to education from an early age, and an emphasis on equality and respect between genders must begin in the classroom.

Sex without consent is rape. No means no. Young people need to be aware that the consequences of committing such an offence can be life imprisonment. Moreover, women of all ages must be educated about personal safety and responsibility, particularly in the context of health and alcohol.

Acquaintance rape — that is rapes by husbands, partners, family members or recent acquaintances — forms the majority of rape and sexual-assault cases. It is important that women are cautious of going home with strangers, and they should be encouraged to report such incidents to ensure that perpetrators are arrested and sent to prison. Several programmes in South Belfast, primarily run by the PSNI and the students' union at Queen's University, offer women services in prevention, protection and support. Forty additional officers have been drafted in after the establishment of the PSNI's rape crime unit in April 2008. Furthermore, more than £500,000 has been invested in forensic-science technology and other resources that will better equip the police to tackle that crime.

I commend the students' union for establishing a proactive security programme that ensures safety on its campus, at night, for its staff and students. The union's plans — in partnership with others — to act before Christmas are timely and will increase awareness of personal protection among students. Furthermore, the students' union is considering co-ordinating a bus service for students, which will be welcomed by students and their parents. Although good local schemes are tackling the problem, the Executive must provide a strategic response.

Northern Ireland's members of End Violence Against Women (EVAW) produced a report in 2007 called 'Making the Grade?' in order to assess Government

initiatives on violence against women, including rape. The report concluded that, although there have been positive developments, there is no underlying strategic approach in all Departments to address violence against women. DHSSPS consulted on the strategy in order to tackle sexual violence and establish subgroups, which are working on action plans. The report suggests that the Executive should reframe their policies and take into account a draft strategy entitled 'Tackling Violence against Women', which was issued for consultation in 1999 by then Secretary of State, Mo Mowlam, but has never progressed beyond that stage. I understand that EVAW intends to meet with Ministers, and I urge the Executive to consider its request for a co-ordinated Government approach to tackling violence against women.

In addition to a statutory response, some practical improvements can make a quick difference in South Belfast. A visible police presence will deter crime, including sexual assaults. Residents are concerned that neighbourhood policing has diminished over the years. There were, previously, 22 officers in the area; that figure has been reduced to five or six. Therefore, it is important that the PSNI increases the police presence, particularly in the dark, wintry months. CCTV can deter all types of crime, and overhanging foliage can be pruned back to increase visibility for pedestrians. Moreover, better street lighting will enhance security.

Personal alarms are now freely available in police stations, the City Church, the SOS Bus in Shaftesbury Square, Stranmillis College, and other places. It is important that young people, who may be leaving home for the first time, are well prepared, and know how to keep themselves safe.

**Mr Spratt:** I thank Anna Lo for bringing this important debate to the Assembly. I know that all public representatives in south Belfast have been very concerned in recent weeks about high-profile incidents of sexual attacks in the city centre, and the university area of South Belfast in particular.

Two weeks ago I attended the presentation of a comprehensive and challenging report by Detective Superintendent Karen Baxter at a meeting of the Northern Ireland Policing Board. During that presentation, we were told that in B district, which covers the South Belfast area, there had been 21 reported rapes and attempted rapes between 1 April and 30 October 2008. Some of those incidents became very high profile, and received a considerable amount of press coverage.

There is a responsibility on us all, not only public representatives, but also the media, to deal sensitively with such issues. Those incidents need to be exposed and highlighted, but sometimes, in media terms, some of the incidents are over-egged. That can cause serious

frustrations and problems for the police and everyone else, in that the incidents are taken totally out of context and out of profile. Indeed, one incident that was reported and became very high profile, later turned out not to have been a rape, as was reported. Therefore, there are dangers, and all of us have to bear responsibility, and be sensitive when becoming involved with that type of issue.

South Belfast does not have the highest number of incidents in Northern Ireland, nor the lowest, but 21 such incidents over that period is far too many. The other distressing statistic given in the presentation by Detective Superintendent Baxter was the fact that up to 40% of crimes such as rape and serious sexual assault are not even reported to the police. That is something that occurs in all policing areas throughout the United Kingdom, and, no doubt, in the South of Ireland, too. Due to the very nature of the investigations that have to be carried out into such incidents, sometimes victims feel that they cannot report those rapes. It is a sad indictment of the system if women feel that they cannot come forward, and, in many cases, do not have the support to come forward.

There are certain factors that are specific to the South Belfast area. First, there is a large student population, with Queen's University in the very heart of the city. Secondly, there is a vibrant nightlife which stretches from the city centre, up the Dublin Road to the Malone and Lisburn Road areas, and around the Holylands area, where many students and young people live. There are also many nightclubs in the South Belfast area, which bring economic benefits to the area, but also cause specific problems that the police and others have to deal with.

4.15 pm

In an area in which those factors are prevalent, there is an onus on several groups to take appropriate actions to reduce risk. There is a very clear onus on the Police Service to deal with any incidents and to reassure the public. In the wake of the most recent attacks, I and other Members from South Belfast met local police commanders and outlined very deep concerns. I am very concerned about the low number of visible police patrols in the area. I firmly believe that a greater number of visible police patrols should be very seriously considered. The police need to reassure the public with a very clear presence, particularly when pubs and nightclubs are closing in the early hours of the morning.

There is also a responsibility on individuals to reduce risk. Last week, the Assembly debated the dangers of the misuse of alcohol. Unfortunately, the effects that the excessive consumption of alcohol has on people are all too apparent if one walks along the Dublin Road on a Saturday night. I appeal to those who go out for a good time to drink responsibly. Young

people do not need to get drunk to have a good night out. It is important that we get that message across.

The Queen's Students' Union and other places have done some good work, but I was amazed that many young people, particularly young females, were still out on their own in the early hours of the morning last week. The police have very clearly advised young people to stay in groups — particularly when going home in the early hours.

The PSNI has done a lot of work in that area, for which it deserves credit. A rape crime unit was established in April 2008, which involves some 50 officers at three sites around the Province. That unit has dealt with the problems of sexual assaults and rapes. Clearance rates have improved over the past few months, which is encouraging. The police should be encouraged to do all that they can to tackle that problem in the future. People who have had a serious crime committed against them should be encouraged to report it to the police, and they should be assured that they will be treated very sympathetically.

There is much more that I could say about this issue, but I realise that my time is up. I know that others will make similar points. It is a serious problem that all of us should tackle together as representatives of the area, as should people in all areas of Northern Ireland.

**Dr McDonnell:** I thank my South Belfast colleague Anna Lo for bringing this important issue to the House. As an elected representative and as somebody who has lived in that part of Belfast for a long time, and as a parent, I — like so many others — have been shocked and alarmed at the recent apparent spate of sexual attacks in South Belfast.

The safety of women — young and old — on our streets has to be a priority. If their safety cannot be taken for granted, we are in difficulties as a society. They must be in a position to take that safety for granted, and it must be guaranteed at all times.

There are difficulties with discussing this issue because of its high sensitivity. People should be free to walk the streets alone at any hour of the day or night. In a civilised society, they should be free to take decisions that are convenient and suitable to them at any time. Unfortunately, that is sometimes not the case. When issues such as threats of sexual attacks arise, people become very frightened. We have to differentiate between what people are entitled to, what we would like to see and what is prudent or sensible.

In suggesting that people are careful and cautious, I am not suggesting that that is the preferred way, but immediate action is required to tackle the problem and to ensure people's safety.

The spate of attacks occurred recently, and I happened to be in discussion with the police at the

time. As a result, we managed to convene a high-profile, round-table meeting at Queen's University, at which several political parties were represented. We attempted to hammer out an action plan, and I found that useful because students, Queen's University, the PSNI and several key Government agencies were involved. Interestingly, private landlords, and even taxi drivers and publicans, appeared – reflecting, perhaps, the beginnings of a solution or the beginnings of, at least, a vigilant method that might be used to reduce the risk of attack, and make south Belfast a safer place in which to live and socialise.

The only way to proceed is to co-ordinate our efforts, share information and work together in order to improve personal safety and reduce the number of assaults or threats of assaults. Information is the most important tool in that effort. We need to be furnished with accurate information. People in the community need to know what the threat is, how serious it is, from where it is coming or from where it is likely to come. It is only when people are fully informed as to what the risk is and from where the threat is coming, that they can take the necessary steps to protect themselves.

The most important message that emerged from the meeting at Queen's University, which was attended by some 50 people, was that women are not under the greatest threat of sexual attack on the street, but in their own homes at the hands of someone that they know – or, perhaps I should say, someone who they do not know very well but who they have met before. The sensationalist media coverage that emerged suggested for a time that some sort of lone masked or camouflaged predator was emerging from dark entries. That was not the case, and it must be put on the record that in all cases the attacker was known – maybe not well known – but was known to the victim.

We must reduce the fear and the paranoia that a predator is stalking our streets, because that is absolutely not the case. There is an onus on us all to dispel that myth and to ensure that the facts emerge. We must eliminate the fear and panic, and replace it with common sense, awareness and understanding. Furthermore, there is a common misconception that the attacks are happening in only student areas. That is not the case, as a horrendous recent ordeal of a woman in Donegall Pass proves.

Women, whether young or old, deserve to live in relative safety, and to be free from the threat of any sort of attack. However, we must find a way and means of ensuring, discreetly, that they are given enough information to be aware of where the threats are and how to defend themselves. Furthermore, as mentioned earlier, there should be an appropriate level of police support and sympathy if an attack occurs.

It is vital that South Belfast becomes a safe place to be and to live, and there is a much work that can be done, working in a broad partnership. For example, as the proposer of the debate suggested, Roads Service can deal with issues such as street lighting and overhanging trees, with which I am in agreement. However, one of the interesting things to have emerged is that taxi drivers have assured us that they will remain vigilant and help out in any way that they can. It would be beneficial if taxi drivers could be organised to inform their depots, or perhaps university wardens if around the university area, if they see a young woman in a vulnerable state and being accompanied by someone who appears as a risk or danger.

We must share information and look out for each other. The Housing Executive and landlords have talked about using closed-circuit television, which could be very useful.

Mr Deputy Speaker, I know that my time is up. An awful lot can be done to deal with this issue. I thank Anna Lo for securing the debate, and I thank you for the time that you have allowed me. Sexual attacks are never justified in any circumstances. We must continue to look for ways and means to minimise the opportunities for attacks.

**Mr McGimpsey:** I speak in this debate as an MLA for South Belfast and I thank Anna Lo for securing it. I want to deal with two areas: the incidence of sexual assaults, and the management of sex offenders. Both issues affect South Belfast.

The figures for sexual assaults are stark. Over 80% of all sexual assaults go unreported. Of those that are reported, only around 6% result in convictions. The issue is very serious, but we are only beginning to see the edge of it because, as a result of victims' reluctance to report attacks, we are unable to gauge properly what is happening. The overwhelming majority of victims are female. Such statistics are shocking. Sexual assaults are prevalent in South Belfast and throughout Northern Ireland.

Incidents of sexual assault have a connecting theme relating to nightlife and the misuse or unsafe use of alcohol, which can leave victims vulnerable to that type of criminal. South Belfast has more than its share of evening entertainment, nightlife and premises with late licences. I have witnessed that — I stood outside the students' union at Queen's University during freshers' week and watched large numbers of young people coming out who were literally falling down drunk. Another problem is that alcohol is so cheap and is sold in a manner that promotes huge levels of consumption.

The problem is particularly concentrated in South Belfast because of the nightlife there and the large numbers of young people who come into the area to

study at Queen's University. The problem also affects local communities. What I find particularly worrying is the very low rate reporting of the crime and the low rate of convictions for it.

Another consequence of sexual attacks is the possibility that the victim can contract a sexually transmitted disease. Females may face very serious consequences if they are not seen by medical services immediately. Therefore, it is not only the violence of the assault that makes it such an important issue and one that must be dealt with urgently.

I join Jimmy Spratt in saying that the police do their best in South Belfast, given the resources that they have; however, they face a huge problem. I welcome the fact that city-centre policing has been divorced from South Belfast policing, as that allows the complement of officers in South Belfast to remain reasonably static to deal with the peak hours in South Belfast, rather than being reallocated to other areas, such as the Odyssey, for example. The Odyssey is another problem area — the nightlife, the misuse and unsafe use of alcohol, and the consequent sexual crime.

*4.30 pm*

The management of sex offenders is another important matter affecting South Belfast communities — whether in the Village, Sandy Row, Taughmonagh or Annadale — and constituents constantly bring that to my attention. Although the number of sex offenders housed in South Belfast is not overwhelming, they are concentrated more there than in other constituencies.

Alasdair McDonnell will remember, for example, how a planning application for sheltered housing in Ventry Lane, on Dublin Road, turned out to be for a hostel for sex offenders. South Belfast community representatives are gravely concerned about the authorities' decision to concentrate hostels in the middle of an area that already combines a large number of licensed premises with a busy nightlife. As well as lower-risk sex offenders, the Ventry Lane hostel houses category 1 offenders, who pose the highest risk of all. There is serious concern about the concentration of risk; it is not fair that local families be put at risk like that. Community representatives perpetually raise those deeply-held concerns and, next week, I will raise the matter with Paul Goggins.

*Adjourned at 4.32 pm.*



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# NORTHERN IRELAND ASSEMBLY

Monday 24 November 2008

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

*Members observed two minutes' silence.*

## MATTERS OF THE DAY

### Weekend Road Fatalities

**Mr Speaker:** Mr P J Bradley has sought leave to make a statement on a matter that fulfils the criteria set out in Standing Order 24. I shall call Mr P J Bradley to speak for up to three minutes on the subject. I will then call other Members from the constituency of South Down, as agreed with party Whips. Those Members will also have up to three minutes in which to speak. There will be no opportunity for interventions, for questions or for a vote on the matter. I will not take any points of order until the item of business has been concluded. If that is clear, we shall proceed.

**Mr P J Bradley:** Mr Speaker, I thank you for allowing the House a few moments to reflect on the tragedies of the weekend, in which seven people lost their lives at different locations across Northern Ireland. South Down has suffered greatly in that five of the seven victims were from the area. On Friday night, a social worker, who was a popular young girl in the area, was killed in an accident near Meigh. The lady, Theresa McGovern, was from the Warrenpoint Road area, just a few miles from the other terrible accident that we all know about.

Four young PSNI officers who were going to assist a friend were tragically killed in a horrible accident on a notorious stretch of road between Warrenpoint and Rostrevor. My condolences and the sympathy of the people whom I represent go out to the families, relations, friends and work colleagues of all the seven people who were killed at the weekend.

Through your good offices, Mr Speaker, I ask that the Assembly join with my colleagues from South Down in paying tribute to the four young policemen who died: Declan Greene, Kenny Irvine, Kevin Gorman and James Magee, all of whom died on duty serving the people of South Down. In the early hours when

most of us were in bed, they were working for the good of the community.

We pray that those four men, and the three people who died in separate road accidents on Friday, have eternal rest. Thank you for your understanding and courtesy, Mr Speaker.

**Mr Wells:** A dreadful cloud of grief hangs over South Down this morning, as we remember those who died in such tragic circumstances. I express my sympathy to the families of those who died in the tragic accident that happened between Warrenpoint and Rostrevor in the early hours of Sunday morning. I pay tribute to Kevin Gorman from Drumaness, Declan Greene from Kilkeel, Kenneth Irvine, also from Kilkeel, and James Magee from Newcastle, who gave their lives while serving the South Down community.

That dreadful tragedy once again reminds us of the risks that dedicated police officers, who do so much to protect our community, take. I also extend my sympathy to the three other people who died in tragic car accidents in Northern Ireland over the past few days. Road deaths are, indeed, tragedies. As a result of those deaths, it will be a very dark and grief-ridden Christmas for many people in the Province.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. I join Jim Wells and P J Bradley in expressing our sympathy to all the families who lost loved ones over the weekend. Ten people died in road accidents on the island at the weekend — seven in the North and three in the South. As other Members said, this Christmas will be a difficult one for all the families affected. My party shares its sympathy with those families. Ar dheis Dé go raibh a n-anam.

**Mr McCallister:** It is with tremendous sadness that we deal with this issue this morning. I join my Assembly colleagues from South Down in extending our sincere sympathies to all those people who are today mourning for victims of road accidents.

I want to address in particular the tragedy that the Police Service of Northern Ireland has suffered. I extend our sincere sympathy and condolences to the families, friends and colleagues, including the Chief Constable, of those four young men, who served all the community with distinction. My party colleagues and I assure them that they are very much in our thoughts and prayers at this difficult time. I also assure them that they will continue to be in our thoughts and prayers and that they have our support as they face the challenging days, weeks and months ahead.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. I also extend my condolences to the families of those who lost their lives in that tragic car crash. Those young officers were serving the community from which they came. They were at the forefront of the new beginning to policing. For those men to lose

their lives in the mouth of Christmas adds to the loss. Children have lost fathers, wives have lost partners, and mothers and fathers have lost sons. The impact on the South Down community has been immense — it is in shock.

Our thoughts also go out to the families who have lost loved ones as a result of car accidents throughout the island of Ireland over the weekend. My thoughts are also with the emergency services and all the members of the public who tried to assist at the scene of those accidents. Go raibh maith agat, a Cheann Comhairle.

**Ms Ritchie:** Warrenpoint and Rostrevor are very beautiful parts of the North of Ireland. Today, that part of South Down, and the wider constituency area, is shrouded in gloom because of the tragic events of yesterday morning, when four young police officers from South Down lost their lives in the course of duty. My thoughts and prayers are with the families, relatives and friends of those four young men: Kevin Gorman from Drumaness, whose family I know very well; Declan Greene from Ballymartin, whose family members have known tragedy before as they are part of the fishing industry; Kenny Irvine from Kilkeel; and James Magee from Newcastle.

I know that the wider constituency and the people of South Down will stand shoulder-to-shoulder with the bereaved in their grief and in their loss. I offer my sympathy, my condolences and my support to the bereaved in their tragic loss and to the Police Service in Northern Ireland because they have lost four very fine young men who were doing their duty in providing protection and safety to the wider population. In all of this, we must not forget the three people from the North and the three from the South of this island who have also lost their lives because of tragic road accidents — may they all rest in peace.

## ASSEMBLY BUSINESS

**Ms Ní Chuilín:** Go raibh maith agat, a Cheann Comhairle. On a point of order, Mr Speaker. Last Tuesday, 18 November, during a private Members' debate on the reaffirmation of Executive matters, Mr Patsy McGlone of the SDLP referred to our party, on several occasions, as "Provisional Sinn Féin". I believe that that was out of order, and would like a ruling to be made.

**Mr Speaker:** I wish to address a number of issues. After each sitting, I consider the Official Report on the proceedings in question, and reflect on the expressions that have been used in the House. I have also reflected on previous rulings about whether specific references to a party were unparliamentarily. That ruling, which is set out in page 95 of the 'Northern Ireland Assembly Companion — Rulings, Convention and Practice', is that reference to a political party differs from a reference to individual Members of a party, and I have continually said that. Nevertheless, I expect Members to behave with dignity in the Chamber, and I say again to Members from all sides of the House that I expect them to temper their language and to behave with courtesy to each other during difficult debates. As a general rule, I advise the House that I expect political parties to be referred to by their proper names in the future.

## MINISTERIAL STATEMENT

### Counter-Terrorism Bill

**Mr Speaker:** I have received notice from the Minister of Enterprise, Trade and Investment that she wishes to make a statement on the Counter-Terrorism Bill.

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** I, too, offer my condolences to the members of the families who have suffered as a result of the road accidents at the weekend. When one is a member of the family of a security force member, one dreads the knock on the door, and I can only imagine what those families are going through at present. We must uphold them in our prayers over the coming weeks.

I wish to make a statement on action that I have taken to approve the inclusion of provisions within the Counter-Terrorism Bill to enable it to extend fully to Northern Ireland. The Bill has almost completed its passage through Parliament. The final debate is scheduled in the House of Lords today, and the Bill is expected to receive Royal Assent at some stage this week.

My Department was advised of a late amendment to the Bill. The amendment contained provisions that would confer certain additional functions on my Department. In the time available, it was not possible to follow the appropriate procedure and seek the consent of the Assembly. Accordingly, as a meeting of the Executive had not been arranged, I sought and received the agreement of the First Minister and deputy First Minister to the inclusion of the relevant provisions within the Bill under urgent procedure, in accordance with paragraph 2.14 of the ministerial code. In agreeing to my request, both the First Minister and the deputy First Minister quite rightly pointed out that this procedure was not a substitute for the normal requirement of seeking the approval of the Assembly. It has always been my intention to inform the Assembly of the action that I have taken on this matter.

In the circumstances, it would be useful to provide Members with some background and information on the provisions — especially those specific to Northern Ireland — that are now included in the Bill.

*12.15 pm*

The Bill will give the Government wide-ranging powers in their ongoing battle in combating global terrorism, and in their pursuit of the protection of the national interest and all citizens of the United Kingdom.

The amendments, which were tabled at a late stage in the Bill's parliamentary progress and which confer additional functions on my Department, concern the use of financial measures in relation to international jurisdictions where money laundering, among other

activities, is of concern to the Government. They represent a strengthening of the provisions in the Money Laundering Regulations 2007, introduced under the European Union's third money laundering directive, which has already been extended to Northern Ireland.

Beefing up of those provisions is required because the powers in the 2007 regulations do not fully address issues of international restrictions. Specifically, the Bill appoints my Department as an enforcement and supervisory authority in respect of credit unions in Northern Ireland, and as a supervisory authority in respect of insolvency practitioners authorised under the Insolvency (Northern Ireland) Order 1989 in order to ensure that those who are affected fully comply with directions issued by the Treasury under the Bill when it becomes law.

My Department already performs a similar function in Northern Ireland under the Money Laundering Regulations 2007, which, as I said, fully extend to Northern Ireland. Directions issued by the Treasury will enable it to direct UK financial and credit institutions to take various measures to address the risks posed by international jurisdictions in relation to money laundering, terrorist financing or concern about proliferation.

In the circumstances, I am confident that my action was necessary to ensure that the provisions in this important Bill include provision for, and fully extend to, Northern Ireland. I apologise to Members for it not being possible, given the timescales involved, to bring a motion before the Assembly. I assure Members that this was an exceptional case, and one which I do not foresee happening again.

**The Chairperson of the Committee for Enterprise, Trade and Investment (Mr Durkan):** I thank the Minister for her statement. She was, in many ways, put in an invidious position by the way in which those late amendments came about. That, obviously, gave rise to the need for Treasury Ministers to contact the Minister with a view to clearing approval and assent. However, that was not able to take the form of a legislative consent motion, as is properly required in such circumstances. Although the Minister indicated her hope that this is not a precedent, the House has to exercise caution.

I am conscious that, in that regard, the Minister rightly liaised with the First Minister and deputy First Minister. It might be of assistance to Ministers if perhaps you, Mr Speaker, might consider carrying out a bespoke review of exactly this type of situation. It is no criticism of the Minister, or of the First Minister and deputy First Minister, that there should be a locus for the Speaker in a situation concerning a legislative consent motion.

I believe that I am reflecting some of the sensitivities expressed by members of the Committee for Enterprise, Trade and Investment about such matters when it

discussed something of this issue last week. Those sensitivities were purely procedural, not political, and concerned precedent. It seems to me, Mr Speaker, that you could have a role in that area.

Will the Minister accept that, although the credit union movement here has been content to have this legislation apply to it in this way, as it does to other organisations that are holding savings, some credit unions will feel a bit miffed. They are frustrated that other concerns that they have are not being addressed, and that, out of the blue, with the Treasury being particularly unresponsive to some of their concerns and needs, they find themselves brought into legislation of this nature, at this time, and in this way.

Furthermore, will the Minister agree with the Committee for Enterprise, Trade and Investment that we want to try to ensure that more is done to meet the ambitions that the credit union movement is expressing in order to be better placed to serve its members by providing even more services?

**The Minister of Enterprise, Trade and Investment:**

I fully understand Mr Durkan's comments on credit unions. Although credit unions are not the beneficiaries of regulation, they will have to deal with the burden of regulation when the Bill is enacted.

I concur wholeheartedly with the Member's point that proper procedures were not followed. I was most disappointed that I could not bring a legislative consent motion to the House before the Bill had passed through the House of Lords. Indeed, when I responded in writing to the noble Lord in London who is in charge of the matter, I took the opportunity to say that, in all cases in which legislation will, in any way, alter the functions of a Northern Ireland Department, the proper procedures must be followed. Therefore, I have underlined that point fully with Whitehall. If the Member believes that more should be done, I will do more.

Just last week, and not to pre-empt the Committee's work, I signed off on a letter to the Home Office to ask its officials to have a discussion about credit unions so that progress can be made before I receive the Committee's report. That is important, because, during this credit crunch, credit unions provide a fundamental service. They must be supported as much as possible.

**Mr Hamilton:** Although everyone, including the Minister, will agree that the way in which Northern Ireland has been included in the Bill is unsatisfactory, the importance of its contents — being a counter-terrorism Bill — are such that it is essential that Northern Ireland be included in it. The Minister said on two occasions in her statements in response to the Committee Chairman that the proposed amendments to the Bill in Westminster will confer additional powers on her Department. Although she has explained those

powers, has she assessed the level of extra work for her officials that will be ongoing as a result?

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

**The Minister of Enterprise, Trade and Investment:**

I do not believe that those powers will cause the Department undue burden. As the Member is aware, the Department already has a role to supervise credit unions. Under the Money Laundering Regulations 2007, the Department is the supervisory authority. The new measures will make the Department an enforcement and supervisory authority. Therefore, the Department will be doing work that it is already doing — if that is not too Irish a way to put it.

The Bill is an additional piece of legislation that the Department must enforce and supervise. The Counter-Terrorism Bill's provisions will also give the Department the power to impose civil penalties and to institute prosecutions when required. I must say, however, that I do not foresee that many prosecutions will be taken against, or civil penalties given out to, credit unions in Northern Ireland.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement. I am confident that the Assembly will appreciate and accept her explanation and rationale for the measure and the way in which we were informed of it. On several occasions, including during her statement, the Minister has made it clear that she recognises and values credit unions' work in the community. Can she assure the Assembly that the Bill will not restrict or inhibit credit unions in providing financial services to the community, or inhibit consideration of widening their scope to provide further services?

**The Minister of Enterprise, Trade and Investment:**

The Bill will not inhibit credit unions in any way. Last week, I had a scheduled meeting with the Ulster Federation of Credit Unions. I took that opportunity to speak to them directly. My officials have also been in contact with the Irish League of Credit Unions. Both are content with the contents of the Bill and the amendments as they apply to Northern Ireland. I do not foresee any additional burden. Any measures that the Treasury introduces will come to the Department, which will provide necessary support.

**Mr Cree:** I, too, thank the Minister for her statement. She said that the Bill will appoint the Department as enforcer and supervisory authority for credit unions. Will the Bill change the Department's role towards other mutual societies and organisations?

**The Minister of Enterprise, Trade and Investment:**

The legislation does not apply to any other mutual societies; our supervisory and enforcement role applies only to credit unions.



**Dr Farry:** I, too, thank the Minister for her statement. Can the Minister clarify that the source of the problem lies entirely with the UK Parliament rather than with any organ of the Assembly? Furthermore, in the absence of a formal protocol having been agreed between the Assembly and Westminster to ensure that such matters are addressed within a proper timescale, how can the Minister stand over a commitment that essentially makes provision for an exceptional circumstance?

Given that money laundering is not merely a product of terrorist organisations and is a factor of local and international organised crime, is the Minister satisfied that the long title of the Bill makes sufficiently robust provision to deal with money laundering?

**The Minister of Enterprise, Trade and Investment:** As I indicated in my comments to the Chairperson of the Committee, I wrote to Lord Myners to remind him that it is this House that should be taking the lead on matters relating to credit unions. He is aware of our displeasure with how the situation has arisen so late in the day, as the result of a House of Lords amendment. Indeed, it is because the Bill was amended so late that we have been able to raise our concerns.

The Bill's long title aims to deal with money laundering, terrorist finance and the proliferation of weapons of mass destruction, which is of increasing concern. Additions were made to the Bill's long title on the realisation that the money laundering regulations — which are contained in the third EC directive — were not sufficient to cover those international jurisdictions. I hope that the Member agrees that it is important that we are part of those regulations. Nevertheless, I accept that the process has had difficulties.

**Mr Ross:** I welcome the Minister's statement and the fact that she met credit union representatives last week. Is there any evidence that money has been laundered through credit unions in Northern Ireland? Will the Minister assure the House that she will provide credit unions with all the relevant information so that there is no confusion?

**The Minister of Enterprise, Trade and Investment:** There is absolutely no evidence that money has been laundered through credit unions here. The Bill provides a precautionary principle to ensure that money does not come in from Uzbekistan or Iran. I am not sure that many credit unions do business with those sorts of countries, but a precautionary principle is provided. We will work with the two main bodies, the Irish Federation of Credit Unions and the Ulster Federation of Credit Unions, to provide the relevant information as quickly as possible.

**Dr McDonnell:** Does the Minister agree that this situation is somewhat bizarre and that — rather than rushing to implement the Bill — the matter should have been parked in the short term. Credit unions have

pressed for an expanded role and sought Government support and understanding in the current crisis. Credit unions want financial cover to prevent a run on their resources and to give them an opportunity to do an even better job as a useful financial hub at working-class levels in society. We have not been able to give credit unions much comfort. Yet, as people in the street will see it, we are moving to prevent al-Qaeda from lodging large sums of money in credit unions in Ballynafeigh, Newington or elsewhere in Belfast. That is somewhat bizarre.

I appreciate that the matter has largely been dumped on the Minister at short notice, but we must get to the bottom of it. On another occasion, I would urge the Minister to give stronger credit unions the opportunity to be an even greater force for good in our society. That should be the priority, rather than restricting credit unions with fantasia-land legislation that will never be needed.

**The Minister of Enterprise, Trade and Investment:** I fully accept some of the Member's points. I do not envisage the credit union in Ballynafeigh having to deal with money from Iran or other such countries. It has been made very clear that we will adopt a light-touch regulation that will not place an onerous burden on credit unions.

*12.30 pm*

However, we will return to discussions on the opening up of credit unions. I share the Member's view that there is great potential for using credit unions, particularly at a time when moneylenders are taking advantage of people who are on the poverty line. The Executive, Assembly and the Committee for Enterprise, Trade and Investment must consider how credit unions could develop their services. Therefore, I look forward to receiving the Committee's report so that we can develop and strengthen the credit unions in Northern Ireland.

**Mr Attwood:** I strongly welcome the Minister's statement to the House, and she acted properly by bringing the matter to the Floor. I agree with the Minister about the great potential to develop the role of credit unions now. Given today's pre-Budget report in Westminster and the strength of the credit unions in this part of Ireland, urgent measures are required to develop the powers and responsibilities of the credit unions. Such measures could be part of the strategy to deal with the economic downturn, and they could even be a part of today's pre-Budget report and whatever emerges in the coming weeks.

I endorse Mr Durkan's comment that given that an urgent procedure was required to get the Bill through at ministerial level, an urgent procedure on the Floor of the House may be required to create a parallel process to deal with such matters in future. I note that the Minister said that she does not expect a similar situation to arise again. However, the potential exists for future

rubbing points between the rightful jurisdiction of the Assembly on certain matters and the jurisdiction of Westminster on excepted matters, including terrorism. Such matters may require particular methods to communicate to the Executive and the Assembly what is, or is not, happening at Westminster. Given the future devolution of justice, I submit that there may be some deeper learning to be gained from this matter.

**The Minister of Enterprise, Trade and Investment:** I agree with the Member that any use of urgent procedures is likely to apply in a similar circumstance to today. On behalf of the Executive, we are happy to work with the Assembly to determine whether an alternative mechanism is required to deal with such situations. I believe strongly that credit unions are part of the solution to some issues in working-class and other areas throughout Northern Ireland, and I hope to be in a position to make a statement about that next month.

## PRIVATE MEMBERS' BUSINESS

### UTV

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

**Mr McElduff:** I beg to move

That this Assembly expresses concern at Ofcom's proposals for a diminution in the public service obligations of UTV through a reduction in the minimum requirements for regional news and non-news programmes; calls on Ofcom to protect diverse, quality broadcasting through the promotion of local news and programming; calls for the extension of Ofcom's Public Service Broadcasting Review consultation period for a further three months; and further calls on UTV to suspend its restructuring and redundancy programme pending the outcome of this consultation process, and following meaningful consultation and negotiations with the trade unions representing staff at UTV.

Go raibh maith agat, a LeasCheann Comhairle. Tá mé ag moladh na tairisceana seo, mar atá a fhios agat.

There are, essentially, two crucial interrelated issues: the future of local broadcasting in the medium and long term; and UTV's current restructuring and redundancy programme, which includes plans to axe certain locally produced programmes.

Broadcasting is not a devolved matter; powers are retained by Westminster. However, it is a major issue that concerns everyone.

People in our society value quality local news and current affairs programming and are hugely interested in public-service broadcasting. They are interested in how our society is portrayed — or not portrayed. Indeed, we are often disregarded — even anonymous — on the BBC and ITV networks. People are interested in quality local programmes that provide creative opportunities for local people and give a platform to local talent. The Irish language broadcast fund is considered a model of best practice that offers such opportunities and allows for the reflection of that unique aspect of our cultural heritage.

Commercial broadcasting faces difficult times because advertising revenue is in decline. The regulatory functions of the Office of Communications (Ofcom) include a review of public-service broadcasting at least every five years. Ofcom and UTV are at pains to highlight the fact that the current level of commercial public-service broadcasting cannot be sustained in an increasingly competitive and challenging environment. Local current affairs programmes are likely to come under pressure because of the increase in multichannel broadcasting and the digital switchover in 2012. Therefore, it is important to understand the context and the financial environment.

Ofcom completed phase 1 of its consultation earlier in 2008, and phase 2 is due to be completed on 4 December. Some early conclusions have emerged: the BBC should remain the cornerstone of public-service content with a secure core budget; audiences need a choice of providers; and a diverse and challenging media is necessary in order to avoid monopoly, particularly in the realm of news and current affairs.

BBC and UTV appreciate each other's competition. For example, Peter Johnston, the local BBC controller, said that competition from UTV's 'Insight' programme improves the quality of 'Spotlight' on the BBC. I recognise the importance of RTÉ and TG4 to viewers on the island of Ireland and in the North. During my upbringing, my father used to try to pick up RTÉ radio on a Sunday; it was described as "crackling towards Athlone".

Ofcom proposes a diminution in UTV's public-service obligations through a reduction in the minimum requirements for regional news and non-news programmes. Ofcom claims that that is a floor and not a ceiling. News coverage will be reduced from five hours and 20 minutes a week to four hours, and non-news coverage will be reduced from four hours a week to one hour and 30 minutes. The motion calls on the Assembly to record its serious concern at the proposals and on Ofcom to do its job properly by acting to protect diverse, quality broadcasting through the promotion of local news and local programming.

The quality and quantity of local news and local programming should be maintained at the current level and developed for the future. Furthermore, the motion calls for a three-month extension — until March 2009 — of Ofcom's public-service broadcasting review consultation period. I understand that Ofcom is disinclined to facilitate that extension. However, it is legitimate for Members to ensure that the consultation is comprehensive and proper, and I understand that Ofcom might consider submissions that are received slightly after 4 December 2008.

Although the consultation period is not exhausted and Ofcom's proposals are merely proposals, it appears that UTV management is taking those proposals as a given and is initiating cutbacks.

UTV management has stated that it intends to reduce employment in the organisation by shedding up to 35 jobs. It has also stated that it intends to reduce news, current affairs and local-interest programmes. We understand that the axe is to fall on the 'Insight' programme, although we are told that it will appear four times a year, making it like one's very best china. 'Insight' is a quality UTV programme that has been at the cutting edge of investigative journalism down the years. It has not always been kind to me, and perhaps not even to you, Mr Deputy Speaker; nonetheless, I

support it. 'UTV Life', 'Late and Live' and various news bulletins are also due to be axed.

People will be made unemployed — household-name presenters, some from the world of news and some from the world of sport, are being considered for unemployment. As we all know, this society places a high value on local sports coverage.

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

**Mr McElduff:** If the Member is very brief.

**Mr McCarthy:** I am always brief. Does the Member agree that the least that UTV could do would be to wait until Ofcom has finished its deliberations?

**Mr McElduff:** The Member is 100% correct, and I thank him for that point. UTV should not go ahead with this precipitous action before the consultation is complete. That is perhaps the main point of the debate. I am speaking for 10 minutes, but Mr McCarthy encapsulated that point in 10 seconds. Therefore, I give him credit for that.

UTV has initiated voluntary severance and compulsory redundancy schemes. The internal deadline for signing up to those schemes was 14 November, then it was 24 November — which is today — and it may now be extended further. I hope that public pressure is paying off.

The Committee for Culture, Arts and Leisure examined the issue in fine detail. Last Thursday, it heard evidence from the unions, including the National Union of Journalists (NUJ) and Broadcasting Entertainment Cinematograph and Theatre Union (BECTU). Those organisations obviously have a direct concern for the welfare of their members, but they also believe that the proposals serve to undermine UTV's ability to fulfil its public-service remit.

In the midst of all this, and as I said, people are saying nice things about the quality of UTV's programmes. It should, therefore, be pleased. Apparently, 'UTV Live' is the most watched news programme here.

We should be considering the future needs of news-coverage provision. At a time when the political institutions are bedding down, people are interested in everyday concerns; it is a false argument to claim that news coverage does not need to be at the same level as it was when the conflict was at its height. People are interested in news today, in the workings of our political institutions, in the various Departments, and in general day-to-day news. Although 4 December is a deadline and the Ofcom report is not due to be published until spring 2009, UTV is pressing ahead with implementing changes that are based on the report. That is happening before the process has been completed. Indeed, I received a memo from UTV management that states that that is the case.

We want to ensure that the consultation is real and meaningful. That is why the motion calls on UTV to suspend its redundancy programme until the consultation is complete. There is a need for a wider debate on the future of long-term and medium-term broadcasting and on what models for the delivery of public-service broadcasting are best to serve this society. The BBC is making a welcome commitment to increase local programming. The Committee has been considering broadcasting in other places, including Scotland, Wales and the rest of Ireland, and it has been discussing the possibility of establishing a broadcasting commission. The debate on the matter still has longer to run, but UTV could do a lot in the short term to respond to the motion.

**Mr Deputy Speaker:** We now know that the Member has china at home.

**Lord Browne:** I support the motion. In its second consultation on the future of public-service broadcasting, Ofcom published a number of key findings. One of the main findings from new audience research was that that nine out of 10 people do not want the BBC to be the only provider of public-service content, either now or in the future.

12.45 pm

There is no doubt that audiences value highly public-service broadcasting alternatives to complement that of the BBC. Most significantly, most people want ITV to continue to provide regional news and programmes. However, as the Ofcom report states, pressure is mounting on the current system. We must accept that.

The Ofcom analysis confirms that commercial public-service broadcasters such as ITV1, Channel 4 and Five — as well as cable and satellite broadcasts — will continue to deliver sports, entertainment, archive and acquired programming that is made in the United Kingdom. The analysis also underlines that some types of UK-made public-service contents are, increasingly, commercially unattractive. Unfortunately, those include current affairs, nations, some regional programmes, drama, scripted comedy and factual programming for children. As we know, the situation is made worse by the growing deterioration in the advertising market since Ofcom's first consultation document was published in April 2008.

If audiences want to continue to enjoy the current level of public-service content, it is Ofcom's considered opinion that £330 million to £420 million is likely to be required in 2012. It also estimates that existing regulatory subsidies would contribute around £185 million, leaving a likely gap of approximately £145 million to £235 million. However, it is very interesting to note that Ofcom's research showed that audiences in Northern Ireland attach particular importance to programmes that are made in, or are about, Northern Ireland. That is especially true for news, as audiences

here told Ofcom that competition to the BBC should be maintained. It would not be wise for the BBC to have a monopoly of news coverage in Northern Ireland.

I think that all Members of this House will agree that Ulster Television has a reputation that is second to none in producing popular programmes. Despite growing financial competitive pressures, I hope that those productions continue. I welcome the commitment of Channel 4 to increase its production from Northern Ireland. With the BBC's proposal to produce 17% of its output from regions — with 3% of that coming from Northern Ireland — that can only help the production sector and improve how Northern Ireland is portrayed.

The Ofcom director for Northern Ireland, Denis Wolinski, confirmed that viewers in Northern Ireland value the programming that is made by UTV and BBC Northern Ireland, and that they want both stations to continue to provide local programmes. Despite the current commercial pressures that face UTV and ITV, I hope that the current levels of production of local programmes continue.

One of Ofcom's main aims is to maintain and strengthen the UK's high-quality public-service broadcasting by making sure that a broad range of television programmes is made by independent producers as well as by broadcasters, including those in countries and regions in the United Kingdom.

As we have heard, Ofcom's consultation period closes on 4 December 2008. In light of all the current responses, I call upon Ofcom to protect our local broadcasting and to extend the consultation period by three months.

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

**Lord Browne:** As a result, I ask UTV to suspend its proposed restructuring, pending the completion and outcome of the consultation process.

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

**Lord Browne:** The unions should be fully consulted. I support the motion.

**Mr McNarry:** At the outset, I stress that all local networks — including the BBC — do excellent work in Northern Ireland. Therefore, it is unfortunate that this debate is about an issue that pertains to one specific major network in Northern Ireland.

There is a rumour circulating that UTV has ended its dispute with the unions. However, I understand that that rumour has no substance. Confusion may have arisen due to UTV having delayed the taking of any action until December. Although I commend UTV for that, the motion calls on that organisation to suspend any action until the outcome of the consultation process, which will extend well beyond December.



The issue is active in the Committee for Culture, Arts and Leisure. Only last week, the Committee held a lengthy meeting with all the key players. Indeed, the Hansard report of that meeting should make for excellent reading, and it is a pity that that report was not available before the debate today. It is an active item in a Committee of the Assembly, charged to carry out its work. Therefore, it seems premature of the proposers — all three of whom sit on the Committee for Culture, Arts and Leisure — to have tabled such a motion. Is the consensus of the Committee — of which we will hear today — not sufficient to drive the issue, without the need to bring it before the House and have a full-scale debate?

All I have heard from Sinn Féin so far is an attempt to build a platform to drive that party's Irish agenda. I see opportunism here — an opportunity for “themselves alone” to look good, while leaving UTV and the integrity of public broadcasting in the background.

It is all too easily forgotten, despite the major strides made in the past decade — since my party led the way in creating peace and stability — that Northern Ireland is still recovering from the impact of 30 years of terrorist war, and that the process of the normalisation of society here still has some way to go. Our society cannot recover from the brutality and mayhem of a campaign of murder and indiscriminate savagery overnight, and that is what makes the role of public-service broadcasting here so significant. That is why it matters; that is why it is different here; and that is why the Ofcom proposal for cuts of up to 50% in public-service broadcasting commitments across the United Kingdom is inappropriate here. A commitment to protect the integrity of local broadcasting is critical and deserves to be acknowledged by all concerned.

UTV has opted for a near-40% cut in public-service broadcasting; from nine hours a week to five and a half hours a week. However, that is too much too soon. Those cuts are hitting areas that are important to the democratic process in Northern Ireland. The media plays, and will continue to play, an important role in bringing information to people in their homes through their televisions and radios. Those people are not sitting in the Public Gallery — there is no one there at the moment. Furthermore, those cuts are affecting soft-news programmes such as ‘UTV Life’ and ‘UTV Late and Live’, items that are helping with that process of normalisation. We need the media to help conduct our affairs in relation to normalisation, and to scrutinise MLAs — in the public interest — as much as we scrutinise each other.

UTV must take note of the widespread public reaction to its proposals and rethink them. This is bad publicity and bad public relations for one of our leading television networks. The public do not favour the intentions of

UTV. They want local news; they cannot let go of that. The time is wrong for UTV to be doing so.

**Mr Deputy Speaker:** I remind Members to stick very closely to the motion under debate.

**Mr P Ramsey:** I welcome the motion; it is very timely. In 1992, Bruce Springsteen sang:

“There’s fifty-seven channels and nothin’ on”.

As a result of the social input to the BBC and the networked independent channels with a public-service broadcasting remit, we have always been blessed with good-quality television. I remember when we had only three or four channels and there was always something worth watching. Now we are moving towards an era where people watch television with set-top boxes and with remote controls in their hands. It is easy to waste an evening flicking between channels, looking at poor television programmes that are infested with advertisements.

The BBC and UTV stand out from the crowd. The BBC is the gold standard, and UTV has consistently lived up to that. It would be a real shame if that ceased to be the case because UTV decided to follow the crowd. The people of Northern Ireland are saying that UTV is proposing a minimalist approach to its public-service broadcasting obligations. Such a strategy seems lazy — it is about increasing financial returns on reduced investment.

None of that would matter a great deal if television were not socially and economically important and if the industry did not provide opportunities for employment and new enterprise. It is time for broadcasting to be devolved to Northern Ireland — there are real opportunities to develop the industry here.

The Chairperson of the Committee for Culture, Arts and Leisure talked about TG4 in Galway. TG4 broadcasts a large proportion of locally produced programmes. As a result, a cluster of companies has developed in that area, which has created a range of jobs, including in scriptwriting, programme-making, acting, editing, sound, lighting, graphics, subtitling, production, company management, and so forth. There are hundreds of jobs in the area, and the companies — with development support from Government — are expanding to become export-oriented. The TG4 business model, which is about quality, expansion and opportunity, is something that we should emulate.

People in Northern Ireland are, rightly, concerned at UTV's attitude and strategy. I believe that UTV is making a commercial mistake. People here like local television production, local analysis of our political situation, and a local take on world events. World events are important to us in a different way than they are to people who live in London, because they affect us differently.

People in this part of the world also enjoy discussion. The programming at RTÉ 2 and Radio Ulster involves wall-to-wall discussion for most of the day. That is because that is what people here want — we like to talk, listen and watch people talking. If UTV goes down the road of emulating the non-public-service broadcasting channels, it will lose its differentiation and, ultimately, its competitive position. It will become a me-too operator in a crowded marketplace. Good-quality drama, music, live programming, news, sports, and current affairs with detailed analysis are life-enhancing. They are educational as well as entertaining.

From an economic perspective, another issue is that 35 important jobs at UTV are under threat. Good-quality television can give good returns for a region. As I mentioned earlier, local production companies tend to cluster around broadcasters to produce local programmes in the first instance, before going on to produce programmes for other markets. A reduction in local programming will reduce the opportunities for local, independent production companies.

The cuts at UTV seem to be paradoxical, given that production and broadcasting costs are falling because of technology. There is scope for multiple channels and lots of ways of broadcasting but, at the same time, there is a diminution in the quality and quantity of the content. In the interests of quality and local involvement in the industry, we need to send the message to the broadcasters that they must maintain local production and content. Northern Ireland is not the same as London — people here value local content and proper analysis from a Northern Irish perspective.

The people of Northern Ireland expect UTV to get into serious dialogue with the trade unions in relation to the impact on jobs. We also expect UTV to talk to members of the Executive and to the people of Northern Ireland in relation to the impact on our television services. We need to send the message to UTV that if its objective is to maximise shareholder wealth, dumbing down is a very short-term strategy that will ultimately mean that it will lose its competitive edge here and become like the rest of the 57 channels with nothing on.

1.00 pm

**Mrs Long:** Other Members referred to the value that the public rightly places on local broadcasting. Ofcom's research shows that Northern Ireland audiences place particular importance and emphasis on programmes that are made in, and specifically for, those audiences, and that is especially true for news programming. Audiences stated that they want UTV to maintain a competitive market with the BBC and that a single broadcaster should not be allowed to operate in the local marketplace.

Such competition is good, because it automatically drives up standards, and, over the years, Northern Ireland

has benefited from, and should be proud of, its high-quality journalism. For example, if one watches national broadcasting, or if one travels to other regions and watches regional programming, the number of Northern Ireland voices that can be heard is surprising. Those people cut their teeth here on local news programmes, shining above the rest, and went to other regions to take up fantastic jobs or were employed on national programming. Therefore, it is important that people should have the opportunity to progress their careers.

Members referred to the timing of the debate, which is pertinent, because today is the deadline that UTV set for voluntary redundancies. From a total staff of 118, UTV has been seeking 27 to 30 voluntary redundancies, which would amount to approximately one quarter of its workforce, and that is a matter for concern.

The proposer of the motion, Barry McElduff — and I apologise for not hearing all of his contribution — and Kieran McCarthy said that UTV is pressing ahead with reducing staff numbers and, consequently, some people will be gone by the time that the consultation report is completed. Putting decisions in train before completing a consultation makes a mockery of the consultation process.

Moreover, such actions suggest something else. Although Ofcom stressed that it had set a minimum threshold for local programming, the immediate reaction to that of reducing local programming suggests that minimum levels rapidly become the norm. We should be concerned about, and guard against, that.

As other Members said, the proposed cuts would result in morning and weekend-lunchtime news programmes being axed. In addition, programmes such as 'Insight', 'UTV Life' and 'Late and Live' would be axed. Although we sometimes take such programmes for granted, they often unpack, discuss and inform the public more widely about news stories, and that provides people with an opportunity to better understand what is happening in the world around them and to relate that to local circumstances. Therefore, we would lose out if such programming were to end.

It is essential to retain UTV as a strong regional broadcaster and as competition for the BBC, because, as I said, that drives up standards. UTV is not just another part of ITV; it recognises Northern Ireland's distinct broadcasting requirements, which are not reflected on other digital broadcasting platforms. We all recognise that political and investigative journalism is not cheap; however, we cannot afford to be without it. As other Members said, many digital channels increasingly produce lightweight, but cheaper to produce, programming, which is not necessarily what we need from public-service broadcasting.

Furthermore, Northern Ireland has a distinctive political culture and, therefore, reporting here must include the extra dimension that investigative journalism

provides and which is important for basic democratic discussion. It would harm democracy in Northern Ireland if there were only one platform for political debate on television.

In addition, the political context here is different. For example, the uncovering of a financial scandal involving the Conservative Party or the Labour Party would have ramifications throughout the regions, but it would not necessarily have direct implications for Northern Ireland, where people look to have improprieties in their local parties investigated. Therefore, in that context, a specific job must be done here.

Mr McNarry mentioned that the Committee for Culture, Arts and Leisure has been taking an active interest in this matter. Although I realise that it is not a devolved matter, it is disappointing that there was not an Executive response.

**Mr Deputy Speaker:** I ask the Member to draw her remarks to a close.

**Mrs Long:** I hope that the House will be reassured that the Executive are making representations on the matter.

**Mr Shannon:** I support the motion. I wish to emphasise clearly that there must be further consultation on the matter. As anyone knows, many people, after returning home from a hard day's work, sit down to watch 'UTV Live'. We know that from the viewing figures, which show that 'UTV Live' is one of those programmes that people use to become clued in to what is happening. That is why we need to retain regional news and non-news programmes. We were all shocked to find that UTV might reduce its programming and would be letting some well-known faces go.

Aa' hae bin stappit bi' fowk, fae ivery wauk o' life, that er sae pit about tae larn o' tha Ofcom minded thoughts. But maer sae tae see that tha UTV heed yins wur ready tae cut bak oan staff, in spiet o' tha fact that ther haes bin nae shair desisin maed, as tae tha lang laustin o' tha progremmin, as muckle tauks erney neerly quat.

I have been approached by many people, from every walk of life, who were dismayed to learn of Ofcom's recommendations. However, they were more disappointed to learn that UTV executives were prepared to cut back on staff, despite the fact that no firm decision has been made about programming viability, as the consultation has not yet been finalised. It seems to be a wee bit wrong to look at recommendations when the consultation process is ongoing.

I have some difficulty with the fact that UTV Media posted pre-tax profits of some £115 million in 2007. That is an increase of £2 million on the previous year. There is no financial need to cut back before the process

has been finished, and most definitely not before everyone has been consulted.

Even more surprisingly, the top executives received substantial bonuses and benefits to the tune of £250,000. Then there is the question of the number of staff being reduced from 118 to 83. That is just a wee bit absurd when one considers that, had the top five executives not taken bonuses and had they made do with salaries of approximately £320,000, the £200,000 in bonus and benefits that they each received would have paid each of the redundant workers an average wage of £28,000 a year — a tidy salary by any means.

For that and other reasons that have been expounded by Members, I support my constituents' calls for fairness for the rank and file in UTV. I realise that when a company is running at a loss, it must make cutbacks in order to survive, but I hark back to what I said about UTV's profitability and the fact that it made more money last year than in the previous year. If that was happening to other workers in my constituency, I would be just as concerned about their losing their jobs.

The company is running successfully and yet it has grasped the first opportunity to cut back before anything has been finalised. Any good employer values his or her staff and knows that getting rid of staff is the last possible option. However, UTV Media has taken the opportunity to cut salary costs when there is, as yet, no financial reason to do so.

News programmes are vital for everyone. Among non-news programmes, 'Lesser Spotted Ulster' is a success story; increasing numbers of viewers watch it. We must look at the issue because of that. Ofcom's report stated clearly that audiences in Northern Ireland attach particular importance to programmes, and I believe that 'Lesser Spotted Ulster' is one such programme.

There is hope that some arrangement can, and will, be reached to ensure that programming is enhanced, not disintegrated. However, UTV Media is happy to throw in the towel before the first round is over. The question is raised: had Ofcom stated that it believed that the executives should have had their bonuses axed and their salaries halved, would that have been an easier way to make cutbacks?

Another concern relates to the fact that the BBC's central office in London has stated that it intends to increase by 40% each of its regional services in Scotland, Wales and Northern Ireland. Therefore, as the BBC is upgrading its regional service and allocating extra money to it, UTV is considering another way out of the job that lies ahead.

I ask UTV Media to meet union representatives and to lengthen the consultation process by three months. UTV has catered for everyone at some stage — no matter who they may be. It is a sad state of affairs that



that should change long before there is any need for it to do so or before any alternatives have been lined up.

I support the motion and ask that the chief executives stop looking at UTV's bank balance and look at the people whom they want to let go and the people of the Province who support wholeheartedly the staff of UTV.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Tá mé ag labhairt ar son na tairisceana seo.

I support the motion. The motion addresses the issue of public-service broadcasting in a number of ways: the Ofcom review of public-service broadcasting; its immediate impact on UTV through redundancies and programme changing; and its long-term impact on the provision of public-service broadcasting, particularly current affairs, news and Irish language programming.

Sinn Féin contends that the Ofcom review of public-service broadcasting should be extended for three months, and the motion calls for that. At the meeting of the Committee for Culture, Arts and Leisure last Thursday, we heard that the public response to the review was not as high as one would expect of such an important issue. There are many and varied reasons for that, but it must be accepted that many people do not realise fully the long-term impact that a reduction in public-service broadcasting will have. That impact will stretch across public-service broadcasting from current affairs programmes to such programmes as 'Lesser Spotted Ulster', news programmes and sports programmes, and it will be evident in the approach — already minimalist — that is taken towards Irish language provision.

There is also an impression that decisions are made before reviews begin, and the public, therefore, ask whether there is any point in making a contribution to such a review. That is why we are asking for a three-month extension to the review's consultation period.

The review of public-service broadcasting was set against a backdrop in which Michael Grade stated publicly that ITV will hand back its licence and apply for another one, which will not have any public-service commitments, if he does not get his own way. Bodies such as Ofcom have to resist that type of approach when setting limits to public-broadcasting provision. Ofcom has to see itself as the protector of public interest and consider what is required in public-service broadcasting.

In response to David McNarry's comments, the Assembly has a role to play. The Committee has an important role to play, but the Chamber is the proper place for such a debate to take place. Important as the Committee's role is, the Assembly has a broader remit, and that is why it is possible, and probable, that the motion will be passed; we have to send out a clear signal that the Assembly wants to see the highest standards possible.

There is no doubt that the staff at UTV believe that the management is using the Ofcom review as a means

of introducing staffing cutbacks and other issues. That was articulated by the union delegation, which made a presentation to the Committee last Thursday. The Committee heard also from the management side, who presented a contrary view. However, the Committee urged UTV management to put in abeyance any decision until the end of the review. They agreed to that, but we are looking for a three-month extension now, and I think that they should fulfil that also.

The desire for a broadcast commission arose from the necessary public debate on the issue, and the Committee discussed it last Thursday. The Scottish Executive have established a commission, and the Committee received evidence that all the interested parties see the commission as an important way of promoting and enhancing public-service broadcasting in Scotland. Such a commission is required here; it will benefit local broadcasting.

In our case and circumstances, public-service broadcasting has a remit beyond the North: BBC, UTV, RTÉ 1, RTÉ 2, TV3 and TG4 are broadcast in homes across the island, and they often make joint productions. Any commission, therefore, should come under the auspices of the all-Ireland Ministerial Council and ensure that we have public-broadcasting services across the island that are proper and fitting to our circumstances. I support the motion. Sin é. Tacaím leis an rún seo. Go raibh maith agat.

**Mr K Robinson:** I agree with the contention of my colleague David McNarry, the Deputy Chairperson of the Committee for Culture, Arts and Leisure, that this is still a live issue for the Committee for Culture, Arts and Leisure and that the Committee is the best forum for related discussions. Perhaps it is premature to bring the issue to the Chamber now, but it is here, and I proceed on that basis.

I am a firm believer in regionalism, and broadcasting is no exception to that. It is a vital part of building a sense of engagement with the local community, and it is an important vehicle for building community self-confidence. Television is the major vehicle for communication, and, therefore, it is important that we take an active interest in local programming.

*1.15 pm*

Television is how most people receive their news and engage with the rest of the world. Not only is television a major vehicle for public awareness, it has a key role in how our community develops. I praise local television companies for their sterling work in helping to build that local sense of community and for giving the community a sense of self-worth. People in Northern Ireland used to be retiring and shy, and some of them still are — I was not looking at you, Fred. However, local television has changed that and, as one Member has already said, Northern Ireland voices are



heard all across the airwaves. We must not only preserve that; we must build on it.

I welcomed the Minister of Culture, Arts and Leisure's comments last week, when responding to my colleague David McNarry, that he was considering a broadcasting commission for Northern Ireland. As other Members have said, that seems to be the way that things are going in Scotland, and it is certainly worthy of further investigation. I encourage the Minister to go in that direction. Broadcasting is too important to be left out on the sidelines.

Local programming is an important imprint of our local identity and personality. It is like the high street. It is so refreshing to encounter a local unique shop amid all the high street multiples that can be found all over the nation and that make every town look exactly the same. In the same way, it is refreshing to find a local programme amid all the repeats, soaps, national plays — that always seem to be police dramas, spattered with violence and blood — and all the endless, boring low-quality reality shows. Much local programming has been of a very high quality and it has helped to vary and improve our overall television offering in the Province.

There is a lot that I could say about television advertising, but I will not digress too much into that minefield, except to ask whether advertisers are aware of the fact that it is extremely irritating to the viewer to have those advertisements blasted out at much higher decibels than the programme preceding them. It is also extremely annoying that some advertisements have no demarcation from the programme that they are interrupting, which can make it hard to follow what is going on.

Cutting regional news and current affairs programmes from nine hours a week to just five and a half hours is a backward step, and most definitely a step in the wrong direction. It will see the loss of what I refer to as the soft-news programmes, which contain the type of positive, engaging local news items that help to build up a real sense of community cohesion.

Mr Deputy Speaker, it is the sort of programme that the Assembly could benefit from. Rather than having the hard news where the journalist stands outside and the interviewee is windswept, we could have media interviews in the beautiful television studio and suite downstairs and develop the type of news that would show the Assembly in a more positive light than is sometimes the case. I also feel that this is the wrong time to be making such cuts. This is precisely the time for local programmers to be given more flexibility, especially on news and current affairs, so that we can help people to engage more with the political process. Here I mean "political" with a small p and, perhaps, with a large P.

Local television has an important role to play in building a positive awareness of the democratic possibilities that devolution offers. That is never more

necessary now than after the recent disgraceful 22-week gap in Executive meetings.

I appeal to UTV to consider the retrograde step that it is contemplating. Just because one can do something does not mean that one should do it; just because Ofcom may allow UTV some flexibility in making cuts in local news and current affairs broadcasting does not mean that it should have to do that. I also counsel UTV to look carefully at the rates of advertising revenue that will be attracted during the well-watched programmes, and consider the overall position when that is set against some of the proposals that it has been making.

All in all, I support the motion, although with the earlier reservations that I pointed out.

**Mr Deputy Speaker:** I am sure that the media will rush to take up the Member's suggestions.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Éirím inniu le tacaíocht a thabhairt don rún seo, agus gabhaim buíochas leis na Comhaltaí a thug go dtí an Tionól inniu é.

While Ken Robinson was speaking, it flashed across my imagination that maybe we should redesign the 'Stormont Live' studio for a new series and perhaps call it, 'I'm an MLA... Get Me Into There!'.

The chances are that most Members outside the Committee for Culture, Arts and Leisure may have been less aware of Ofcom's proposals for a decrease in the public-service obligations of UTV had it not been for UTV itself.

Many people believe that UTV has used the Ofcom proposals as an opportunity to launch a pre-emptive strike and to wield the axe on its public-service schedule and some of the more experienced staff who deliver it. Of course, UTV may deny that, but many are convinced that the fact that the UTV cuts were announced at the same time as the Ofcom proposals was more than mere coincidence. If those people are right in their belief, UTV has shown a blatant disregard for the integrity of the Ofcom consultation process and, worse still, for the views of the public here. I agree with the motion that UTV should suspend its restructuring and redundancy programme pending the outcome of the consultation process and the identification of a future model of public-service broadcasting for Northern Ireland. I also agree that the Ofcom consultation period should be extended for a further three months.

UTV has told us that it intends to deliver more current affairs coverage next year than it has done this year, and that the type and the output will change. It has told us that there will be more relevant political, cultural and social coverage; that it will deliver the key stories of the day in more detail; that there will be more current affairs programmes on UTV in 2009 and

more UTV programmes at peak times. UTV will do all that while shedding some of its most experienced, creative and expert staff. To me, the equation does not add up. How can UTV produce more and better programmes with fewer experienced and expert staff? The simple answer is that it cannot and will not.

The UTV equation delivers savings for the commercial company and, in my view, losses as regards the quality of public service that it provides. In future, UTV's public-service broadcasting standards will not be the same as they have been in the past. UTV will certainly look after itself, but the question arises: who will look after the public? The UTV pun that the "U" in UTV equals "you" will ring a little hollow in those circumstances, unless UTV waits to hear what the people of Northern Ireland think before it wields the axe.

Ofcom's own research shows clearly that the public demand high-quality competition to the BBC. In other words, the higher the quality of public-service output from UTV, the higher the standard that BBC Northern Ireland is likely to reach and the greater the choice available to the public. The danger is that Ofcom's proposals for the reduction of UTV news output from five hours and 20 minutes to four hours a week, and of non-news output from three hours to one and a half hours, will help to hollow out the kernel of public-service broadcasting in UTV and leave the public with only a shell.

UTV's argument that post-conflict Northern Ireland does not need the type and amount of news coverage that it did during the Troubles is not convincing. In fact, with the return of devolution, there is more news of a wider and more varied nature. Previous emphasis on conflict has been replaced by greater emphasis on the bread-and-butter issues, which require as much, if not more, reportage.

A model of funding for public-service broadcasting is needed, perhaps based on the Irish Language Broadcast Fund model, which would give Northern Ireland its fair share of public-service cake and underpin indigenous language broadcasting.

**Mr Deputy Speaker:** I ask the Member to draw his remarks to a close.

**Mr D Bradley:** UTV should wait and consider such a model. Go raibh maith agat.

**Mr McCausland:** Over the past 30 or 40 years and throughout the course of the Troubles, we in Northern Ireland have been well served by the high quality of the current affairs programmes that have been produced by local television companies.

All of us can think of many very good, high-quality, investigative programmes that brought information to light. Those programmes provided high-quality analysis, and we have been well served in that respect. That is

important, because although new sectors are emerging in the media, the power, importance and influence of television in our society cannot be underestimated.

Current affairs will evolve as society changes. The previous Member who spoke mentioned that we are in a post-conflict situation, which means that there will be a difference in the nature of the programmes produced and the subjects investigated. Nevertheless, the ethos, character and quality of current affairs programming are important and should not be diminished.

I am disappointed that UTV has announced cutbacks at such an early stage, because the Ofcom consultation is nearing completion. The consultation period has been too short and should have been extended — and it is concerning that the Ofcom representative Denis Wolinski told the Committee for Culture, Arts and Leisure that the consultation had received few responses. As that consultation is still going, and, therefore, its results have yet to be analysed, it is premature in the extreme for UTV to start making cutbacks. The cutbacks, which would remove some of the most experienced members of staff at UTV, should be postponed until the consultation has been completed.

The DUP and the Committee have held meetings with UTV. At both meetings, I listened to the presentations from UTV very carefully, but I was not convinced by reasons given for the cutbacks. I was also not convinced that the quality and character of current affairs broadcasting by UTV would be preserved. In one meeting, I said that UTV was "dumbing down" its format, which drew criticism from the UTV representative who suggested that such a remark was journalese. However, unless we are very careful, that is what could happen.

Although current affairs broadcasting will change, its ethos, character and quality must be preserved. As politicians, we are very familiar with current affairs — it is one aspect of television production that Northern Ireland is very familiar with. The investigative nature of those productions is important. Although the nature of the investigative work may change due to changes in our society, the need for it still stands. I am concerned that we will lose out, as regards the quality of UTV broadcasting of current affairs, as a result of the changes.

UTV and the BBC are the two main broadcasters in Northern Ireland; both make local productions and provide a local perspective. It is important that there is competition, so that we do not end up in a situation where current affairs productions are dominated by one provider — the BBC — and where we lose the competition and variety of perspective that UTV provides. Therefore, I support the motion.

**Mr Brolly:** Go raibh maith agat, a LeasCheann Comhairle. When discussing a commercial operator such as UTV, we should not be surprised that loyalty to the workers and the community is not present — such

a sentiment is not in the nature of commercial operators. Clearly, we do not have any great commercial pull that would stop UTV from leaving here tomorrow, if it decided to do so.

I read a report on commercial television and public-service broadcasting in Scotland, which contains some interesting facts that we could compare with our situation.

Scottish viewers watch more television than anyone else on any other part of these islands. Scottish people listen to local radio a great deal, but not so much to BBC radio. Almost twice as many of them buy daily newspapers than people from elsewhere.

The £1.5 billion that is generated from advertising depends largely on press and radio advertising, yet television advertising generated only £24 million of regional spend in Scotland in 2007. Television advertising is very expensive for Scotland and for us. In America, 32% of the advertising budget is spent on regional advertising, whereas, in Scotland, only 8.5% of the budget is spent on advertising.

1.30 pm

I thank Barry McElduff for proposing the motion. He said that the major concern is how our society is portrayed. Therefore, we need plenty of good television, and we need it to portray accurately what we are here. He suggested that Irish-language funded programming is a model of how local broadcasting could be independent of organisations such as UTV. We could consider that issue, and it could be coupled with a call for the establishment of a local broadcasting commission, which another Member mentioned.

All Members who contributed to the debate said that if there were a diminution in UTV's service, or, if it were to go completely, the major negative would be that competition would end and the BBC would have the monopoly, which it could possibly use to its advantage. Indeed, it would mean that the BBC would have no other broadcaster at which to look over its shoulder.

In a way, we are lucky that, up here, we have general access to RTÉ programmes. During Ofcom's deliberations about our requirements, I asked whether it used that access as a means of assessing how much we could do without. Ofcom is moving towards the possibility of our having an all-Ireland television broadcaster, with each region— north, south, east and west — getting its fair share.

However, the nub of our objection is UTV's proposal to axe so many jobs held by people who have been loyal to them for many years, through good times and bad. It is amazing that the organisation can be so insensitive as to issue the threat a couple of months before Christmas, but it is a measure of the kind of people with whom we are dealing. In fact, we should not be disappointed or surprised if the broadcaster

eventually walks away altogether. Indeed, Ofcom has stated that such a situation is not entirely impossible. Therefore, Ofcom must be careful when dealing with those people, because they keep an axe hanging over people's heads. It is a very difficult situation, because the broadcaster may simply decide that it can do without having the licence.

All party leaders signed a letter addressed to UTV's management, and, apart from the fact that it will use up a couple of my allotted minutes, Members may be interested in hearing what it says. The letter states:

"As political leaders we recognise the need for a robust and diverse media in Northern Ireland. It can be a vehicle for reflection, communication, investigation and analysis and has provided, in its different forms, a valuable role here over many turbulent years and can provide a similar role in years to come.

Television has contributed greatly in this regard with a strong independent sector competing with the BBC."

The issue of competition continually comes up, and it is vital.

The letter continues:

"Recently we have learned of plans by UTV in Northern Ireland to radically cutback its workforce on the back of Ofcom proposals which may allow the broadcaster to reduce some of its programming. These are minimum proposals which Ofcom has put out for consultation.

However UTV is moving ahead with its cutbacks before the consultation has ended. The process may in fact mean that the cutbacks will have gone through before any meaningful discussions conclude.

We fully understand the economic pressures UTV finds itself under but we think it reasonable that UTV should halt its plans to allow for those discussions to go ahead and also for the completion of the Ofcom consultation and final report."

That sums up what we all think.

David McNarry was churlish in his attitude to Irish-medium output. We should all welcome everything that is local, whatever it is — it promotes this place, with all its cultural and sporting diversity.

Pat Ramsey mentioned competition, as did everyone else who contributed to the debate. Naomi Long highlighted the poor timing of UTV's decision.

I was not going to say this, but Jim Shannon spoke in Ulster Scots at the beginning of his speech, and, from that point, Members on these Benches debated among themselves about whether he continued to speak in Ulster Scots. *[Laughter.]*

Fair play to Jim — I hope that we hear more Ulster Scots spoken, as opposed to speaking about it. Jim acknowledged that the BBC is increasing its local output, and I hope that that is not adversely affected by UTV's downsizing. We can all see the danger of that.

Raymond McCartney referred to the presentation from the trade unions to the Committee for Culture,



Arts and Leisure, and he reiterated our total support for the workers.

As I mentioned earlier, Ken Robinson spoke of the possibility of setting up a local broadcasting commission, which would be an excellent move.

Dominic Bradley condemned UTV's precipitous plan to lose some of its most talented and popular staff. The names of presenters who are synonymous with the programmes that they present have been mentioned. We tend to refer to a programme by the name of its presenter, and switch on the television to see whoever, rather than whatever.

Nelson McCausland spoke of how current-affairs journalists — UTV journalists among them — worked through the worst of times. He implied that UTV saying that — as in the old phrase — the Troubles are past, and God has forgotten.

I conclude by paying tribute to one of UTV's greatest current assets: Eoghan Quigg from Dungiven.

**Mr Deputy Speaker:** I am surprised that the Member has not mentioned Eoghan Quigg before now.

*Question put and agreed to.*

*Resolved:*

That this Assembly expresses concern at Ofcom's proposals for a diminution in the public service obligations of UTV through a reduction in the minimum requirements for regional news and non-news programmes; calls on Ofcom to protect diverse, quality broadcasting through the promotion of local news and programming; calls for the extension of Ofcom's Public Service Broadcasting Review consultation period for a further three months; and further calls on UTV to suspend its restructuring and redundancy programme pending the outcome of this consultation process, and following meaningful consultation and negotiations with the trade unions representing staff at UTV.

## PRIVATE MEMBERS' BUSINESS

### Education Welfare Officers

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

**Mr McCallister:** I beg to move

That this Assembly recognises the vital work undertaken by education welfare officers in supporting children, families and schools; and calls on the Minister of Education to take all necessary steps to resolve the ongoing pay dispute as a matter of urgency.

The dispute between education welfare officers and their employers, the education and library boards, is long running. The Northern Ireland Public Service Alliance (NIPSA), which represents the education welfare officers, has negotiated a settlement with the education and library boards, which is being voted on by its members. I hope that the dispute is about to end, and that this debate will help to focus minds.

The dispute has been ongoing for six years. Although the employers are the education and library boards, why has the Department of Education allowed the dispute to go on for so long without intervening?

Education welfare officers do an important job. Their main preoccupation is with attendance, but they are involved with many other children's issues. Child protection, child behaviour in schools, suspensions, expulsions, child employment and special educational needs also come under their remit. Their task is to resolve issues and remove barriers that prevent children from meeting their educational potential.

On Tuesday 18 November, we debated the issue of school-leavers who are not in education, employment or training (NEET). We discussed how an impact could be made on the one in 10 16- to 19-year-olds who are in that category. Education welfare officers play an important role in ensuring that children get the level of education to potentially lift them out of the NEET category.

Schools have their own pastoral arrangements, and teachers, in addition to their instructional responsibilities, also deal with the welfare needs of their pupils. Teachers are at the day-to-day front line of children's welfare issues, but, when problems reach a magnitude that can no longer be adequately dealt with at school, individual pupils are referred to educational welfare specialists, who work full time to resolve the problems that stand between individual pupils and their ability to benefit from their schooling. Education welfare officers deal with the more difficult and often more deep-seated



problems that call for qualifications and experience in social science rather than education.

Since the Minister of Education has come into office, she has made many pronouncements about caring for every child. In her attack on academic criteria, she has reiterated her belief that it fails working-class children and leads to underachievement across the board. However, as my party has always stated, the Minister is concentrating the majority of her efforts in the wrong place. Ensuring that children are engaged in education and that they receive the correct education from the earliest appropriate age is crucial to their success. Early-years intervention is potentially the most important aspect of achieving success from all children, regardless of their backgrounds.

Education welfare officers play a vital role in keeping children in education and engaged in the education system. They are vital to the success of countless individuals, communities and society as a whole. The potential for industrial action surrounding the dispute is real, and, if it occurs, it will have a seriously detrimental effect on vulnerable children across Northern Ireland. The Minister has the power to resolve the dispute.

Education welfare officers are professionals. They are not known for taking industrial action, so the fact that those in Downpatrick felt so incensed that they mounted a picket at Ardmore House School on 22 September shows that the failure to resolve the dispute is causing damage to the education system. Strike action was to commence on 22 September but was stood down when the boards undertook to table a fresh offer by 27 October. When that offer did not materialise, NIPSA called a one-day strike for 5 November. That strike was postponed until 19 November to allow the boards more time after they undertook to attempt to resolve the issue. The boards have finally come up with an offer and the strike action has been called off again.

Although the offer did not meet all of NIPSA's requirements, the union has recommended it to its members. Education welfare officers and their union have been acting responsibly; the education and library boards and the Department of Education seem to have acted irresponsibly by not coming forward with reasonable proposals. The dispute has lasted for six years. The settlement will be backdated to 2002, and NIPSA's case has finally been accepted. I would like to know what prevented the authorities from pursuing that much more speedily.

*1.45 pm*

On 21 September 2007, in reply to a question from Alex Easton on the subject, the Minister of Education, Caitríona Ruane, stated that this was an employee matter. The Minister reiterated that position the following month in answer to a question from Mitchel McLaughlin.

However, in answering those questions, she also outlined — in some detail — the way in which jobs in the education and the social-services sectors are evaluated, the difference between the two, and the mechanisms for determining pay levels in the two sectors. The Department of Education provides the direction and sets the rules and regulations under which education and library boards operate, and the Minister bears the final responsibility for the boards' conduct.

Let us remember that two years ago, Caitríona Ruane's predecessor suspended members of the South Eastern Education and Library Board. In circumstances in which the education and library boards fail to act collectively, the Minister has the power to call them together to effect a resolution. It is not only Caitríona Ruane who has failed to act; her direct rule predecessors failed to do so. They should have acted a long time ago to co-ordinate a resolution to the long-running dispute. Education welfare officers are important professionals who do valuable work in the education sector, and it is a disgrace that this long-running dispute has taken so long to resolve.

This sorry tale supports the need for the reform of the educational superstructure that has been envisaged — that is, the creation of a single education and library board. However, that idea has so far not been realised under the review of public administration. We tabled the motion because we want the issue to be resolved. Since the motion was tabled, we are pleased that progress has been made towards finding a resolution.

We want education welfare officers to be paid fairly for the important work that they do, and we want to create a situation in which they can do that work without being distracted further by an industrial dispute.

**The Chairperson of the Committee for Education (Mr Storey):** I draw Members' attention to the work that the Committee for Education has done on this matter. It was brought to the Committee's attention when it met education welfare officers on 1 October 2008. A delegation came to Stormont as part of a strike-day protest to seek a resolution to an outstanding pay claim and to express concerns about their employment, retention and remuneration in the education and library boards.

On that occasion, the delegation highlighted that education welfare officers are recruited as qualified social workers and that if their pay claim were accepted, they would still receive £2,860 less than their social-worker counterparts. They also emphasised their concern that factors such as salary may have a bearing on the number of education welfare officers who resign for reasons other than retirement or maternity considerations. The Committee raised the delegation's concerns directly with the Minister when she appeared before the Committee on 1 October. Subsequently, we

wrote to the Department about the timescale for the business case's progress through the Department of Education and the Department of Finance and Personnel.

The Committee received an assurance from the Department of Education that it would use its best endeavours to ensure that the business case was processed by Government within a four-week period from 26 September. I understand that Government largely approved the business case and that a final offer went to NIPSA on 3 November. However, it appears that when NIPSA sought clarification on the offer, things came off the rails.

The Committee had raised previously with the Department and the five education and library boards its broader concerns about the timescale of the implementation of those National Joint Council national pay agreement reviews. That timescale often runs into years. Many Members have had particular experience of that with the education and library boards in their constituencies. The response from the Department was that rather than shortening the present procedures, it providing enhanced training to the staff involved was the best way forward.

That training was provided in September 2008. However, the Committee has doubts that it will produce results, and it will continue to monitor the implementation of the pay agreement reviews. The Committee has, in fact, written back to the Department to raise its concerns about the issue.

I wish now to speak as the DUP spokesperson on education. I welcome the fact that we have had an announcement from the NIPSA trade union, whose bulletin of 19 November 2008 states:

“While it is accepted that this offer falls short of members expectations it is the best that can be achieved at this point in time.”

I understand that NIPSA members are to be balloted on that recommendation. We should await the outcome of that ballot in order to see the result. I concur with the proposer of the motion in his criticism of the Department and the Minister of the way that these matters are handled. It is not acceptable that there is always a division, almost a Red Sea division, between the Department and the education and library boards when we encounter crises of pay and employment. This is not the first time that we have been in this situation: there were similar issues with classroom assistants, and Movilla High School. On every such occasion, the Minister and the Department use whatever means and mechanisms that they have in order to try to blame someone else for not being able to come up with the goods. Therefore, I concur with the Member's criticism of that issue.

Furthermore, more training is not the best way to resolve these issues. Decisive action is required, and in

a timely way that reflects the needs of the particular individuals, organisations or groups in the education and library boards that need to be paid.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. I welcome NIPSA having put an offer to its members, and that it is being balloted on. This is, perhaps, one occasion in which the less said, the better. It is now time for education welfare officers and NIPSA members to make their minds up about the offer, and decide whether they agree with it. I hope that they do.

I welcome, too, the fact that NIPSA suspended its strike action on a number of occasions when the negotiation process was going on. There was a delay by the education boards in forwarding a business case to the Department of Education and to the Department of Finance and Personnel. There was, at times, a lack of clarity around that business case, but NIPSA acted responsibly and held off on its strike action until those matters were clarified. It is important that NIPSA members be allowed to make their own assessment of the deal, and vote on it according to their wishes.

It is interesting to note from the proposer of the motion that part of the motion is simply about criticising the Minister. I do not think that any of the evening news presses will be stopped to announce that Mr Storey is also criticising the Minister. However, it will be even more interesting to see the divergence of views when the next health strike is upon us, when health trust workers are out properly calling for better wages, proper working conditions, and long-term job security. The Members opposite will, no doubt, tell us that the Health Minister is not the employer of those workers, that the trusts are their employers, and that the Health Minister cannot deal with it, because that statement has come from the Benches opposite on several occasions.

**Mr B McCrea:** I understand the point that Mr O'Dowd is making, and it is well made, but will the Member clarify his position in response to the two Members present — does he think that it is acceptable for the Minister or the Department to hide behind red tape, and to distance themselves from the resolution of those disputes?

**Mr O'Dowd:** It is not a case of hiding behind red tape. There is legislation in place as to who employs staff in those various sectors, including in the health system. In my opinion, the Minister acted responsibly in this matter. She ensured that the business case, which was delayed, was delivered, and delivered properly, that it was processed expeditiously, and that an offer was made quickly to the unions.

All Departments face protocol issues, and there will always be chances for political opportunism and for Members to attack one another across the Floor. I assure Members that that will always come back to haunt us.

There are many industrial issues in public services, which, quite correctly, public-service workers want to see resolved. However, let us not build up the expectation among public-service workers that politicians can ride roughshod through the protocols that govern employment legislation. Our role is to ensure that finance is made available to the Departments so that wage claims can be met accurately. Go raibh maith agat.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion, and I commend the Members who tabled it.

Éirím arís le tacaíocht a thabhairt don rún seo, agus gabhaim buíochas leis an Comhairle a thug an rún faoi bhráid an Tionóil inniu. Tugaim ard-mholadh do na hoifigigh agus do na tuismitheoirí agus don dea-obair atá ar bun acu.

I pay tribute to the work of education welfare officers. As a teacher, I have worked with them and know the value of their work. Education welfare officers work not only with young people but with their families, offering appropriate support, advice and backup. Those officers work with pastoral teams in schools and are uniquely placed to provide a conduit between home, school and the external agencies in a way that helps to provide the best possible outcome for the young people under their care.

Education welfare officers are in a position to intervene at an early stage and arrange the appropriate support, whether that be a counsellor, home tutor, a social service intervention or alternative education. They intervene before difficulties in a young person's life become insurmountable. Early intervention is the key to avoiding even greater difficulties at a later stage in a pupil's life. In crude terms, education welfare officers save the system huge resources. Without their dedicated work, many young people might end up in juvenile detention and, indeed, later on, in prison.

The present pay dispute goes back to February 2002, when a pay and grading claim was lodged. After negotiations, a job evaluation exercise was carried out. Unfortunately, the wrong questionnaire was used in that process, necessitating a further exercise that proved to be fruitless. The boards subsequently agreed on a business case to the value of two increments, including spinal column point 32, which effectively meant one increment. Not surprisingly, the education welfare officers rejected that offer and believe that employers have a basic misunderstanding of their role in the education process.

The problems faced by young people in our society have become more complex. The work of education welfare officers has become akin to that of a social worker, requiring a much greater range of professional and personal skills and knowledge, and a higher degree of legal knowledge and responsibility, particularly in relation

to child protection. A social work qualification is now a requirement for the education welfare officer post.

Education welfare officers believe, quite rightly, that the changed situation should be reflected in their remuneration. The education welfare service's workforce planning review, which was commissioned on behalf of the education and library boards, found that the majority of education welfare officers are female, under the age of 40 and generally satisfied with their job. However, 70% of them have considered leaving the service, citing salary levels and better job opportunities elsewhere as the main reasons. That may explain why there is evidence of unmet demand in the service.

A main recommendation of the study was a review of the salary, terms and conditions of education welfare officers, as there is evidence that present salaries compare poorly with competitor posts.

The Education and Training Inspectorate has attested to the professionalism of education welfare officers. It has acknowledged the high standards that they achieve and their professional attitude and commitment to the education and welfare of pupils whom the service supports.

2.00 pm

Education welfare officers are considering the present offer, which goes as far as spinal-column point 35. If they accept it, employers should not view that as the end of the matter; rather, it is an interim solution. If the service is to retain skilled professional people, it must be ensured that they are remunerated in such a way as to make staff feel valued and make them want to stay in the service. A LeasCheann Comhairle, tacaím leis an rún. I support the motion. Go raibh maith agat.

**Mr Lunn:** My party is content to support the motion, in so far as it goes to call on the Minister to take necessary steps to resolve the dispute.

At the outset, it is worthwhile to put on record my party's support, and, I am sure, that of all Members, for education welfare officers. During the past few days, social workers in general have been given a bad press in the UK media. It is grossly unfair to blame those who operate on the ground for administrative incompetence elsewhere. People go into social work and education welfare because they have a vocation. We must be thankful that they do so, because the job can be extremely trying — it is a mobile, multi-skilled environment, which is linked with alternative education provision, building community links, assistance in decision-making for children who have special needs, and even some legal matters.

Undoubtedly, therefore, a detailed outcome from a review of education-welfare provision in Northern Ireland would be welcomed. In her response, the Minister may provide information on that. I am sure



that I speak for all members of the Committee for Education when I say that we are keen to help in any way in which we can. Although there has been some discussion between the Committee Chairperson and the union involved, the matter has not been formally discussed in Committee.

The broad issue is that frequent clashes have taken place between education boards and unions, particularly NIPSA. The same problem occurred during the dispute with classroom assistants. Certain matters do not help the situation, such as the fact that a clear linkage exists between education and social work in general, which includes health. The Minister of Education must liaise with other Departments. Members trust that the progress that, happily, started on the afternoon of Thursday 21 November will continue.

There also appears to be ongoing clashes between education boards and people who work in the education system. Education boards must meet, rather than hand over power to commissioners. I hope that the Belfast Education and Library Board will not fall on its sword in the way in which the South Eastern Education and Library Board did, and then blame everyone else for its inactivity. There is also a major disparity between some union demands and the Government's ability to deliver. The Executive must deal with those matters directly and urgently.

There is also ongoing disconnect between the boards and the Department. I hope that the Assembly will receive details of how the new education and skills authority will resolve that. To that end, my party welcomes the Executive's announcement that the first education and skills authority Bill is to proceed. We also hope that it will receive a speedy passage through the House, although I will be mildly surprised if it does.

My party seeks an urgent resolution to those issues so that the service can be maintained at the highest possible standard. It is always a matter of concern when people feel that they are poorly treated and when recruitment to the service is becoming difficult. I am not in the best position to judge the level of poor treatment or recruitment difficulties; however, the fact that industrial action has been taken shows that, obviously, feelings run high. The issue is not so much about pay as it is about job security. Again, that echoes the classroom assistants' dispute.

As a consequence of that, three actions are necessary. First, the Minister must explain in detail what she is prepared to do, what funds are available and what her long-term plans for the service are. Secondly, the boards must explain their position. Finally, it must be recognised that not all the unions' demands are necessarily reasonable. In fact, some are too vague to judge. The issue is not one of good cop, bad cop but of seeking consensus. From the Assembly's

point of view, the Executive and education boards must function in order to bring about a resolution.

There is a new economic reality with regard to the amount of money that is available, and it would have been helpful if the Executive's Budget had left more room for manoeuvre. There is also an issue of general public-sector reform, but children are the most important consideration. The earlier the intervention, the more effective the process of ensuring that children — as far as possible — can go on to lead normal and productive adult lives.

Investment in children's welfare now — and, therefore, investment in the education welfare service — will pay dividends later. We support the motion as it stands, and we look forward to detailed comments from the Minister about what action she will take to ensure that the necessary resources are in place to bring about a full and fair resolution for all sides involved in the dispute. It is an industrial dispute between NIPSA and the education boards and involves about 150 people.

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

**Mr Lunn:** I support the motion.

**Mr G Robinson:** I have received letters and emails from constituents regarding the education welfare officers' pay dispute. I find it impossible not to sympathise with them, and I support their case for having the prolonged pay dispute settled at the earliest possible moment. It is encouraging to hear today that a settlement of that long-running dispute may be imminent.

It also gives me pleasure — as the motion asks — to recognise the vital work that is undertaken by education welfare officers. The job that they do to ensure that children attend school, that parents are aware of their responsibilities, and that young people receive the best education available should not go unrecognised or unrewarded.

In September, in a response to my colleague Mr David Simpson's question for written answer, the Minister stated:

"The qualifications held by an individual are not considered, but rather the knowledge and skills required by the post that are necessary for its satisfactory performance. No direct comparison of the pay scales of EWOs is made with other comparable grades in other Departments".

How does the Minister know that those grades are comparable unless she has compared them? Even the Minister must admit that grades have to be compared to be comparable. Furthermore, why are the qualifications of an individual not examined? Surely, individuals' qualifications are the basis on which interview panels select candidates for final interview. I would appreciate the Minister's clarification on those most basic of procedures, and, more importantly, her



clarification of the situation in respect of the education welfare officers' pay claim.

It is unfortunate that education welfare officers have been subjected to such a prolonged pay dispute. Those people are trying to provide a positive education experience to children who, otherwise, may not be granted a positive experience of the best education system in the world. Education welfare officers should be given a fair deal that will provide them with encouragement and a sense of appreciation in carrying out their difficult and essential job. The dispute can only be resolved by paying education welfare officers a professional wage for a professional job. A resolution to the long-running dispute must be found urgently. I support the motion.

**Mr K Robinson:** I place on record my personal recognition of the valuable work that education welfare officers have carried out, particularly over the past 30 troublesome years when they have been placed in some extremely dangerous situations. I congratulate the Minister on having a full box of officials present in the Chamber today. I trust that that is a portent of the importance of the need for a speedy resolution to the matter.

We are engaged in a war for the hearts and minds of young people that we cannot afford to lose. We are waging that war against enormous odds, with the forces of what passes as popular culture ranged against us. Engaging young people with the education process is one battle in that war, and education welfare officers are the foot soldiers who need our support in that battle. The investigation of children's absence from school and the promotion of good attendance is a major and recognisable aspect of the role of education welfare officers. The education welfare service undertakes several other important duties that relate to child protection, child employment, special educational needs, suspensions, expulsions and general child behaviour in schools.

The education welfare officers work closely with schools and families to resolve attendance issues and difficulties between home and school. It is important that the officers maintain an appropriate balance in helping to resolve difficulties between schools and families. Mediation, therefore, is probably a more accurate description of their role than advocacy. I again put on record my amazement at the interpersonal skills that education welfare officers bring to some situations. Their mandatory role is in the background, but, when faced with a family's difficulty in getting a child out of the home and into education, they can forge a great interpersonal relationship to help them to get over what can be a difficult hurdle.

Schools can refer to the education welfare system any pupil whose poor attendance causes major

concern. The education welfare officer contacts the parent or carer and offers support to try to improve the situation. If there is no improvement, the officer must organise meetings between parents, social workers and, perhaps, others. Ultimately, if the child's attendance does not improve, a court order may be applied for. I can tell you that sitting in a court and watching that process is far from pleasant.

Does the work of Northern Ireland's 150 education welfare officers receive the kind of official support that we might expect? What is officialdom doing to bolster or to maintain the morale of those front-line workers? It appears that the employers have a case to answer over their treatment of the education welfare officers. Apparently, the pay situation has become so bad that, on 1 October, the 'Down Democrat' described the education welfare officers as being at the end of their tether.

**Mr Beggs:** Does the Member agree that the Minister appears not to value the work of education welfare officers? I refer Members to a question for written answer that I tabled, AQW 2151/09. In response, the Minister stated that the attendance data for 2006-07 and 2007-08 are "currently being collected", but that the initial outputs will not be available until "the end of February 2009." Does the Member agree that it is scandalous that it takes such a long time to provide that information? Is he aware that clear evidence exists of a relationship between poor attendance at school and education outcomes? As a former headmaster, is he surprised to hear that? Is he aware that in some wards the attendance rate of between 10% and 15% of children is less than 85%?

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

**Mr K Robinson:** Those words are music to my ears.

I thank my colleague for his detailed interjection. He highlighted the relationship between education attainment and attendance, stressed that all sectors of education must work together, and pointed out that we are dealing with social welfare problems, unemployment and other matters of which Members are aware.

To return to the 'Down Democrat' — and to what better official organ could I return — as far back as 22 September, the education welfare officers working in the South Eastern Education and Library Board walked out and mounted a picket outside Ardmore House in Downpatrick. That action was called after 100% of education welfare officers voted in favour — it appears that they are indeed at the end of their tether.

If we are, as George Robinson suggested, on the fringe of a settlement, I welcome that. The education welfare officers must have reached the point at which they felt that they had to fight not only for the right to be paid a proper rate for the job, but to protect the

children in the area covered by the South Eastern Education and Library Board. The officers stated that the pay of education-based social workers has fallen well behind the level of their colleagues in social services. Education welfare officers employed by the five education and library boards were due to start industrial action, organised by NIPSA, on 22 September. That initial action was averted when the five boards said that they would table a fresh offer by 27 October. That offer was not made.

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

**Mr K Robinson:** I will; that was a very quick minute.

On 5 November, NIPSA called for a one-day strike. Yet again, the strike has been averted, and I appeal to the Minister: will she please interject some realism into the situation and resolve it as quickly as possible?

2.15 pm

**Mrs M Bradley:** I support the motion. Welfare officers undertake work that is necessary in schools and with families. They help teachers to deal with behavioural problems and bullying, and assist children with special needs. Indeed, they are almost social workers.

The Minister must address those workers' problems urgently. I hope that she will tell the House how she intends to deal speedily with that matter in order to ensure that welfare officers are not forced to take steps that give them no pleasure. Schools cannot afford to lose that support. The problem was not created by welfare officers and must be resolved sooner rather than later. I urge the Minister to act quickly to ensure that welfare officers do not take action and that children, teachers and staff in schools do not lose that much-needed service.

**The Minister of Education (Ms Ruane):** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to put on record my appreciation of the work of the education welfare service, particularly the work undertaken by education welfare officers. We all know the importance of regular school attendance. A child or young person must be present in order to take full advantage of the service that schools offer, and we must support people whose job it is to promote regular school attendance. That will improve educational outcomes and ensure that every child and young person experiences success in education and achieves his or her full potential.

Is é an tseirbhís leasa oideachais agus na hoifigigh leasa oideachais a bhíonn freagrach as freastal rialta ar scoil a chinntiú agus a chothú.

The education welfare service and education welfare officers are tasked with promoting regular attendance at school, and schools turn to those people

when a young person's attendance pattern gives cause for concern. The education welfare officer works with the school, the young person and the family to discover why regular attendance is a problem and to develop and implement a plan to produce a sustained improvement. As Members have said, staff must be highly skilled in working with young people individually and in their family-group situation. Non-attendance can be a presenting symptom of a more deep-seated difficulty. The education welfare officer must work with the young person to establish a relationship of trust and confidence in order to address the problem together.

Tá oifigigh leasa oideachais ann chun tacaíocht a thabhairt do na daoine óga is leochailí, dóibh siúd a ndéantar máistíneacht orthu, dóibh siúd atá i dtrioblóid leis an dlí, dóibh siúd a bhfuil fadhbanna acu le mí-úsáid substaintí nó alcóil, dóibh siúd a bhfuil freagrachtaí cúraim nó tuistithe orthu, dóibh siúd ar íospartaigh mí-úsáide iad, dóibh siúd atá gan dídean nó atá sa chóras cúraim, agus do na daoine sin atá míshásta amach is amach lena bhfuil le tairiscint ag an chóras scolaíochta.

Education welfare officers support vulnerable young people who have been victims of bullying, have been in trouble with the law, have problems with substance or alcohol abuse, have caring or parenting responsibilities, have been victims of abuse, are homeless, are in the care system or are simply disenchanted with school.

Education welfare officers offer an effective and appropriate way forward for those young people and work closely with other agencies and statutory, voluntary and community organisations to lever down additional support in order to help the young person to re-engage with education. Multi-agency working is essential to support effectively vulnerable children and young people and is an integral part of officers' daily routines.

Although the service focuses primarily on pupils with attendance difficulties, it has, in recent years, begun to focus on preventative work. Education welfare officers work with school staff to review attendance information, and to identify ways of spotting problems early. They work with schools to develop policies on attendance and to ensure that all parents appreciate the value and importance of regular attendance. They also assist schools in developing strategies to sustain the positive message about attendance. All of that is vital if the drive to improve standards is to be sustained. Education welfare officers are valued for the contribution that they make to that objective. I have recently attended many prize-giving ceremonies, and was delighted to see the importance and high priority that schools attach to awarding high attendance.

We are all in agreement about the valuable role played by education welfare officers, and questions were asked about what steps are being taken to settle the pay and grading dispute. In accordance with the current pay-remit approval process agreed by the Executive, a pay and grading business case aimed at addressing the current dispute was presented by the boards to the Department on 29 August 2008. The Department must be satisfied that the business case is robust, consistent and evidence-based before approval can be given for the boards to proceed with a formal offer to the trade union side. The initial business case was not sufficiently robust, and a revised business case was received from the boards on 10 October 2008. Additional information was requested on 28 October, and the boards' response was received on 30 October. The revised business case was given urgent consideration, and Government approval was granted on 3 November 2008. Members can see from that timescale that I made a priority of ensuring that the issue was resolved.

The boards tabled their formal settlement offer on 3 November, which, they consider, will achieve the objectives of the business case, namely: reduce the turnover rate in the education welfare officer grade; retain younger staff as they become experienced; increase the pool of internal candidates for management positions; reduce the number of recruitment exercises; improve the success rate at filling vacancies; attract experienced candidates from the other services; and improve staff morale as the education welfare service operates with full complement.

I understand that NIPSA recommended on 19 November that its members accept the offer, and that the union is organising meetings in order that its members can vote on the offer. I am pleased that the union has recommended acceptance, and hope that that will enable final agreement to be reached and salary arrears to be paid as soon as possible.

Trevor Lunn adverted to the importance of the creation of the education and skills authority; I, too, welcome the decision taken by the Executive on Thursday. I look forward to the matter coming before the House tomorrow, when I will make a statement in relation to it. I think that we will all see improvements in a wide range of areas, and I welcome the Member's comment about the education and skills authority. Go raibh maith agat, a LeasCheann Comhairle.

**Mr Deputy Speaker:** Order. As Question Time commences at 2.30 pm, I suggest that the House takes its ease until that time. The debate will continue after Question Time, when Mr Basil McCrea will conclude and wind up the debate on the motion.

**Mr B McCrea:** On a point of order, Mr Deputy Speaker. I would be happy to conclude in the seven minutes remaining, if that is the mind of the Assembly.

**Mr Deputy Speaker:** I would be extremely happy if you could do that in the time available.

**Mr B McCrea:** I will do that, subject, of course, to an absence of unnecessary interruptions.

A couple of points were made during the debate. The most pressing issue, I imagine, is to recognise the value of education welfare officers — a point that was made by many Members. It is somewhat disappointing that the dispute has gone on for so long.

I take the point made by Mr O'Dowd that there are legislative reasons for the distance between the Department and the education and library boards, but I share the frustration of Mr Storey and Mr McCallister — we must find a better way to resolve such issues faster. It is simply not the right way forward for the Department or whoever to do a Pontius Pilate on this matter. If the system is not right, we, as Members of a legislative Assembly, should fix it.

I was struck by a comment that Mr O'Dowd made. I am really disappointed that he is not here, so I will direct my point to Ms Ramsey instead. There was an issue about which he said "the less said the better". I intend to quote that to him several times in the not-to-distant future. I see that Mr O'Dowd has just returned to the Chamber, which is really handy. During his contribution, he managed to attack a Minister who was not here and to defend a Minister who had not been attacked. He singularly failed to praise education welfare officers, which is what the motion is about. However, that is probably because he was trying to save time.

It fell to Mr Dominic Bradley, who once again delivered a professional speech, to outline the basic case. The problem is that education welfare officers need to have a social-work qualification, yet they find themselves being paid less than those who are in that field. That seems unfair, and it is no wonder that 70% of them are considering looking elsewhere.

Mr Lunn took us into some interesting territory. He took a bit of a sideswipe at NIPSA and then highlighted the difficulties that exist between the education and library boards and the Departments. He said that he hoped that the education and skills authority will resolve those issues. If that is a way in which to streamline our decision-making process, so be it. However, I am very reluctant to endorse the education and skills authority as I do not yet know what the proposition for it contains. The Education Committee raised fundamental concerns about that body; indeed, its size and organisation seem to be wholly inappropriate. I remain to be convinced, and I do not think that the House should push legislation through just to get things finished by Christmas.

Mr George Robinson quite rightly recognised the contribution that education welfare officers make. He



did so very well, and I thank him for that. My colleague Ken Robinson highlighted the really important matter of interpersonal skills, which is the real issue that should come to the fore.

*(Mr Speaker in the Chair)*

Perhaps the most telling part of the debate came in an intervention by my colleague from East Antrim. The Education Minister is keen to highlight statistics, particularly the number of GCSEs or qualifications that are achieved by people from poor backgrounds. In the Northland ward in Carrickfergus, in which only 25% of people achieve GCSE grades A to C, the truancy rate is 15%. In the Gortalee area, in which the truancy rate is 10%, only 17% of people achieve five GCSEs. However, in other wards that have truancy rates of 1·8% or 3·6%, between 70% and 80% of children achieve five or more GCSEs. We should not be selective when we quote criteria or statistics. The education welfare officers know that the most important part of their task is to get the children to school on time and to ensure that they have aspirations that are sufficient to allow them to take advantage of the system. That is the key issue that must be addressed.

Education welfare officers deserve our full and unconditional support. We urge the people who are involved in the matter to get it resolved quickly. If there are problems with our decision-making process, I look to colleagues in the Executive to remove those hindrances as soon as possible.

*Question put and agreed to.*

*Resolved:*

That this Assembly recognises the vital work undertaken by education welfare officers in supporting children, families and schools; and calls on the Minister of Education to take all necessary steps to resolve the ongoing pay dispute as a matter of urgency.

**Mr Speaker:** The House will take its ease for a few moments before Question Time.

2.30 pm

## Oral Answers to Questions

### EDUCATION

#### Education and Skills Authority (ESA)

1. **Mr O'Dowd** asked the Minister of Education how the establishment of an education and skills authority will improve outcomes for learners, particularly among young Protestant males. (AQO 1274/09)

**The Minister of Education (Ms Ruane):** Go raibh maith agat, a Cheann Comhairle. Is gnéithe ríthábhachtacha de straitéis fhoriomlán mo Roinne iad comhionannas, ardú ar chaighdeáin, agus soláthar oideachais ard-cháilíochta. Trí chur chuige comhsheasmhach trédhearcach is féidir linn a chinntiú nach bhfágtar páiste ar bith i leataobh, agus go mbíonn comhdheis ag gach uile dhuine óg éirí leo sa saol, beag beann ar chúlra sóisialta, ar chine ná ar inscne.

Equality, the raising of standards, and the provision of a high-quality education system are core elements of the overall strategy of my Department. Through a consistent and transparent approach, we can make sure that no child is left behind and that every young person — regardless of social background, race or gender — has an equal opportunity to succeed.

Too often, young people who are most let down are those who are already contending with barriers to education. Such groups of children include those from poorer backgrounds, Travellers, young people with special educational needs or disabilities, and those from minority ethnic groups — particularly those whose first language is not English or Irish. Although many pupils in our schools achieve great things, there are still far too many children who do not receive the help and support that they need to reach their full potential.

In respect of the performance of pupils who left primary school last year, one child in five moved into post-primary education without having achieved the expected levels of literacy and numeracy, namely Key Stage 2, level 4. At GCSE level last year, 47% — almost half of young people, or some 12,000 pupils — did not achieve at least a grade C pass in English and maths. That is despite the fact that good passes in GCSE English and maths are often what unlock access to further and higher education and well-paid jobs.

That level of underachievement presents real challenges for boys. In 2006-07, 44% — some 2,313 — of Protestant boys — left school with less than five



GCSE grades A\* to C, while the figure for Catholic boys was 41%, or 2,564 pupils. When disadvantage is taken into account, in 2006-07, 79% — or 519 Protestant boys — left school with less than five GCSEs grade A\* to C, while the figure for Catholic boys was 64%, or 895 pupils. Underachievement is also a real concern in respect of girls, some of whom will go on to face other barriers throughout their school and adult lives, including teenage pregnancy, sexual violence or gender inequality.

We must raise the aspirations of young people because, at present, there is a poverty of aspiration in many of our working-class communities, which is causing real problems. Educational underachievement among our young people can also lead to many other problems, including poor health and well-being, a lack of self-esteem and, in some cases, dealings with the criminal justice system.

Under the education and skills authority, there will be a significantly increased focus on the professional development of teachers and an enhancement of leadership skills among principals and boards of governors. Together with the Department's key policies on transfer, literacy and numeracy, special-education needs and teacher education, those factors will provide the overall improvement in educational standards that we all desire.

All of us — politicians, parents, communities, schools, education and library boards, and the Department — must work together and focus on educational outcomes. Together, we can ensure that no child is left behind and that every young person, regardless of social background, race or gender, has an equal opportunity to succeed.

**Mr O'Dowd:** Go raibh maith agat. The figures that have been outlined by the Minister will clearly be of concern to the entire House. There is a responsibility on all of us to ensure that those figures are improved. Will the Minister tell the House how the school-improvement policy will be used to tackle underachievement?

**The Minister of Education:** School improvement is one of the keys to tackling underachievement. The policy makes it clear that all schools are capable of improvement and sets out how the Department plans to deliver improvement at every level of our education system.

The first steps will involve identifying the causes of low performance in schools and providing a range of support to help an individual school improve.

For example, in one board area particular schools are doing very well at English but less well at maths. In such instances, we would put in an intervention to support whole-school teaching in relation to mathematics, or vice versa if the problem was with English language.

The policy sets out interventions that can be taken when evidence suggests that performance could be better, or that, despite support, improvement is not evident within an acceptable period. As I said, there is a shocking level of underachievement in our system that is unacceptable to all Members in the House. Our first priority must always be to promote the needs of all our children, not to protect or cosset institutions.

We must have a zero-tolerance approach to underachievement, and we need to have measures in place that will enable us to tackle underachievement. We are looking at all the consultation documents within our 'Every School a Good School' policy, some of which are very good. We are studying carefully a lot of the approaches suggested, and we welcome everyone's support in relation to that.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin.

In light of the present economic climate, what assurances will the Minister give the House that the savings that ESA is predicted to deliver will be realised and will be passed on to front-line services, where they are badly needed?

**The Minister of Education:** I thank the Member for his question, which raises an important point. Gabhaim buíochas leis an Chomhalta as an cheist sin, nó is ceist thábhachtach í.

One reason why we are establishing the ESA is to streamline administration and ensure that we get money into the front line. My Department has £50 million on an invest-to-save basis. When introducing such a major policy that involves reforming a system it is important to have resources to invest in order to benefit from savings at a later date. However, we need to be clear about the key message, which is that money needs to go into the front line. Improving standards for all our young people and getting money into the front line are the key drivers behind the establishment of the education and skills authority.

**Mr B McCrea:** I am always most impressed by the Minister's ability to read minds — she can turn unerringly to a particular page in her notes to answer a supplementary question. Perhaps she will do the same thing for my question.

Will the Minister state whether ESA was part of informed ministerial debate at the recent Executive meeting? Further, will she state whether her ministerial colleagues had sufficient time to read the relevant documents, and is she confident that she got agreement at the last meeting of the Executive so that she can make a statement tomorrow?

**The Minister of Education:** We had a very useful discussion on the establishment of the education skills

authority during the last Executive meeting. I welcome the support of Members in the House, some of whom will be giving me more feedback today. I will be making a statement in the House tomorrow. As I said, there was a very good discussion during the last Executive meeting. It is very important that there is no delay in bringing the relevant legislation through the House. This is a very important — *[Interruption.]*

**Mr Speaker:** Order.

**The Minister of Education:** This is a very important area of reform, and I hope and expect that no party tries to delay—

**Mr Kennedy:** Delay?

**Mr B McCrea:** You have delayed for five months.

**Mr Speaker:** Order. If Members ask supplementary questions, or multiple supplementary questions, they must allow the Minister to answer.

**The Minister of Education:** I will be making a full statement in the House tomorrow. It is important that the Department of Education and the Department for Employment and Learning (DEL) work together to establish the education and skills authority because it has an impact on both Departments. Go raibh maith agat.

**Mr Speaker:** Question 2 has been withdrawn.

### Play Facilities: Children with Autism

3. **Ms J McCann** asked the Minister of Education what discussions her Department has had with other Departments to address the lack of adequate play facilities for children with autism in West Belfast.

(AQO 1279/09)

**The Minister of Education:** Ar dtús, b'fhéidir gur chóir dom a mhíniú gurb iad boird oideachais agus leabharlainne Bhéal Feirste agus an oirdheiscirt atá freagrach, sa chéad dul síos, as forbairt a dhéanamh ar áiseanna do pháistí a bhfuil uathachas orthu i mBéal Feirste thiar.

I must clarify that, in the first instance, responsibility for the development of facilities for children with autism in West Belfast lies with the Belfast Education and Library Board and the South Eastern Education and Library Board.

I therefore liaised with the boards' chief executives, who informed me that children from West Belfast who have autism will continue to avail themselves of the excellent facilities that are available at several modern and forward-looking special schools, at which a high proportion of the pupils in attendance are on the autistic spectrum.

Two of those schools — Harberton Special School and Cedar Lodge Special School — are newly built,

state-of-the-art facilities. Although they are a few years older, Oakwood Special School and Glenveagh Special School are modern and well equipped and have high pupil-to-staff ratios. Staff in those and in other special schools, such as St Gerard's Education Resource Centre, and in special units such as Holy Trinity Primary School, which is for children with moderate learning difficulties, are highly trained and experienced in meeting the needs of children with special educational needs, including autism. Representation was made to me about the condition of St Gerard's Education Resource Centre, and I asked my officials to liaise with the Council for Catholic Maintained Schools and St Gerard's about that situation. I do not think that conditions in that centre are acceptable.

Oakwood Special School provides a highly regarded autistic spectrum disorder outreach service, offering advice, support and training to all schools in West Belfast, where educational psychologists and specialist autistic spectrum disorder (ASD) teachers continue to develop effective, collaborative working practices with their colleagues from the health and social care trusts. An excellent example of that is the provision of diagnostic and assessment services in the recently opened Carlisle Health and Care Centre, which is the new main health centre for north and west Belfast. That centre provides post-diagnosis, multi-disciplinary, multi-agency advice and training for parents, teachers and assistants on how to promote in schools and in the community the academic and social well-being of children with ASD.

In addition, many of the board's ASD support service staff have begun recently to avail themselves of the specialist training opportunities that Middletown Centre for Autism has been equipped to provide. In common with children throughout the island of Ireland, children from West Belfast will be able to avail themselves of facilities at the Middletown Centre for Autism, particularly its education assessment service, which will open in spring 2010 and which will consist of: multi-disciplinary assessment; the provision of comprehensive guidance about children's individual education plans; and a multi-disciplinary learning support service that will take children who are referred for residential placement and who pose significant challenges to their existing provision or setting.

On a North/South basis and as part of the cross-border, parent, community and school partnership programme under Peace II, the Department has developed recently an excellent resource entitled, 'Through the School Gate'. That includes, for children with autism, the strategy 'Coping with the Change from Home to School'. That resource will be available shortly on the Department's website for all parents and professionals.

On a more general note, the Department of Education continues to work closely with the Department of Health, Social Services and Public Safety to develop the autistic spectrum disorder strategic action plan, which the Department of Health, Social Services and Public Safety (DHSSPS) issued recently for consultation.

**Ms J McCann:** Go raibh maith agat. I thank the Minister for her answer. Does she agree that it is important that children with autism and, indeed, all children with special educational needs, have the resources that are necessary to meet their needs? Furthermore, what is the total amount of money that is being spent on special-needs education throughout the North of Ireland?

**The Minister of Education:** I agree with Jennifer McCann about the importance of resources. Go raibh maith agat.

In 2006-07, approximately £171 million was expended in the North of Ireland on the provision of education services for children with special educational needs. That includes approximately £141 million that the education and library boards expended on special schools and a sum to meet the additional costs of statemented children in mainstream schools and units. That figure also includes £24 million for children who do not have a statement of special education need. Further amounts of £2 million and £3.8 million respectively were provided to schools in the voluntary-grammar and grant-maintained sectors to meet the costs of pupils with statements. To date, an additional £82 million has been provided for the implementation of the code of practice on the identification and assessment of special educational need.

Furthermore, £53 million was made available in the 2005-06 to 2007-08 period — through the 2004 spending review and the 2006-08 Budget and priorities— to support children with special needs.

2.45 pm

**Mr Attwood:** Returning to the matter of West Belfast, I say to the Minister that children with autism and other special needs require a wide range of support. Much good work is being done to provide that support in West Belfast by St Gerard's Educational Resource Centre, Oakwood School and Assessment Centre and other places. However, in taking things forward, will the Minister examine why constituents of mine and of other representatives in West Belfast must take their children to Newry in order to receive dedicated support for educational and wider emotional needs, to the point that it is hitting them hard in their pockets? Will she consider enhancing the facilities at St Gerard's, Oakwood and elsewhere in West Belfast, so that children in that constituency do not have to

travel 40 or 50 miles to Newry in order to get the support that they should get in Belfast?

**The Minister of Education:** I agree that it is very important that the children of West Belfast and from right across the North of Ireland get the support that they need. In a very extensive answer to the main question, I outlined the range of support that exists throughout the North, in West Belfast, in Belfast and throughout the island of Ireland.

For me, one of the most exciting projects to come forward is the Middletown Centre for Autism, and parents understand the importance of that project. All the different policies in relation to autism have interconnected roles to play, but the Middletown centre plays a different role; it specialises in research and identification. At times, people will have to travel to it from places such as Cork and Belfast.

I agree with the Member. I presume that he was asking about children travelling daily. The needs of those children must be met as close to home as possible, within their local communities. However, special-needs provision is a specialised area, and I am sure that Members will understand that.

**Mr Buchanan:** I will move the discussion from West Belfast to West Tyrone, where there are huge gaps in the education system for children with autism. Will the Minister outline what her Department is doing to address the gap in educational provision for children with autism in West Tyrone? What financial provision has she made to the Western Education and Library Board to enable it to address that need?

**The Minister of Education:** I welcome the Member's question. It is very important that we have equality of provision right across the Six Counties. It is unacceptable that provision is lacking in any area. The Member will know that, a couple of months ago, I opened new autism-specific classrooms in mainstream schools in three different areas in the Western Board — in Derry, Fermanagh and Tyrone.

We must ensure that there is equality of provision, and the establishment of the education and skills authority will be important for that, because we cannot have a rural/urban divide. That said, an enormous amount of money has been spent in all the different board areas in relation to children who suffer from autistic spectrum disorders. I will provide the Member with detailed information on the exact amounts of money and the Department's plans.

**Mr Speaker:** Questions 4 and 5 have been withdrawn.

### Pupils with Autism

6. **Mrs Hanna** asked the Minister of Education to detail the ways in which her Department presently



co-operates with the Department of Health, Social Services and Public Safety in relation to school pupils who are autistic. (AQO 1301/09)

**The Minister of Education:** Bhí teagmháil ag an Roinn Oideachais leis an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí maidir le forbairt an phlean gníomhaíochta straitéisigh um neamhord speictrim uathaigh a d'eisigh an Roinn Sláinte le haghaidh comhairliúcháin ar na malluibh.

The Department of Education has been liaising with the Department of Health, Social Services and Public Safety on the development of the autism spectrum disorder strategic action plan, which was recently issued for consultation by DHSSPS.

That ongoing liaison has included providing a detailed response to the independent review of autism services report — particularly in relation to the Middletown Centre for Autism, about which I have personally met Lord Maginnis — and the participation of Department of Education officials in a consultation event on the draft ASD action plan and ongoing discussions regarding the recommendations of the Bamford Review.

A senior-level liaison group between the two Departments has been operational over the past year also. It provides an important forum for senior policy advisers to share developments on areas in which both Departments have an interest and to address the needs of children and young people with special needs, including autism.

In addition, the Department of Education is a member of the DHSSPS-led ministerial subgroup taking forward key priorities in relation to provision for vulnerable young people, including the provision of care for children with autism.

The Middletown Centre for Autism is an important strategic development in the education of children with ASD, and the DHSSPS is a member of the interdepartmental steering group.

As a result of the ongoing departmental co-operation in relation to autism, there are numerous examples of co-operation between the education and health sectors at education and library board and health and social care trust level. There are regular meetings between board psychologists and trust staff to discuss ASD issues and review provision for individual pupils. For example, if a child has been referred for statutory assessment of his or her special educational needs, the board and the trust will contribute to the multi-disciplinary assessment.

The inter-board autistic spectrum disorder group, which was established in 2002 to advise the regional strategy group on special education needs and the Department of Education on issues relating to ASD,

liaises regularly with representatives from the trusts. At those meetings, discussions are held on a range of topics relating to autism: the diagnostic assessment of children and young people; parent training; support for community services; joint training arrangements; and joint strategic planning.

**Mrs Hanna:** I thank the Minister for her detailed response. Will she provide details of some of the specific actions she will take in co-operation with DHSSPS, including action on the early-years provision?

**The Minister of Education:** The Member will be aware of the report of the task group on autism. Furthermore, we have provided funding for autism-related training in the pre-school sector — for teachers, classroom assistants, qualified early-years specialists and relevant education and library board staff. We have provided the education and library boards with resources to enable staff to undertake accredited training in applied behavioural analysis.

We have also been involved in the formation of the inter-board autism spectrum disorder group that I mentioned earlier. It advises the regional strategy group on special education needs and the Department of Education on issues relating to ASD, and it promotes commonality and consistency of approach in relation to the identification, assessment and delivery of services for children with autism across the five education and library boards. The group is also helping to develop cross-border training for board staff and schools in a range of autism strategies.

The inter-board autism spectrum disorder group has developed an ASD strategy. We have also produced classroom resources to support positive interventions for children with ASD, and we are doing that on a North/South basis. There is, therefore, good sharing of practice and resources. The Department of Education, in partnership with the Department of Education and Science in Dublin, also advanced the arrangements that were necessary to enable the Middletown Centre for Autism to begin offering services in December 2007. That marked an important development in the delivery of educational assessment for children with significant levels of autism.

**Mr I McCrea:** The Minister will be aware that the autism sector wants legislation. However, it has been suggested that for ASD the key obstacles to progress are the lack of regional cross-departmental strategies and funding as each Department prefers to produce its own action plan or strategy. Will the Minister assure the House that she will not put obstacles in place in her Department? Furthermore, will she liaise with other Departments and urge them to do likewise?

**The Minister of Education:** I will make sure that the Department of Education liaises with other Departments. In my answers to previous questions, I



described the way in which Departments are working together — and I am sure that Members do not want me to repeat them. It is essential that the Department of Health, Social Services and Public Safety and the Department of Education work together. The Middletown Centre for Autism is an important project, and it is interesting that it is funded jointly by the Department of Health and Children and the Department of Education and Science in the South of Ireland. In the North, to date, it has been funded by the Department of Education. It is important that the Department of Health, Social Services and Public Safety and the Department of Education participate in this important project, because it will have major benefits.

I agree absolutely with the Member: both Departments must work together on autism.

**Mr McCallister:** Does the Minister accept the importance of early intervention, stability and routine for those children with autistic spectrum disorder? Does she also agree that, for many parents of autistic children with wider family commitments, making travel arrangements can be difficult? Will she explain why she did not site the centre of excellence in Belfast, where transportation, access to major hospitals and accommodation would have been a considerable advantage?

**The Minister of Education:** I am surprised at the Member's question, given that he comes from south Down. I come from a rural part of Ireland — County Mayo — and I have never subscribed to the idea that everything has to be situated in the capital cities. I am surprised at the question and a little disappointed. The Bain Report highlights the importance of the provision of a range of services being spread across the North of Ireland.

The centre of excellence at Middletown, which is a North/South project, is in a very good location for the North of Ireland. People travelling from Derry, Antrim or Belfast have a certain distance to travel, and people travelling from Cork have a certain distance to travel. The Southern Government are putting money into it, both from the Department of Health and Children and the Department of Education and Science.

I hope that the Member is not saying that children from Derry, who would have further to travel if the centre were located in Belfast, would not be able to travel to Middletown. We must shift from the mindset that everything has to be located in Belfast or Dublin. I welcome the fact that we have the centre of excellence. The important issue now is for all Departments to work with us on the project.

**Mr Speaker:** Question 7 has been withdrawn.

## Post-Primary Transfer

8. **Mr Brady** asked the Minister of Education what meetings she has had with post-primary school principals about her proposals for post-primary transfer published on 15 May 2008. (AQO 1290/09)

**The Minister of Education:** Bhuaíl mé le príomhoidí na n-iarbhunscoileanna ar bhonn rialta chun plé a dhéanamh ar mo thograí faoin nós imeachta aistrithe i rith fhorbairt na dtograí seo agus ó foilsíodh mionchuntas orthu ar 15 Bealtaine 2008.

I have met post-primary school principals frequently to discuss my proposals for the transfer procedure, during the development of the proposals and since their detailed publication on 15 May 2008. I have received considerable support for the proposals during those discussions, and, even where disagreement has been evident, there has been a recognition of the need for change.

I have met a wide range of post-primary principals and associations: the Association of Head Teachers, the Catholic Heads Association and the principals of controlled grammar schools. I have also had meetings with individual schools and with representatives of the Association for Quality Education. Most recently, in the past two months, and in recognition of the key role that principals play as school leaders, I have hosted seven dinners with post-primary principals in Belfast, Enniskillen, Newcastle, Newry, Limavady, Ballymena and Derry on the subject of post-primary reform, including my proposals for post-primary transfer. I will meet principals in the Cookstown area this week. Those dinners have been very useful, and we have had two-, three- and four-hour discussions, where everyone was able to put forward their viewpoint. The vast majority of principals right across the North of Ireland support the change.

I remain willing to consider any constructive suggestions that might improve my proposals, and I will continue to seek consensus in order to achieve a legislative framework to underpin them. However, if agreement on a way forward is not forthcoming soon, I must — and will — bring to an end the current uncertainty over the post-primary transfer by issuing guidance to assist schools with the development of admissions criteria for transfer in 2010.

3.00 pm

## EMPLOYMENT AND LEARNING

### Undersubscribed Further Education Colleges

1. **Mr Ross** asked the Minister for Employment and Learning how many further education courses were

undersubscribed in the 2008-09 academic year.  
(AQO 1220/09)

**The Minister for Employment and Learning (Sir Reg Empey):** As can be seen from their prospectuses, colleges run a large number and variety of courses. In addition, there is an element of continuous year-round enrolment on certain further education college courses. It is, therefore, not yet possible to provide details of courses that might be undersubscribed in 2008-09; that picture will emerge only at the end of the academic year.

**Mr Ross:** The Minister is aware that courses that are undersubscribed are generally cancelled, and that, therefore, those who have made the grades to get on those courses miss out. Likewise, a number of people, including a young man in my constituency, failed to get on to a course by only a tiny number of points and thus missed out. Would it not be sensible for further education colleges to fill undersubscribed courses with students who failed to get on the course by a tight margin? That would be an alternative to cancelling the course altogether, which leads to all the young people who applied missing out.

**The Minister for Employment and Learning:** I understand the Member's point. When colleges decide whether courses are viable, numbers are an issue. On some occasions, when a significant number of pupils has applied, two classes can be run, provided, for health and safety reasons, that the classes are not too large. Clearly, there will always be some tensions at the margins.

If the Member wishes, I am happy to take his specific case up with the Association of Northern Ireland Colleges to find out whether it has any corporate policy in place. It may be that where two colleges both have a shortage of pupils for a particular course, combining the two classes would be a viable alternative. Perhaps such a class could be taught in one of the 760 outreach centres, if access is an issue.

I am happy to consider that matter, because, obviously, we do not want to prevent our young people from attending courses. If the Member cares to bring the specifics of the case that he mentioned to my attention, I will happily take the matter up not only with the college in question, but with the Association of Northern Ireland Colleges to ensure that there is a Province-wide response.

**Mrs McGill:** Go raibh maith agat, a Cheann Comhairle. I apologise as I did not hear the Minister's response in full. Will the review take on board the Committee inquiry into teacher training? Go raibh maith agat.

**The Minister for Employment and Learning:** I am not sure that we are on the same page. I was answering a question on how many further education courses were undersubscribed in 2008-09. I said to the Member that

I am very happy to take the issue up with the colleges and their Northern Ireland-wide body to ensure that there is a consistent position across the Province.

**Mr B McCrea:** Will the Minister confirm that his Department still provides substantial public funding to the colleges to fund both recreational and hobby-type courses?

**The Minister for Employment and Learning:** Yes, we do. In recent years, the emphasis in the further education sector has been on, perhaps, more economically directed achievements — indeed, that is one of the principal tools of economic development. Nevertheless, thousands of people still take up recreational courses, towards which a minimum of 5% of college spaces and funding is directed. Such courses will play a continuing and important role, particularly as colleges consider their wider community responsibilities.

## Teacher Training Review

**2. Mr McCallister** asked the Minister for Employment and Learning to provide a timescale for the completion of the Teacher Training Review.  
(AQO 1251/09)

**The Minister for Employment and Learning:** I received the draft policy framework paper for consideration on Friday. The timescale for completion of the review from now on will be determined by a number of factors, including consideration by the relevant departmental Committees, other Ministers and the Executive, and the public consultation period.

**Mr McCallister:** I thank the Minister for his answer. Does he agree that the subject of continuous professional development is crucial to the successful review of teacher training?

**The Minister for Employment and Learning:** The Minister of Education and I have been discussing and corresponding on that issue for some months. It is crucial that we improve the quality of continuous professional development for teachers. That is an issue that I have given much attention to, particularly in the past year.

In answer to a question that Mr Ford asked me some time ago, I said that the Government performance in the review had not been their finest hour. It has taken a long time to get to the present position, and I received the draft policy framework paper for consideration only on Friday. I am examining it closely, and continuous professional development is one issue that I will be looking at to see whether it has been properly addressed. I assure the Member that my Department and the Department of Education will bring the draft

paper to the House, the respective Committees and the community as soon as possible.

Continuous professional development must be at the core of the review, because it will improve quality. We already have a good standard, but we invest less of our resources in continuous professional development for our teachers than the rest of the United Kingdom.

**Mr Easton:** How does the Minister intend to address the religious imbalance between the numbers of Protestant and Catholic students being trained for teaching positions in Northern Ireland? Students from Catholic backgrounds comprise 53% of teaching students and those from Protestant backgrounds comprise 47%. Will the Minister reassure the House that he will correct that imbalance?

**The Minister for Employment and Learning:** The decisions that students take about the professions that they follow is primarily a matter for them. The balance in the community background of teaching students will vary, and the current figures are not sufficiently unbalanced to cause huge concern. Nevertheless, we are sensitive to any pressure that we receive from the teacher-training colleges that run into difficulty.

As I am sure the Member is aware, our problem is that there is a substantial pool of teachers — from all backgrounds — without full-time permanent positions. That is the area of concern that exercises me. I will examine the Member's concerns. However, the big problem that we face is the large number of teachers without full-time positions.

**Mr Ford:** I suppose that I should express gratitude to the Minister for answering a question that I asked some weeks ago because John McCallister asked a similar question.

The Minister just mentioned the problem of the large number of teachers without full-time permanent jobs. How much money is being spent on training excessive numbers of teachers and, in particular, on maintaining a disproportionately high number of teacher-training institutions in Northern Ireland, rather than moving to a more integrated and shared model?

**The Minister for Employment and Learning:** The Minister of Education takes the decision on the number of teachers that are trained each year. The Department for Employment and Learning funds the two teacher-training colleges and determines the number of non-teaching places in them. Queen's University, the University of Ulster and the Open University make up the third, fourth and fifth providers of teacher training.

We have been examining that situation with the Department of Education. I want to achieve a situation in which continuous professional development could be accommodated in our teacher-training colleges, which are centres of excellence.

If one considers satisfaction ratings, output and student responses, it is evident that the colleges are producing very high-quality teachers. I do not think that anyone would challenge that.

Last week, the Assembly debated its concern about the number of people who are not in education, employment or training. We know that our schoolchildren are underperforming at all levels, and that is one of the few areas where we need to make more effort to catch up with our competitors, given that large parts of our population do not have the essential reading and writing skills. Therefore, I understand the Member's point, and I flagged up the issue earlier in the year when we examined student numbers. However, I will await the decision that the Minister of Education will make in January on her assessment of the numbers.

We introduced a new, more realistic funding model. The total number of students enrolling in the colleges has gone down over the past number of years; nevertheless, it is our intention to ensure that the quality remains high, because those students will teach our children eventually. Therefore, there are fewer investments that we can make that can have a better payback.

### **Queen's University/ Stranmillis University College: Merger**

3. **Mr A Maginness** asked the Minister for Employment and Learning if Queen's University, Belfast and Stranmillis University College have agreed that their target date to merge in August 2009 is not feasible.  
(AQO 1303/09)

**The Minister for Employment and Learning:** I am aware that Queen's University and Stranmillis University College have a target date of August 2009 to complete their proposed merger. I made it clear to senior management at Queen's University and at Stranmillis University College that key steps must be taken prior to any merger being approved. Those steps include the Assembly's endorsement of legislation. The timetable for any proposed merger will be determined by the completion of all those steps rather than by any desired deadline.

**Mr A Maginness:** I thank the Minister for his response. Does the Department for Employment and Learning have an open mind about the merger, or is its mind fixed and committed to it rather than to permitting the college to be independent? I ask the Minister to please state his feelings about the position. Departmental officials indicated to the Committee for Employment and Learning that there was a bias towards a merger rather than towards keeping an open mind on the matter.



**The Minister for Employment and Learning:** I assure the Member that, as far as I am concerned, we are reacting to a decision that the board of Stranmillis University College made. I have no fixed view on the matter. The Department received the business case in the past couple of weeks, and its economists have studied it to establish whether it meets green book standards. It must then be assessed by the Department of Finance and Personnel as part of the checking process, after which it will come to my Department for its view.

I have made it clear to Stranmillis University College and to Queen's University — and I have said previously in the House — that it would be very difficult for any recommended merger to occur by August 2009, especially as I have already given the commitment to the House that I will not seek accelerated passage for the legislation. Therefore, if any proposal is to emerge, it must happen through the proper processes. We must take our time over it — it cannot be rushed. However, I have no predisposition towards a merger or otherwise.

**Mr Butler:** Go raibh maith agat, a Cheann Comhairle. Have the Minister or his departmental officials had any meetings or discussions with Stranmillis University College since it submitted its business case? If not, are there any plans to have discussions in the future?

**The Minister for Employment and Learning:** I have had no discussions with Stranmillis University College. The matter is at an early stage, and the report is being checked to ascertain whether it complies with green book standards. However, that has nothing to do with the wider issues. The report is being checked simply to establish that it contains all the information that is required in order for the Department to make its assessment.

That may involve communication between the Department and the consultants who wrote the report, but I have had no engagement with the college at this stage and it is likely to be some time before that will take place.

3.15 pm

**Ms Lo:** The Minister is aware that the Committee for Employment and Learning is taking evidence on the proposed merger, and there is, clearly, a lack of adequate consultation with staff and students. Would the Minister agree that a proper process should now take place so that staff and students are adequately consulted?

**The Minister for Employment and Learning:** I am aware of the Committee's concerns on that matter. I read a letter that was copied to me by the chairman of the board of the college — which, I am sure, the Member has seen — in which he outlines a number of

steps that have been taken, and others that will be taken, to improve the consultation process. It is essential that the process is improved, because we are talking about people's livelihoods, futures and jobs. When people read and hear these things, it must sometimes seem to them that such processes are above their heads. Therefore, I support any move to maximise consultation between the college and all levels of staff, whether academic or ancillary.

## Student Loans

4. **Mr P J Bradley** asked the Minister for Employment and Learning for his assessment whether 3rd level students have greater difficulty in accessing student loans due to the current economic situation or the personal financial profile of the student.

(AQO 1308/09)

**The Minister for Employment and Learning:** Northern Ireland's third-level students should have no greater difficulty in accessing student loans or maintenance grants as a result of the current economic situation. Rather, a change in a student's personal financial profile, resulting in a reduction in household income, may result in an increase in the amount of support available.

**Mr P J Bradley:** I thank the Minister for his answer, but the information that I have, and which I will pass to him, indicates that some students are having difficulty in obtaining student loans. Given the possibility that students, like others, are suffering from the current downward turn in the economy, is this not the year in which to put university fees on hold rather than increasing them?

**The Minister for Employment and Learning:** My Department does not control university fees. It controls the loans and maintenance grants available each year to assist students.

At present, if household income changes by more than 15%, an in-year review of the individual's case can be triggered. However, that trigger-point will change to 5% in the next academic year. Reviews may be triggered when someone in the household loses a job, and sadly, in the past 48 hours we have had two examples of job losses: at Calcast in Londonderry, and at B/E Aerospace in Kilkeel, where 95 jobs have been lost. I am happy to discuss those matters with Members for those respective constituencies and to pursue them as best I can.

However, with respect to particular cases, there is sufficient flexibility to take job losses into account. If the Member refers me to specific cases, I will take them up with him and pursue them. Shortly, we will announce the formal launch of the student fee and



student finance review. All those matters can be taken into account at that stage.

The inflationary increase in university fees will also apply to maintenance grants. That happens each year, so there is nothing unique about what is proposed for this year as opposed to other years.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. I am glad that the Minister has answered that question, and I appreciate that he has mentioned the review of student finance. At what stage is that review; how close is the Department to signing off the review's terms of reference; and how close is the Minister to announcing the identity of the chairperson of the review?

**The Minister for Employment and Learning:** I could be in a position to do that in a matter of days. I am waiting on some correspondence, but the Department is at a very advanced stage. We have identified the stakeholders that we believe should be involved, and we have received correspondence from a range of stakeholders, including the National Union of Students, the Union of Students in Ireland, education and library boards, and others. Scoping is at a very advanced stage. I am meeting Ms Ramsey next week to discuss that matter, and I would like to think that I will be able to inform her further then. However, the Department is very close to launching the consultation.

**Mr Elliott:** I am concerned about the method that is used for assessing financial support for students. I understand that, in England, there have been difficulties with meeting the expenditure levels. What differences are there between the method that is used here and the English model, and how are we coping better — if, indeed, we are coping better?

**The Minister for Employment and Learning:** There are differences. The Department for Innovation, Universities and Skills last year announced changes whereby it would put its students in a more favourable position than our students in that people with an income threshold of £60,000 a year would be entitled to a partial grant. In the past few weeks, the Department for Innovation, Universities and Skills had to backtrack on that, and it is reviewing the decision that it took in the summer of 2007 because it suddenly realised, I believe, that it was beyond the Department's ability to finance it.

My Department has concentrated on maintaining a differential of £500 between what we offer as a maintenance grant in Northern Ireland and those that are offered in the rest of the United Kingdom. Therefore, our maintenance grant is £500 higher, and we have kept to that because one of the best ways to continue our relative success in attracting students from disadvantaged backgrounds is to increase the maintenance grant. We have done better, but the

review will decide whether we can do better still. The Department with responsibility for that in England has suddenly discovered that it has not been possible to do what it thought it could do, and it has had to backtrack.

## Steps to Work: Tender Bid

5. **Mrs D Kelly** asked the Minister for Employment and Learning to detail the reasons why a tender bid for Steps 2 Work resulted in a preferred contract status being offered to TWL despite it having only one member of staff and no accommodation facilities five weeks before the contracts went live. (AQO 1311/09)

**The Minister for Employment and Learning:** At the time of tendering, TWL submitted an implementation plan, which addressed the issues of staffing and premises. That was assessed by the evaluation panel as fully meeting the requirements of the Steps to Work provision. Steps to Work aims to promote work as the best form of welfare for people of working age by providing an individually tailored, work-focused service to help all clients to overcome their barriers to work.

**Mrs D Kelly:** I thank the Minister for his answer. Although he said that the tender process complies with procurement requirement, it flies in the face of what is reasonable and sensible to award contracts to a company with one member of staff in Northern Ireland five weeks before the contracts go live and which openly stated that, even if it got contracts, it would subcontract most of them and merely fill in the gaps. Does the Minister not, therefore, agree that awarding contracts that are worth millions of pounds in those circumstances does not create the confidence that Steps to Work will be effectively delivered?

**The Minister for Employment and Learning:** I assure the Member that rigorous processes are in place to ensure the quality delivery of the services that are provided. The Member must understand that we are dealing with a European-wide procurement policy, to which the Executive signed up in 2002. My Department relies on the Central Procurement Directorate, a centre of procurement excellence of the Department of Finance and Personnel, to oversee and guide it through the legislative processes. Anyone in the European Union is entitled to apply for those contracts, including those from a different part of a member state or from outside that member state. Under European law, we cannot deviate from that openness. I have to be very careful because there is still the potential for legal proceedings.

Having taken advice from the Departmental Solicitor's Office, I am very restricted in what I can say. I do not wish, in any sense, to deprive the Member of an answer, but we must bear in mind that people are

examining what is being said as part of their consideration of whether there was undue influence. Therefore, we must be careful about what we say. However, I can say that there will be rigorous follow-up. If there is any evidence that a contractor has failed to provide a high-quality service under the terms of the contract, that contractor can be removed. The contract makes provision for that. If that were proven to be the case, I would have no hesitation in doing so.

### Steps to Work: Extension

6. **Mr Attwood** asked the Minister for Employment and Learning if TWL or other Steps 2 Work contractors have been given an extension after the formal award of Steps 2 Work contracts on 17 September 2008; and if deadline requirements to provide his Department with details of customer information, number of referrals and caseload details have been varied to give contractors longer periods of time to comply. (AQO 1297/09)

**The Minister for Employment and Learning:** No extensions were granted after the contract-award letters were issued on 17 September. TWL and the other lead contractors were operational by 29 September, the date on which Steps to Work commenced. There was no requirement for Steps to Work contractors to supply client details to the Department. It is important that we deal with the present situation. We all know that there has been a downturn in the economy. It is time to start focusing on what we can do to assist the people who have been affected by that downturn to move into other work.

**Mr Attwood:** I thank the Minister for his answer. There is a vast ocean of difference between the “undue influence” that he has referred to and legitimate inquiry into how contracts are awarded. Members across the House, including senior members of the Minister’s party, have concerns about how the Steps to Work contracts are awarded. Given the evidence that exists, does the Minister not think that it is time an inquiry was launched into the Steps to Work procurement to determine whether everything was proper and whether the outcomes best serve the delivery of Steps to Work across the North?

**The Minister for Employment and Learning:** First, I think that we all share the same objective, which is to ensure that the end product — the service provided to those who need it — is of the highest possible quality. That is our common ground. I am aware of Members’ concerns, and I do not dispute those. However, in a wider context, the question is about whether everything was done properly. Of course, I understand that. However, I return to my point about the possibility of legal action. At this stage, I am not even clear about that, because the Central Procurement Directorate, in the Department of Finance

and Personnel, actually conducted the procurement. Leaving that aside, and given that the potential for legal action is still unresolved, the Department would be in severe difficulties if it were to launch an inquiry.

I understand exactly what Mr Attwood and other Members are saying. However, I must listen to the clear legal advice that I have been given, which is to be extremely careful about what we say and do at this stage. I ask the Member to continue to be patient. We are in a process. Until the potential for legal action is disposed of, I am very restricted in what I can say on the matter. That is not an attempt to obfuscate or to delay an answer. That is the advice that I have been given. What else I am supposed to do?

**Mr Cree:** We are in danger of being bogged down in the intricacies of public procurement. Surely the point of a training scheme is to reduce the number of people who are unemployed. Given that aim, will the Minister outline some of the merits of the Steps to Work programme?

**The Minister for Employment and Learning:** Undoubtedly, the objective of the Steps to Work programme is to reduce the number of unemployed people. What Steps to Work offers, and what previous schemes have lacked, is flexibility. The programme offers a menu-based approach to helping people. Hundreds of people have already being referred through the new contracts.

Sadly, it appears that the numbers with which we will have to deal will be increasing, not decreasing. The key is flexibility. We will evaluate the scheme at a very early stage. This is a continuous process; we will not leave the scheme for years, then come back and say that it did not work out.

There is continuous evaluation of the scheme. The Department is aware of my concerns and of the interests of a variety of Members about the Steps to Work programme. I assure the Member that the Department will be concentrating on output to make sure that the service provides what the client needs.

3.30 pm

## ENTERPRISE, TRADE AND INVESTMENT

### Plans to Attract Tourists

1. **Mr McCarthy** asked the Minister of Enterprise, Trade and Investment what plans she has to attract tourists from Europe in light of the global economic downturn. (AQO 1331/09)

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** Attracting tourists from Europe is the responsibility of Tourism Ireland and the Northern Ireland Tourist Board. The Tourist Board markets Northern Ireland locally and in the Republic of Ireland, and Tourism Ireland has responsibility for overseas marketing. I believe that a combination of the clear strategic direction that has been adopted by both organisations, and a continuation of the tactical flexibility that has been displayed in 2008 will best position Northern Ireland to meet the likely challenges of 2009.

There has been a greater focus on exploiting various media opportunities in Europe, and there has also been increased activity with the trade and with carriers in the market. Current campaigns focus strongly on increasing the number of short-break holidays during the shoulder season. The campaigns include advertising, direct marketing, familiarisation trips, sales blitzes in key cities and press evenings.

The Tourist Board ran a spring campaign in the Republic of Ireland in order to increase awareness of Northern Ireland as a tourist destination. It also ran a gateway campaign from June to September. An autumn campaign is currently running, and there are also plans for a Christmas campaign.

Year-to-date figures from January to June 2008 show an encouraging 19% increase in visitors from the Republic of Ireland, and an increase of 28% in Republic of Ireland holiday and leisure visitors. That increase was no doubt helped by recent exchange-rate fluctuations. Based on the Tourist Board's occupancy surveys for the hotel, guest house and bed and breakfast sectors, Republic of Ireland visitors to serviced accommodation in Northern Ireland have increased by 26% from January to August 2008, reaching 133,000.

**Mr McCarthy:** I thank the Minister for her very detailed response. Does the Minister agree with me that we in Northern Ireland are failing to make the most of our industrial heritage, and that our tourism product would be greatly enhanced by better promotion of the Irish linen industry around Lisburn, Newtownards and Dungannon? Our European visitors may also be interested in our rich maritime heritage, including the Titanic project.

**The Minister of Enterprise, Trade and Investment:** I hope that the Member accepts that our rich maritime heritage is covered by one of our five signature projects: the Titanic signature project. Those projects are the way in which the Tourist Board is taking our tourism product forward in the next couple of years, and into the future. It is not just a matter of the location of signature projects; it is also a matter of providing signposts. It is my hope that, in the Titanic

Quarter, we will be able to point to the Linen Quarter in Lisburn, and provide signposts to other industries. We are not just looking at the Titanic project and maritime history; we are also pointing to other industries in Northern Ireland. That is currently being developed.

There is a lot to be pleased about in those figures, especially the figures from the Republic of Ireland. Those have no doubt been enhanced by the exchange rate, and we should make the most of that while it lasts.

**Mr Hamilton:** I am sure that Mr McCarthy would agree with me that those signposts in the Titanic Quarter should point to Comber as well.

**Mr McCarthy:** And to Newtownards.

**Mr Hamilton:** Yes. The Minister has outlined the importance of tourism to the local economy — indeed, it was the main plank of our Programme for Government and Budget, and has been well invested in. One of the key themes in attracting people to Northern Ireland was business tourism. Obviously, the business sector is taking a bit of a hit at present, but will the Minister outline some of the work that is ongoing to try to maintain that focus on business tourism in Northern Ireland?

**The Minister of Enterprise, Trade and Investment:** Business tourism is one of the planks on which we are driving forward. We believe that we have a good product to sell in that sector. In October, we hosted the Northern Ireland Business Tourism Expo in Belfast. There were 11 buyers from the French and German markets who met Northern Ireland trade representatives and went on familiarisation visits throughout Northern Ireland.

I was delighted to be involved with the announcement last week that the world conference on early-years education will be coming to Belfast next year.

That is a tremendous coup, considering that Northern Ireland was up against South Africa and Hawaii to host the event. Perhaps early-years workers from Northern Ireland would rather go to Hawaii than stay here, but we are absolutely delighted to have that event in Belfast. Eight hundred delegates and their spouses will come to Belfast and stay for up to a week; there is a great deal of spin-off from that event for wider tourism potential.

**Mr P Maskey:** Go raibh maith agat, a Cheann Comhairle. On Friday, I was at a tourism conference in west Belfast, which Tourism Ireland and the Tourist Board attended. Is the Department of Enterprise, Trade and Investment (DETI) doing enough to promote cultural tourism? How can cultural tourism be joined up with tourist attractions in the North of Ireland?

Simon mentioned business tourism, and we see vast number of shoppers with Southern-registered vehicles.



Are there any promotions around that with regard to cultural tourism? Go raibh maith agat.

**The Minister of Enterprise, Trade and**

**Investment:** We should be aiming at getting those shoppers who come to border towns such as Newry and Enniskillen to stay overnight. Cultural tourism is an important part of what the Northern Ireland Tourist Board, and indeed Tourism Ireland, is doing. People are looking for something new and different when they come to Northern Ireland, and it is good that we can give them that variety.

A couple of weeks ago, I went to the World Travel Market in London, and I was very pleased to visit some of the Northern Ireland people who were promoting Northern Ireland as a good place to visit. Northern Ireland was up against places with a huge budget for selling their tourism wares, such as Dubai and Abu Dhabi, but I was pleased to see that people were visiting the Northern Ireland stands and looking at what is available. I hope that cultural tourism will provide that little bit of interest that will make people come here.

**Assistance for Small and Medium-Sized Enterprises (SMEs)**

2. **Mr Cree** asked the Minister of Enterprise, Trade and Investment what strategies her Department has in place to assist SMEs in the context of a UK-wide recession. (AQO 1255/09)

5. **Mr McCallister** asked the Minister of Enterprise, Trade and Investment what actions she is taking to enable businesses to survive the current economic difficulties. (AQO 1247/09)

**The Minister of Enterprise, Trade and**

**Investment:** With your permission, Mr Speaker, I will answer questions 2 and 5 together.

In response to the increasingly difficult global economic conditions, Invest Northern Ireland has developed a programme of actions and initiatives designed to enable its clients to tackle the impact of a sustained economic downturn. In particular, it has focused on cash-flow management, cost reduction, and improving production efficiency.

In the past two months, Invest Northern Ireland has held six seminars, offering local companies practical advice on coping with the credit crunch. More than 250 businesses have attended those seminars, and the feedback has been extremely positive. At the first seminar in Belfast, I launched Invest Northern Ireland's £5 million accelerated support fund, which can make fast-track advice and assistance available to client companies that are suffering the adverse effects of the downturn.

I therefore assure Members that against the difficult economic backdrop Invest Northern Ireland is working with the companies and entrepreneurs whose business strategies and investment decisions are essential to progressing towards the targets in the Executive's Programme for Government.

**Mr Cree:** I thank the Minister for her detailed response. Has she had any discussions with the Finance Minister on the possibility of pressing the Prime Minister for a review of corporation tax, now that Mr Brown appears to recognise that the changed economic climate demands urgent action?

**The Minister of Enterprise, Trade and**

**Investment:** As the Member will know, that has been on the agenda for some time. Although it was essentially ruled out by Varney II, it will come before us again when the Executive make their official response to Varney II. Make no mistake about it: if we can get anything more from the Chancellor, I am sure that the Minister of Finance and Personnel, the First Minister and the deputy First Minister will continue to push for it.

**Mr McCallister:** I thank the Minister for her reply. Will she and the Minister of Finance and Personnel take action to ensure that banks make credit facilities easier to obtain for SMEs?

**The Minister of Enterprise, Trade and**

**Investment:** How banks are dealing with their customers was discussed at the Executive meeting last Thursday. I know that that is a matter of grave concern for many Members.

The Member will be aware that the Chancellor made an announcement on 30 October 2008 regarding money from the European Investment Bank. Although at present, only three banks administer that money throughout the United Kingdom — Barclays, Alliance and Leicester and Close Brothers — DETI and the Department of Finance and Personnel are in discussion with Her Majesty's Treasury in order to determine how that money can be disseminated throughout Northern Ireland by its banks.

It is important to say that we are also in discussion with the banks on the small firms loans guarantee scheme, which has existed for some time. Unfortunately, the scheme's take-up has not been as good as we would have liked. Certainly, it is hoped that banks will become more involved in the scheme in future.

**Mr Durkan:** Obviously, questions that have been asked refer to current economic difficulties and the wider recession. Certainly, that picture has been compounded by the news of job losses at Calcast and in Kilkeel.

Further to the Minister's point about banks, will she ensure that — as well as encouraging them to be



positive and responsive towards firms' liquidity needs — Invest Northern Ireland is not over-exacting when it seeks loan repayments from firms? Some firms that face pressure for loan repayments from Invest NI have reported that they already experience difficulties with banks and with changed trading conditions.

It is a bit much for Government to lecture banks and other agencies to be responsive and on what action to take — the Whitehall Government say that they have told Revenue and Customs to be flexible and responsive towards firms — when some firms report that Invest NI has been unsympathetic towards their particular difficulties. Will the Minister examine that issue?

**The Minister of Enterprise, Trade and Investment:** I certainly will examine that issue. If the Member has any specific details, I hope that he will share them with me. As he says, rightly, there is absolutely no point in Government lecturing banks about being flexible, when an arm of Government or a non-departmental public body is being inflexible. If there are any specific instances that he would like me to examine, I will certainly do so.

I join with the Member in expressing disappointment about the loss of Calcast jobs. I am sure that he will accept that that is entirely a consequence of what has happened to the American car industry. That does not, however, make dealing with the matter any easier, especially at the present time of the year.

**Mr McElduff:** I thank the Minister for her responses. Will she detail the role of local enterprise companies to help the development of small and medium-sized enterprises? I am mindful that a strong one exists in Omagh — the Omagh Enterprise Company — at the Gortrush Industrial Estate. How are such small and medium-sized enterprises typically supported by financial assistance from the Department?

**The Minister of Enterprise, Trade and Investment:** I had the opportunity to visit the Omagh Enterprise Centre. The Member is correct; it is a strong centre that makes progress, in particular, through innovation and incubation centres for small businesses. I commend greatly the work that it does.

Part of the Department's work to help businesses has been to consider what it can do to help those that are not Invest NI clients, of which there are quite a few. It has examined whether the enterprise-agency network, for example, can help some of those businesses. As the Member is aware, a network of around 42 local enterprise agencies exists throughout Northern Ireland that offers a broad range of training and development. The network provides access to low-cost facilities to businesses if they fall into difficulties with rent, and so on. Therefore, I hope that

enterprise agencies will be able to help Government to help businesses that are not Invest NI clients.

### Domestic Energy Price Increases

3. **Dr McDonnell** asked the Minister of Enterprise, Trade and Investment, given the recent increases in domestic energy prices, what assessment she has made of possible future reductions in energy costs.

(AQO 1325/09)

12. **Mr Ross** To ask the Minister of Enterprise, Trade and Investment what scope there is for the reduction of electricity prices in light of falling oil prices.

(AQO 1225/09)

**The Minister of Enterprise, Trade and Investment:** With your permission, Mr Speaker, I will respond to questions 3 and 12 together.

My Department is in continual contact with the Utility Regulator with regard to energy prices for both domestic and business customers. The downward trend in wholesale oil, coal and gas prices during the past several weeks has presented the Utility Regulator with an opportunity to review Phoenix Supply Ltd's retail gas prices and NIE Energy's retail electricity prices.

Both Phoenix Supply Ltd and NIE Energy purchase a significant proportion of their energy requirements in advance in order to help ensure price stability; however, I am hopeful that it will be possible to secure price reductions in January 2009.

3.45 pm

**Dr McDonnell:** I thank the Minister for her answer. The price of oil has recently fallen from a high of \$147 a barrel to \$50 a barrel. In real terms — even allowing for an adverse movement in the value of the pound against the dollar — oil costs less than half of what it did a few weeks ago.

Does the Minister agree with the commonly held view that the recent dramatic rises in electricity prices — which were attributed to rising fuel costs — should now be reversed? What action does the Minister propose to take in conjunction with the regulator to ensure that those cuts are implemented quickly? The Minister mentioned January 2009 as a possible date for a price reduction. Urgent action is required because fuel poverty and the dread of electricity bills are among the biggest problems that are faced by people here.

**The Minister of Enterprise, Trade and Investment:** I wholeheartedly welcome this morning's announcement that the regulator will reassess electricity prices. As the Member knows, and as I said in my first answer, a lot of advance purchasing is required to provide energy in Northern Ireland. The Member is right that oil prices have come down very quickly, but they can go up very quickly as well. All

things being equal, I am hopeful that there will be a price reduction in January 2009 — that is the timescale to which the regulator is working. By next week, I hope to have received Douglas McIlDoon's report on NIE's most recent 33% price hike. I will share that with the House as soon as possible thereafter.

**Mr Ross:** We should take heart from this morning's good news that the Utility Regulator will review electricity prices here. What steps can be or have been taken to minimise the possibility of future price hikes?

**The Minister of Enterprise, Trade and Investment:** As the Member knows, the Department — unfortunately or fortunately, depending on how one looks at it — does not have a direct role in determining energy prices. Those prices are worked out between energy companies and the regulator. The Department will remain in continuous contact with the regulator and energy companies to try to drive those prices down. However, we are subject to world economic circumstances — from which, it must be remembered, we are not isolated.

In the long term, we need to use more renewables, have a greater security of supply, and be less reliant on fossil fuels. Indeed, the President of the European Parliament made similar points about climate change and security of supply this morning. I intend to proceed with greater use of renewables. We have launched a strategic energy framework for a scoping exercise. I hope that Members will be involved in that scoping exercise, because the strategic energy framework will be a crucial document in the future.

**Mr Elliott:** I thank the Minister for her answers. What are the Minister's proposals for cost-effective alternative energy methods to be used in Northern Ireland?

**The Minister of Enterprise, Trade and Investment:** Those proposals will be assessed in the context of the strategic energy framework, which — as I have said — has been launched for a scoping exercise. I hope that Members will be involved in that scoping exercise. The energy framework will consider the entire scale of energy sources — wind turbines, onshore wind, offshore wind, and so on. We are also assessing the use of biofuels, which cuts into the Department of Agriculture and Rural Development's (DARD) responsibilities. I will chair an interdepartmental working group on energy matters, which will ensure that a joined-up approach is taken to any issue that affects more than one Department, and that we move forward in a strategic way.

## Manufacturing Sales: West Tyrone

4. **Mr Buchanan** asked the Minister of Enterprise, Trade and Investment what action she is taking to help

manufacturing sales in the West Tyrone constituency, given the current economic climate. (AQO 1239/09)

**The Minister of Enterprise, Trade and Investment:** A major objective of Invest Northern Ireland's corporate plan is to increase its client companies' sales outside Northern Ireland. To that end, the agency offers its clients a range of support to help improve their productivity and international competitiveness.

The Passport to Export scheme, for example, assists trade programmes and services by providing export and sales skills, market visits and research, and in-market support. All those elements help businesses to access the global market and exploit sales opportunities.

During the past three years, 90 people from West Tyrone have participated in such programmes. Several West Tyrone companies have travelled on recent trade delegations to Saudi Arabia and India, and one company from the area is participating in a mission to China. At the beginning of November 2008, 14 companies participated in a quality and tendering seminar in Omagh, the aim of which was to help them to take advantage of tendering opportunities presented by the 2012 Olympics.

Several companies from West Tyrone use Invest NI's Tenders Electronic Daily, which provides details of Europe-wide contracts of interest to them. That excellent service enables client companies to maximise and exploit the significant tendering opportunities available from public procurement contracts.

**Mr Buchanan:** I thank the Minister for her comprehensive answer. Given the economic climate and the slowdown in sales, what are the prospects for manufacturing?

**The Minister of Enterprise, Trade and Investment:** Given the state of the economy, the Member is right to sound a note of caution. In the last quarter for which figures are available, manufacturing rose by 1% throughout Northern Ireland. However, I am not singing about that because it may not be the case in future. There is a perception that manufacturing is always in recession, but that is not the case; some excellent companies are working hard on innovation, and on research and development.

On Friday, I visited a firm in Fivemiletown that had secured a £6-million contract because it had spent money, time and energy on research and development and innovation. In doing so, the company secured the jobs of its workforce in Fivemiletown for some time to come, and I was delighted to be part of that.

In seeking to make progress in future, innovation and research and development are key elements in any sector, particularly in manufacturing. My Department and Invest NI will help in any way that we can through innovation vouchers, grants for research and

development and trade missions to emerging markets in Saudi Arabia. As I said, a trade mission is in China, and I understand that a company from West Tyrone is among those attending.

**Mr Gardiner:** What plans are being prepared to assist the regeneration of manufacturing, which, in a difficult market, is suffering from high energy costs and the effects of the credit crunch?

**The Minister of Enterprise, Trade and**

**Investment:** I hope that I partially answered the Member's question by saying that although there may be a perception that manufacturing is in recession most of the time, in the last quarter there was 1% growth in manufacturing. I accept that many large companies, and I can think of some off the top of my head, are suffering greatly due to huge electricity bills. The Department is, therefore, considering introducing competition to that market. The Department is also considering bringing gas into the west of Northern Ireland to provide companies there with a different supply source; a study of that has begun and will continue.

The price of energy continues to be a huge issue for large manufacturing companies. The Department invested £4.9 million in the Carbon Trust to help firms to come to terms with energy efficiency and to determine whether there is any way in which it can help. As was announced earlier this year, Ulster Carpet Mills in Mr Gardiner's constituency has made great strides in energy efficiency, and I hope that more companies will avail themselves of that help.

### Incandescent Light Bulbs

6. **Mr McKay** asked the Minister of Enterprise, Trade and Investment what plans she has to ban the sale of incandescent light bulbs. (AQO 1263/09)

**The Minister of Enterprise, Trade and**

**Investment:** I have no plans, nor have I vires, to ban incandescent light bulbs. The United Kingdom Government's initiative to phase out incandescent light bulbs is voluntary and extends to Northern Ireland. Major retailers and energy suppliers are leading the initiative that will result in energy-efficient light bulbs replacing their least efficient equivalents on shelves over the next four years.

**Mr McKay:** I thank the Minister for her answer. The British Government's work has not gone far enough. The banning of incandescent light bulbs in other parts of Europe has led to a significant reduction in carbon emissions. Does the Minister agree that mandatory measures are necessary?

**The Minister of Enterprise, Trade and**

**Investment:** I do not accept that mandatory measures are necessary. Officials from the Department for

Environment, Food and Rural Affairs (DEFRA) and other Ministers have met patient support groups — including Lupus UK and the Skin Care Campaign — and medical professionals to discuss the effects of fluorescent lights on health. Introducing mandatory measures is not the way to go; the voluntary code is proper and correct. DEFRA will continue to monitor the situation in the coming months.

**Mr McClarty:** Does the Minister have plans to introduce an attractive subsidy scheme to encourage domestic consumers to purchase energy-saving appliances?

**The Minister of Enterprise, Trade and**

**Investment:** The Energy Saving Trust does a tremendous job to make available energy-saving light bulbs. The voluntary code is preferable because people who suffer from lupus could be at risk if a mandatory ban was introduced. I am happy to raise that matter with DEFRA, which takes the lead on such issues, and respond to the Member in due course.

**Mr G Robinson:** Will the Minister outline whether there are health issues associated with the use of energy-efficient compact fluorescent bulbs?

**The Minister of Enterprise, Trade and**

**Investment:** I hope that I have made it clear that there are associated health issues, particularly for people who suffer from lupus. Although only a small proportion of our community suffers from that disease, it is important to acknowledge that they would suffer greatly if a mandatory ban was introduced.

### Redistribution of Reduced Requirements

7. **Ms J McCann** asked the Minister of Enterprise, Trade and Investment what discussions she has had with Invest NI in relation to redistributing the reduced requirements in its resource budget, due to the impact on investment decisions by foreign direct investors because of the economic downturn, to help develop (i) small- and medium-sized enterprises; and (ii) social-economy enterprises. (AQO 1265/09)

**The Minister of Enterprise, Trade and**

**Investment:** My officials work closely with Invest NI to ensure that its budget management is fully responsive to the Government's budgetary monitoring cycle. Invest NI operates in a demand-led environment and manages its budgets in accordance with obligations outlined in its corporate plan. When necessary, it redistributes funding to address business pressures.

The economic downturn has, understandably, led to a reduction in its client activity levels. Therefore, Invest NI has, in the year to date, prudently surrendered £30 million, which will be used to address other Government pressures. The Department of



Finance and Personnel works closely with the Executive to ensure that funding that is surrendered in-year is redistributed based on the needs and priorities of individual Departments.

Invest NI clients, of which the vast majority are small- and medium-sized enterprises, must submit new development plans or implement existing plans within agreed timescales in order to draw down funding. The current economic conditions have led to a significant reduction in the project pipeline and have deferred, or slowed down, existing plans.

Invest NI offers assistance to new projects or expansion projects from its client base that are considered viable and additional, and offer value for money. Therefore, the reallocation of funding to any business area, including social entrepreneurship projects, must be driven by an identified business need and client demand.

**Ms J McCann:** I thank the Minister for her answer. Given the likelihood that the worldwide economic recession will affect foreign direct investment, does the Minister agree that we must focus on steadying local businesses in order to secure employment and keep those businesses afloat? Does she expect the review of Invest NI to reflect the importance of stabilising and developing local SMEs and social-economy enterprises?

**The Minister of Enterprise, Trade and Investment:** I do not accept that assertion. The Department is already considering how to help indigenous companies. As I have always said, although foreign direct investment is important — and will remain important — to the country, we will also support indigenous companies. In any event, they are not mutually exclusive; foreign direct investment often provides jobs and opportunities for local businesses that, without that investment, would not have existed.

Therefore, I do not accept the premise that Invest Northern Ireland has been considering too much foreign direct investment; the facts and figures — which are available to anyone who is interested — show that there is a balance between foreign direct investment and indigenous companies.

4.00 pm

*Motion made:*

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

## ADJOURNMENT

### Children's Homes in Larne

**Mr Speaker:** I remind Members that the proposer of the topic will have 15 minutes in which to speak. All other Members who wish to speak will have approximately eight minutes.

**Mr Ross:** I am grateful to the Business Committee for allowing me the opportunity to raise this important issue. In the past, I have found Adjournment debates to be especially useful, particularly the debate that I secured on health provision in East Antrim, in which all MLAs from the constituency took part. I must, therefore, give credit where credit is due to the Minister of Health, Social Services and Public Safety, because he listened to the concerns that were raised on that day by the East Antrim representatives. It is to be welcomed that the Minister has made funds available to build new health centres in Larne and Carrickfergus, and that an acute rehabilitation and palliative care unit for elderly patients will be retained at Inver House. That is an example of how constituents, health workers and politicians can get together to highlight a constituency matter that is of great importance to everyone in the area. I hope that this afternoon's debate will be no different.

A couple of weeks ago, Mr Brian Fleming of the Princes Gardens Children's Home in Larne visited my constituency surgery. Like many people in Larne, he was concerned that, under the comprehensive spending review, the Northern Health and Social Care Trust's proposals aimed to close the children's home in Larne. There are currently seven mainstream children's homes in the Northern Trust, but it has recommended that the Princes Gardens home in Larne should close. That would leave a significant gap in the provision of residential services for children and young people, and those over the age of 12 will have to try to find space in Magherafelt, Antrim, Ballymena or Portrush. It is hardly ideal for troubled young people from Larne, who will be asked to move away from their families, friends and work or school arrangements. That is potentially very damaging, and experts say that it should be avoided at all costs.

The staff at the home believe that their jobs are safe; that is not their primary concern. They are concerned about the well-being of the children, as we should be concerned this afternoon. The staff have built up a fantastic team at Princes Gardens, and they have a



level of expertise that is unrivalled in any other home in the trust. Members of staff at Princes Gardens have trained in Northern Ireland and have travelled to the mainland to train with experts in GB. The result is that the facility has built a great reputation for its capabilities and care expertise, as the knowledge base of the staff is significantly advanced. Many of the more challenging and difficult children, who are going through very difficult times in their lives, are sent to Princes Gardens because of the level of care that is on offer there. The staff have won awards for the level of team spirit and co-operation between the staff and the young people, as well as rating highly in inspections.

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

Princes Gardens has earned its reputation by providing excellent care and achieving noticeable successes in providing care, control and high levels of supervision in a therapeutic environment for young people who are deemed to be the most likely offenders and who have been difficult to manage in other settings. It would be highly disruptive if children were asked to move. There are sound arguments for keeping the home in Larne open. The reasons for keeping the home open certainly outweigh the reasons for its closure, even if it is in need of some maintenance.

Those are the reasons that I am so concerned about the trust's proposal that the Princes Gardens home in Larne should close, replacing the service with what it claims will be a service of salaried foster carers and support workers to give enhanced support to those foster parents. I recognise the important role played by foster parents, not just in this case but across Northern Ireland. However, in many cases, it does not work. Foster parents do not always have the knowledge required to care for some of the most difficult children, and, furthermore, there are very few foster parents willing to come on board. In fact, there is a real shortage of foster parents throughout Northern Ireland, not only in East Antrim.

The Minister highlighted the need for more foster carers on 12 May 2008, mentioning that almost 200 young people are waiting to find a foster home. It is young people who are the same age as those being looked after at Princes Gardens who are most in need of finding a home, and the closure of Princes Gardens would add to that problem. The Fostering Network estimates that an additional 5,000 foster carers are needed across the United Kingdom in order to avoid children being shunted from one home to another and split from any normality in their lives.

The Fostering Network Northern Ireland and the British Association for Adoption and Fostering report a massive shortfall in the number of foster carers, and say that at least another 350 are needed. I pay tribute to all those families who decide to take young people into

their families and provide care for them. Realistically, however, we must recognise that there is a shortfall in the number of families that are available, and that many people are reluctant to take in the most troubled of young people.

It is also difficult to provide the level of supervision that is required. Many foster parents across Northern Ireland report that the level of support and assistance is nowhere near the level that is required. Ideally, young people should be cared for in the security of a loving family, but the number of foster carers who are needed is simply not there. There are cases in which those arrangements do not work out, and that can be even more distressing and disrupting for young people. Therefore, the view that the trust can close Princes Gardens and will be able to find foster parents for all of the children is not realistic.

Princes Gardens in Larne has a proven quality of service. I understand that it has the lowest running costs per head of any trust's children's unit. It also has full capacity at a time when many of the other children's homes in the trusts are some of the time — if not all of the time — operating at a 50% rate of occupancy. The trust argued that children and young people will be moved to other facilities near by, but that is not always practical or, indeed, possible. Although there is a facility nearby in Carrickfergus, Barn Court caters for children up to only the age of 12. Therefore, the children cannot be transferred from Larne to Carrickfergus if they are over 12 years old.

It is very disruptive and unsettling for young people to be moved away from the area from which they come; or the area in which they have family, friends, they work or go to school, as I mentioned. Therefore, just as foster carers are not necessarily the answer, nor is transferring children to Portrush or Magherafelt.

As in the case of Inver House, it is imperative that local people have their say about this matter — even if fewer people will be affected by this decision. The trust is conducting a public consultation about the proposed closure, and I encourage as many people as possible to contribute with their views.

I thank the Business Committee for allowing me to raise this issue, and I thank the Minister for being in the Chamber to respond. Just as he listened to the concerns that we outlined in relation to Inver House, I hope that he will again listen to the concerns that I raised — and which other Members will undoubtedly raise — in respect of Princes Gardens home care, and that he will take the decisions necessary to ensure that that facility stays open.

**Mr K Robinson:** I thank my colleague Alastair Ross for raising this important issue. Unfortunately, there seems to be a trend in the Larne area in that all Government agencies seem to see us as a wee bit of an

easy touch for reducing their presence. The proposed closure of Princes Gardens Children's Home is another example of that trend.

Mr Ross eloquently made the case for those children. Those young people are at a very difficult stage of their lives — their teenage years. They have not had the best of life experiences up until now. Through its trained staff, that home gives them a fairly steady degree of stability and normality. Unless we invest in such provisions, the costs and consequences for society further down the line can be quite high and, in some cases, horrendous.

I appeal to the Minister: if he talks to his colleagues in the Northern Health and Social Care Trust as successfully as he did about the Larne and Inver House situation, a bit of reality and normality might be brought to this issue. The children's home is small — it currently caters for eight young people. We accept that the building is not in the best condition. However, it is sometimes not the setting in which care is given — be it educational care or, as in this case, residential care: it is the quality of the interpersonal relationships between the staff. We heard how highly trained they are and how the inspection reports reinforced that fact.

**Mr Ross:** The Member mentioned the state of the building. Does he agree that many of the young people like the fact that the building does not look like other care homes around the country, and that that gives them more of a sense of belonging?

**Mr K Robinson:** I readily accept that fact. It is like that comfortable old shoe: you really should throw it out, but, boy, has it got some hidden benefits. So, yes, I accept the Member's point.

The Minister has been very active in acquiring a fairly hefty slice of the block grant towards the health budget, for which I congratulate him. However, this is a unique case in which a small amount of money devoted to a small number of young people can have a major impact and bring major change to their lives. Those young people are at a stage when they will grow up, make relationships and have families along the way. This is an opportunity to intervene and to stop the vicious circle in which people have been short changed by society.

The building is like my old shoe — it is comfortable, but it is not the most scenic thing on the block. There are a small number of children involved. The trend now is to place children in foster care if possible. However, realistically, not enough people are volunteering as foster parents to provide the number of foster places required. Moreover, it is the nature of the beast that if a young child of tender years is presented to potential foster parents, that child will score more highly than a teenager. Teenagers go through emotional turmoil at the best of times and, given the

backgrounds of some of these young people, their stresses and strains are, perhaps, higher. It is a very brave and skilled foster parent who can step forward into this breach, and there are not too many of them around. It would be better if there were more, but realistically there are not enough.

Given the public furore that erupted in Larne over the Larne and Inver announcements earlier this year, I am taken aback that the Northern Trust has not approached this consultation process with a little more sensitivity. There is a very raw nerve in Larne and the surrounding areas, and a very bad experience of dealing with officialdom in the past.

At this late stage, I would ask that the Northern Trust return to the consultation process and humanise its approach a little. Although there is a financial imperative on the trust and a potential future movement in the care arrangements for young people, the trust also has a responsibility to realise the great support that there is for this care home in Larne. I ask the trust to look at that, and I ask the Minister to show, when the consultation process is completed, the same generosity of spirit and purse that he has previously done in other parts of East Antrim. We recently received a welcome £29 million boost. Princes Gardens provides a front-line service, and, for a very small amount of money, that front-line service could be maintained and built on. I will not say that some of the improvements to the building are cosmetic, but some of the capital schemes that might be put up as an argument against retaining the home are too elaborate. The physical difficulties could be addressed for a much lower sum of money.

Again, I thank Alastair Ross for securing the debate today. It is very topical that the issue is being debated now while we still have time to change the outcome of the consultation process. I appeal to the Northern Trust to examine the human factors involved, over and above the financial factors.

I have always placed my reliance on the humanity of the Minister, who is not a million miles away from me. I am sure that when the proposals do emerge — and I hope that they are much more positive than the indications suggest — he will examine those proposals from a human perspective. A pound spent now in preserving the high-quality care provided by this residential home could save tens, hundreds or perhaps thousands of pounds further down the line.

**Mr Neeson:** I appreciate the matter being raised in the House and thank Alastair Ross for securing the debate today. As on many occasions in the past, all of the MLAs who represent East Antrim have co-operated collectively to deal with an important issue. That reflects well on how we, as Assembly Members for

the constituency of East Antrim, feel about this particular issue.

The proposal to close Princes Gardens follows the comprehensive spending review carried out by the Northern Trust. The home has a very good reputation in both the statutory and voluntary sectors. It caters for eight young people aged between 14 and 17. It is a settled unit which has received favourable inspection reports in recent years.

4.15 pm

It is important that young people in Larne remain in a normal and settled environment. If there are problems with the fabric of the building, I believe strongly that it is incumbent on the trust to carry out the necessary renovations and improvements, which would be cost effective. I appreciate the Minister's recent announcement about plans to create new health and social care centres in Carrickfergus and Larne. Princes Gardens provides an important, specialist, social-care service — it is a vital front-line service.

The consultation period ends on 19 December, and a decision is to be made by the Minister in March of next year. I appeal to the Minister to listen to the issues raised in the Assembly today and take them into consideration when reaching his decision. It is vital also that he listens to the concerns of the staff from the facility and the young people who use it.

We all co-operated in relation to the Larne and Inver issue, and there was a fairly positive outcome from that. I hope that, once again, as a result of all of us standing together in the Assembly, the Minister will respond in a positive way.

**Mr Hilditch:** I also thank my colleague Mr Ross for securing this Adjournment debate, as it provides the opportunity to highlight the predicament facing Princes Gardens Children's Home and its proposed closure. As we have heard, the closure is one of the trust's responses to the comprehensive spending review. Therefore, the decision is based purely on financial reasons rather than any practical or operational matters.

Historically, the children's home has served its purpose well and is well respected by the voluntary and statutory sectors. As Sean Neeson indicated, it is a settled unit that caters for eight teenagers and has the confidence that goes with having received a number of inspection reports that we have heard about in recent years.

As we are all aware, we are in the middle of the consultation period. That period will end in the middle of December, with the Minister making his final decisions in the spring. Therefore, it is timely that the matter is being discussed by the House today. At a time when Departments are trying to halve child poverty by 2010 and improve the overall welfare for children in

Northern Ireland — none more so than the Department of Health, Social Services and Public Safety — it is imperative that the Minister considers the effect that the closure of children's homes will have on those objectives.

I understand that providing a foster home for children is the preferred option and that, under most circumstances, it provides them with a loving and safe family home life. However, that is, sadly, not always the case. It has happened — in the past and more recently — that some of the eight children catered for by Princes Gardens have ended up there as a result of their foster placements having broken down.

Many children have always lived in children's homes, and they find it impossible to adapt to a family way of life and are unable to settle in a strange home. Such children may never have lived with their parents nor had a structured home life, making it impossible for them to become comfortable in a situation that the rest of us take for granted as normal. Other situations can arise that require homes such as Princes Gardens to be called upon — for example, difficulties involving short notice with foster parents or situations involving families with three or more children.

We are very aware of the planned expenditure for East Antrim and welcome the Minister's investment in safeguarding other areas of the Health Service in our constituency. However, I ask him to consider ways to save Princes Gardens Children's Home and provide the necessary funding to safeguard its future. That home has existed for over 20 years, has an excellent reputation and is a valuable asset to the trust. During those 20 years, the home has provided children with a safe and secure environment in which to grow up. I am also interested to hear what steps the Minister will take to increase the number of foster-care parents in Northern Ireland, and I look forward to hearing his response on both matters.

**Mr Beggs:** I, too, thank the Member for securing the debate on children's homes in Larne, and I am also aware of the proposal to close the Princes Gardens Children's Home. It is useful to have the debate so that the issues surrounding that matter can be flagged up.

I have one minor criticism about the title of the topic for the Adjournment debate — I am aware of only one children's home in Larne. Furthermore, it would be better if we concentrated on the children, rather than on buildings or establishments. However, I appreciate that Assembly staff, rather than the Member, may have selected the title of the topic. Therefore, I am glad that during the debate Members have concentrated on outcomes for the children, because they are more important.

As Members said, the comprehensive spending review earmarked the Princes Gardens Children's Home for closure. At any one time, the home looks



after eight children of secondary-school age, and one of its great successes is that it quietly blends in with the surrounding area. As Members said, the home does not stand out as a children's home. Children quietly get on with their lives, aided by the support that is provided, and I compliment the home's staff for enabling that to happen.

The home has received favourable Regulation and Quality Improvement Authority inspection reports, so it is recognised as providing good-quality care. Indeed, the staff and children in the home recently won a Voice of Young People in Care award for two years' success in having the best team spirit among adults and children. That spirit should be cherished, and great care must be taken with any proposal that might change it, because such relationships are important in order to improve the outcomes for young people in care. Furthermore, that quality of service is recognised by the fact that places in the home are frequently in demand and that it is normally full, which, as other Members said, means that it benefits from lower running costs.

Unfortunately, the education outcomes for children in care are not as we would wish. Recently, a 'Newsnight' report indicated that only 12% of children in care in England and Wales achieve five or more good GCSEs, whereas the average overall figure is 60%. Therefore, we must bear in mind that there are advantages to placing children in quality foster homes. It is important that any foster home provides a stable environment; however, as Members said, all too often, such environments result in frequent movements and instability for children, and that is another reason why great care must be taken when considering any proposals to change existing arrangements.

In 'The Future of Health and Social Care Services in the Northern Trust: Engagement and Consultation Programme', the trust indicated that it wishes to ensure:

"Family support and early intervention services are strengthened.

Extended foster care so that more care can be provided outside residential homes."

As a result of that, the trust plans:

"To increase the number of foster carers across the Trust area ... Reduce the number of residential places for children in children's homes".

However, reducing the number of children's home places will not guarantee that foster carers will be available. Given that there is a shortage of foster carers who are able to take children, it would be foolish to consider closing the Princes Gardens Children's Home before establishing the required amount of stable, foster-home placements. We must focus on the best needs of the children concerned. As I said earlier, too often, unfortunately, children and young people

experience frequent movement between foster parents, and that is a cause of instability. Closing a home should not result in further instability in children's lives.

Members said that the poor fabric of the building was a reason being given for closing the home. However, that should not be the sole reason for change. The good quality of the staff and the service that they provide are more important considerations. There is little point in providing a state-of-the-art building elsewhere if the team spirit — the successful working relationship — that has been built up is put at risk.

Therefore, I would have thought that equal importance should be placed on the quality of staff employed in the home.

As other Members said, the proposal is to close the Larne home and move the children who require care-home support to Ballymena or Antrim. Again, that would not be in the children's best interests, because they would have difficulty in continuing their education in schools in Larne and Carrickfergus if they were moved to a home so far away. It is important that the children's educational outcomes be considered carefully.

As other Members have also said, the proposal is another example of services being withdrawn from Larne. It comes on top of the Housing Executive's recent decision to relocate jobs, the threat to close the local Department of Agriculture office and the local government proposals under the review of public administration.

It appears that services are retreating from Larne, and East Antrim is in danger of being left with second-class provision in a wide range of services. Therefore, it is important that those children who need care-home support receive it, preferably in a stable foster home — should that be available — or in a care home that can provide them with a stable environment in which they can continue their education and maintain relationships with family and friends.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I thank Alastair Ross for requesting an Adjournment debate on this topic. It is clear from Members' comments that the comprehensive spending review (CSR) and its impact on health and social care services remain matters of concern for many people. Naturally, people focus on the effect that the proposed changes will have on their local area — in this case, the Northern Health and Social Care Trust area — and the impact that the CSR proposals will have on the delivery of children's services in that area, in particular on residential care facilities for children in care.

As Members will be aware, the Executive Committee have set a target of 3% efficiency savings per annum for each Department. All the resources that are released by my Department through greater



efficiency will be reinvested in health and social care. If efficiency savings are not achieved, all the planned investments in existing commitments and new services cannot happen. That includes investment in more family support services, adoption services, and support for children in care and children leaving care.

It is important to set the matter in context. In Northern Ireland, spending on personal social services and community expenditure on children amounted to £133 million in 2004-05. That is approximately £287 for every child aged 17 or under. That amount is 29% less than is spent in England, 33% less than in Wales and 44% less than in Scotland.

That is the situation that I have inherited, but it is one that I am determined to improve. To that end, I have invested £22 million of additional funding in children's services over the CSR period, and that will support services that will promote modern, community-based interventions to avoid the need to place children in care or on the child protection register.

That additional investment is very welcome, but it is not enough to close the gap in funding for children's services between Northern Ireland and the rest of the UK. That is one reason why I fought so passionately for resources during the draft Budget debate and discussions.

Children need permanent and loving families, and for those who cannot experience that safely at home, it is essential that we can provide an alternative family environment. In Northern Ireland, around 2,400 children are being looked after by the five health and social care trusts. Around 280 of those children are in residential care in the 55 registered children's homes across Northern Ireland.

The outcomes for children in care are often much poorer in comparison with their peers. For example, more than half of care leavers had no qualifications, compared with only 3% of Northern Ireland's school-leavers; and more than a quarter of female former care leavers aged 19 in 2005-06 had at least one child — a figure that is more than seven times higher than that in the general population. Care leavers are more likely to experience homelessness, become involved with drugs and alcohol, or become victims of crime. They are also more likely to experience long-term health problems — including mental ill health — throughout their adult lives.

4.30 pm

The Department of Health, Social Services and Public Safety is funding a range of targeted initiatives to improve those outcomes. They include investment in schemes to help children in care to gain more qualifications and to improve their employment prospects. In addition, I am investing more funds in helping young care leavers to prepare for adulthood

and to enable more of them to continue living with foster carers. I want to ensure that those young people have the same opportunities to cope with living in the modern world as their peers do.

Early intervention through family support can help families to address issues so that, ultimately, a child may not need to go into care. That is why I am investing heavily in early-intervention family support services over the next three years.

Two thirds of children in care live with foster carers. Historically, however, there has been a shortage of foster carers, and that is why there has been a substantial drive to recruit more. The numbers have increased by about 300 over the past two and a half years, and we have plans to increase those numbers by a further 125 over the next 18 to 24 months. The aim is to ensure that children are matched more effectively with carers and, thus, ensure that the number of placement breakdowns is reduced. At the same time, financial support to foster care, training and, for example, out-of-hours advice and support have been increased significantly.

Residential care is the placement of first choice for some children, many of whom prefer not to live with a foster family. However, we also know that some children who live in residential care lived previously in fostering arrangements that broke down. The increases in the number of foster carers, combined with greater availability of family support, should reduce the demand for residential care places while, at the same time, offering more overall permanent choice for children in care.

In line with that direction, the Northern Trust produced a consultation document, 'Modernising Health and Social Services', in which it set out its proposals for the future of services for children. In that document, the trust proposed to increase the number of foster carers across the trust areas, as foster families can provide a more secure and stable family environment in the child's own area; reduce the number of residential places for children in children's homes; and, in tandem with that, the trust is developing a range of suitable alternative options, including salaried foster carers.

There are six statutory and one voluntary children's homes in the trust area. In order to deliver on its proposals, the trust is consulting on the future of two of its directly managed residential units for children — the eight-bed Princes Gardens in Larne and Cherry Lodge in Randalstown, which has three beds. That would reduce the number of residential places from 77 to 66. Both of those homes are in a poor state of repair; they are no longer fit for purpose and would require significant capital investment to bring them up to the standards that children in care deserve.

It has also been the trust's intention to recruit additional foster carers before the proposed closure of Princes Gardens by 31 March 2010. There is no way that the children who are in care will be left with nowhere to go, and no decisions will be made until there are suitable alternatives to residential care.

By investing in foster care, family support services and other initiatives, the trust believes that there will no longer be a need for Princes Gardens and Cherry Lodge. More important, the changes are about better providing better and more responsive services, which will fully meet the needs of children. Fostering works; foster care offers more flexibility and the potential to place more children closer to home so that they can maintain contact with their families and friends.

I have met groups, including the Fostering Network. I have spoken to foster carers and heard the experiences of children who have been fostered. Foster carers do a tremendous job. Some of them care for dozens of children, providing them with a warm and loving family environment. Many children who have been fostered remain close to their foster carers long after they have left to start their own lives.

However, there will always be a need for residential care. The Northern Health and Social Care Trust has a current and planned investment in those services over the next four years, which includes the replacement of Carnview Children's Home in Newtownabbey, and a new facility at Spring Farm in Antrim by March or April next year. The trust also intends to replace current facilities at Ballee Adolescent Unit in Ballymena with an intensive support unit that will cater for six young people between the ages of 12 and 18. I understand that my Department is awaiting an updated business case from the trust to enable those projects to be taken forward.

I am well aware that the range and quality of children's homes needs to be kept under constant review to ensure a diverse, high-quality range of provision that is fit for purpose. To that end, my Department is undertaking a regional review of residential childcare to look at the strategic direction of residential childcare services. The aim is to provide greater support for staff to meet the therapeutic needs of young people and greater support for young people themselves to give them greater opportunities, including education and employability.

The 'Care Matters in Northern Ireland: A Bridge to a Better Future' consultation, which was published in 2007, is aimed at helping and supporting those children on the edge of care, those who are in care, and those who are leaving care. I am hopeful that the outcome of that review will inform a strategy for improvement in residential childcare services that will

deliver high-quality standards of service and ensure positive outcomes for all our vulnerable children.

It must be remembered that before final decisions are made, all the trusts have to consult and, where necessary, carry out impact assessments, which will ensure that services provided will not be adversely affected. Final decisions will not be made until March 2009 and will be made in conjunction with my Department.

Children in care already face many disadvantages in their lives. We have the same responsibility to them as any other parent has to their children, which is to ensure that every one of those children has the opportunity to realise his or her full potential. That begins with the right to live in a safe and stable family environment.

*Adjourned at 4.37 pm.*

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# NORTHERN IRELAND ASSEMBLY

Tuesday 25 November 2008

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

*Members observed two minutes' silence.*

## MINISTERIAL STATEMENT

### Draft PPS 21: Sustainable Development in the Countryside

**Mr Speaker:** I have received notice from the Minister of the Environment that he wishes to make a statement on draft Planning Policy Statement 21 (PPS 21), which relates to sustainable development in the countryside.

**The Minister of the Environment (Mr S Wilson):** With your permission, Mr Speaker, I wish to make a statement to the effect that I am now issuing draft Planning Policy Statement 21 on sustainable development in the countryside for consultation, with immediate effect. I am also withdrawing draft Planning Policy Statement 14 (PPS 14), as reissued by the then Minister of the Environment, Arlene Foster, on 25 October 2007, and its accompanying ministerial statement.

This statement is an expression of my Department's policy, made under the powers conferred by article 3 of the Planning (Northern Ireland) Order 1991. It is the duty of planning decision-makers to have regard to relevant statements of planning policy as legally material considerations. This is such a statement.

Draft Planning Policy Statement 21 is the culmination of the review of rural planning policy, which was announced by Arlene Foster when she reissued draft PPS 14 last October, following the transfer of responsibility from the Department for Regional Development (DRD) to the Department of the Environment (DOE). This is not a disclaimer, but I thank Arlene Foster and my officials for the hard work that has gone into the new PPS and for the way in which they carried it out.

I have inherited the new draft planning policy statement; I am not washing my hands of it — it is my policy. However, it would be remiss of me not to pay tribute to my ministerial predecessor and to the officials who worked so hard on the policy.

Draft PPS 21 is a balanced policy. It balances the need to protect the countryside from unnecessary or inappropriate development, while supporting rural communities. Developing a sustainable economy is at the heart of our Programme for Government. Planning and other environmental policies must play their part in facilitating economic development. However, that must not be at the expense of our rich natural assets or our natural and built environment.

Draft PPS 21 will assist the rural economy. However, I cannot stress enough that I will not permit a building free-for-all in our countryside. Draft PPS 21 was developed by an Executive subcommittee that worked together for the good of Northern Ireland and all its people. The subcommittee was led ably by the then Minister of the Environment, Arlene Foster. In February 2008, Arlene Foster made public the subcommittee's emerging findings, which Members debated in the Chamber. Almost 300 key stakeholders also discussed the emerging findings at events across Northern Ireland. The Environment Committee scrutinised the revised policy and, by a majority vote, supported a presumption against development in the countryside, with a range of exceptions. In finalising its policy proposals, the subcommittee took heed of the outcome of those deliberations.

In developing draft PPS 21, we have kept the good and useful aspects of draft PPS 14. We have cast aside the overly restrictive policies that were imposed by direct rule Ministers, and we have introduced new and more imaginative measures that are right for Northern Ireland. Draft PPS 21 outlines policy for rural areas that are outside settlement limits. It applies across Northern Ireland, including in green belts and countryside policy areas. The only exceptions are the five countryside policy areas that have been renamed as "special countryside areas". Those are areas such as the high Mournes, which have landscapes of such exceptional value that they require a higher level of protection. Development in those areas is permitted only in certain circumstances. Further special countryside areas and local policies to protect them can be created through the development plan process.

Draft PPS 21 offers a number of opportunities for development in the countryside that did not exist under draft PPS 14. Almost all those opportunities will benefit non-farming rural dwellers as well as farmers. Draft PPS 21 reinstates the 12 dispersed rural communities that were identified in development plans — 11 in Fermanagh and one in the Cookstown area. Those are areas that are outside the settlement limits and that have a strong identity and sense of place around focal points, such as churches or schools. In those areas, certain types of development are permitted, including clusters of up to six dwellings. There is scope for

further dispersed rural communities to be designated through the development plan process.

Older rural buildings are also an important aspect of our collective inheritance, and they can tell us so much about the settlement patterns, social structures, ways of life and the economic conditions that were enjoyed — or endured — by our grandparents and great grandparents. Significant rural buildings, such as schools and churches, evidence the taste and craftsmanship of our forbearers, yet many of our older buildings are left to go to rack and ruin. In draft PPS 21, we are introducing an imaginative and sustainable approach to the reuse of buildings.

Our policy explicitly encourages people to reuse, refurbish or adapt non-listed vernacular dwellings rather than to knock them down and start again. It allows for non-residential buildings, such as disused schools or churches, to be converted into single dwellings, and exceptionally larger buildings, such as mills, may be refurbished to provide more than one dwelling.

In draft PPS 21, we are also broadening the scope for replacement dwellings. We have replaced the abandonment test with a simpler test. A dwelling can now be eligible for replacement if it has the essential characteristics of a dwelling and if all its external structural walls are substantially intact.

It is not only dwellings that can be replaced. If there were potential environmental benefits, a redundant non-residential building, such as a disused hall, could be replaced with a single dwelling. However, before anyone gets too excited, I emphasise that I am not talking about replacing a kitchen cottage with a gentleman's residence. The replacement dwelling should normally be sited within the curtilage of the existing building, and it should not have a greater visual impact than the existing building.

The people of Northern Ireland take a real pride in the rural character and quality of design of buildings, and we complain loudly when we see inappropriate buildings being built in the countryside. People use many different terms to describe such buildings; for example, bungalow blight, haciendas, millennium mansions, and displays of vulgar ostentation. I have heard many other terms being used to describe some buildings that we have allowed in the countryside.

Stakeholders emphasised the need to ensure that new rural architecture is of the highest standard, with a vernacular style that is complemented by innovative design and a more environmentally friendly approach. They warned against blandness of style and mediocrity of design.

Draft PPS 21 does not rule out newbuild. I mentioned already that clusters of up to six houses can be built in a dispersed rural community. In ribbon development, two houses rather than just one may now be built to fill

in gaps, provided that they are consistent in size, scale, site and plot size with other houses in the ribbon.

Other circumstances in which planning permission may be granted for new housing that is outside settlement limits relate to social and personal need. If the Housing Executive identifies a need for social or affordable housing in a particular area that cannot be met readily in a settlement, a housing association may get permission to build a group of up to 14 social or affordable dwellings near the settlement. That is an advance on draft PPS 14, which allowed only social housing and restricted the group size to eight dwellings. Generally speaking, however, we expect most social and affordable housing to continue to be sited in settlements.

We are also reintroducing a personal circumstances policy, which will allow planning permission for a dwelling where there are compelling site-specific reasons related to a person's personal or domestic circumstances. The policy will make a difference to a small number of people who would be caused genuine hardship if they had to live elsewhere.

Farming and farming life are changing, and through draft PPS 21, we are modernising planning policy on farm dwellings. We have binned the farm viability test. It is outmoded, complex and burdensome. The new criteria for a farm dwelling are simple and transparent. To qualify, a farm business needs to be active and to have been established for at least six years. No dwellings or development opportunities should have been sold off during the past 10 years, but that will not be applied retrospectively. The new dwelling needs to be visually linked or clustered with an established group of buildings on the farm and, where possible, with access that is provided from an existing farm lane. In such cases, planning permission for a dwelling will be granted only once every 10 years.

*10.45 am*

Draft PPS 21 is not about just housing; it facilitates economic development. It modernises planning policy for farm diversification, bringing it into line with the Department of Agriculture and Rural Development (DARD) rural development policy, and it continues the draft PPS 14 policy on farm and forestry development.

The policies on dispersed rural communities, ribbon development and the re-use of non-residential buildings — which I have mentioned — provide for tourist and other commercial uses. In draft PPS 21, we have strong policies on the integration and situation of buildings on rural character. Those policies, together with our new, more sustainable approach to the re-use of buildings, will help to maintain and enhance rural character and vernacular style.

In addition, I have commissioned work on a new design guide for rural Northern Ireland. The guide will be concerned with designs for new dwellings, and schemes



for the refurbishment of properties. For that, I want to get architects and experts on built heritage and sustainable building techniques involved alongside rural dwellers.

During the review of rural planning policies, questions were raised about the position of non-farming rural dwellers. Some stakeholders suggested that residence or employment in an area, or even family connections, should entitle people to planning permission. Others have called for a test to identify people who really need to live in the countryside. The subcommittee considered those ideas carefully.

I appreciate why some people favour such an approach. However, policies that rely on kinship or residency are unlikely to constitute proper discharge of the equality or good-relations obligations under section 75 of the Northern Ireland Act 1998. They may also be contrary to European law. Difficulties in deriving lawful and objective criteria mean that they are unlikely to constitute a proper planning consideration.

In view of the interest in the issue, however, I have decided to set up an independent working group to consider the way forward, taking into account domestic and EU legislation; relevant policy experience across the UK and the Republic of Ireland; and the outcome of the consultation on draft PPS 21. I expect the group to begin its work during the consultation period and to make recommendations to me within five months about the issue of non-farming rural dwellers. I will consider the outcome of the consultation alongside other evidence.

Consultation on draft PPS 21 will be for four months and will close on 31 March 2009. Information days will be held in rural communities across Northern Ireland during January and February to provide people with the background that they need in order to reach an informed opinion. Those will be supported by information in the local press. I encourage everyone who has an interest in rural planning to study draft PPS 21 carefully, to go along to an information day, and to let the Department know what they think. All the responses to the consultation will be analysed carefully. I will take the independent working group's report and the outcome of the consultation to the Executive subcommittee on rural planning policy for consideration. I will seek Executive approval for the final policy document.

The Planning Service is holding in abeyance more than 2,000 planning applications that would have been refused under draft PPS 14. When she was Minister of the Environment, Arlene Foster made it clear that those applications would be dealt with when the revised draft PPS 14 was published, and that the provisions of the revised policy would take precedence over the existing draft PPS 14.

I am mindful of the reasons why Arlene Foster gave precedence to the provisions of her existing draft over extant policies. I have reviewed her reasoning, and

carefully considered the current position on those and on other substantial issues to which I have already referred. Taking all those matters into consideration, I have decided, in publishing draft PPS 21 today, that the public interest is now best served by withdrawing draft PPS 14, which was reissued by my predecessor on 25 October 2007, and its associated ministerial statement.

Furthermore, I consider that the policy provisions of draft PPS 21 should, as was the case with draft PPS 14, continue to take precedence over the existing policies of a planning strategy for rural Northern Ireland. The policies to which I refer are listed in the draft. Draft PPS 21 should, therefore, be accorded substantial weight in the determination of any planning applications received after 16 March 2006. That means that the deferred planning applications can now be reassessed under the new policy provisions that are set out in draft PPS 21.

It is likely that some, but not all, of those applications will be recommended for approval. The deferred planning applications will be reassessed as quickly as possible. The majority of those cases are in the Omagh and Craigavon districts, so reassessment exercises in those areas may take longer than elsewhere.

The name change removes any confusion between former and extant documents. It also signals that the overly restrictive, direct rule policies have been left behind. A more balanced approach that is right for Northern Ireland is now being taken. The relaxations and developments that have been agreed and that I have described will benefit people in all rural communities. I commend draft PPS 21 to the Assembly.

**The Chairperson of the Committee for the Environment (Mr McGlone):** A Cheann Comhairle, will the Minister confirm that in policy application, presumption against planning permission remains in practice?

I welcome some of the proposals, particularly those on farming and replacement, and the proposal to establish an independent working group. However, will the Minister agree that any policy that is based predominantly on the premise that rural areas are exclusively or overwhelmingly farming areas is not only long-dated and flawed but gives rise to a "PPS-Emmerdale" type of mentality in planning policy?

**The Minister of the Environment:** I had thought that the wild and confusing comments that the Chairman of the Environment Committee made in the media between last Thursday's Executive meeting and today may have been based on the fact that he had not fully seen the document that I have presented to the Assembly this morning, or that he had misunderstood it. However, given the fact that he has had the benefit of listening to my statement, I am amazed by the two questions that he has raised.

I have not advocated presumption against development; the Committee of which he is the Chairman advocated that. I have gone further than that. It does not make any sense to talk about presumption against development or presumption in favour of development. I have made it clear that the policy is concerned with considering each individual planning application, judging it in a balanced way and deciding whether it meets the needs of a sustainable rural community and whether it protects the environment. That is neither presumption against development nor presumption in favour of development; rather, it considers and applies a policy in a fair and balanced manner.

I am also amazed by his second question. My statement ran to 12 pages, eight of which were about development that is not related to farm businesses. I will list those. First, the statement considers dispersed communities. Provision is made for social housing in the countryside for up to 14 dwellings.

There is ribbon development — in which two houses can be built in one space, depending on certain conditions — and the reuse and replacement of old, redundant and abandoned buildings.

None of those matters is related to farms in any way. In addition, the special circumstances consideration has been reinstated. Draft PPS 21 will also apply to businesses that require property. I do not understand how on earth the Chairman of the Environment Committee came to the conclusion that draft PPS 21 is centred exclusively on farms. I hope that he will now take the opportunity to reread the policy and my statement — perhaps he will then come to a different conclusion.

**Mr T Clarke:** First, I distance myself from the remarks of the Chairman of the Committee for the Environment, because they do not reflect those of the Committee. It is funny; last week, Mr McGlone's party said that it supported an independent environmental protection agency, and yet, this week, it seems to support the presumption of houses being built everywhere in the countryside.

Before the previous restrictive policy was implemented in March 2006, many farmers, unfortunately, had to sell sites to ensure that their farms remained viable and in existence. When that policy was implemented, farmers who applied to build houses for their families were told that they were unable to do so because they had sold sites. They had not known that that policy was going to be put in place. Will draft PPS 21 correct that imbalance?

**The Minister of the Environment:** In my statement, I made it clear that draft PPS 21 will not apply retrospectively. Since farmers who sold sites would not have known of the likelihood of the policy being introduced, it will not apply retrospectively. The policy will start from today. From now on, if sites are sold, permission to build will not be granted during that 10-year period.

**Mr Boylan:** A Cheann Comhairle, cuirim fáilte roimh ráiteas an Aire.

I beg your indulgence, Mr Speaker. As road safety spokesperson for Sinn Féin, I want to take this opportunity to express our sadness at the tragic loss of life over the weekend. I extend our deepest sympathies to the families who lost their loved ones.

A Cheann Comhairle, I welcome the Minister's statement. I am disappointed that some people have failed to recognise the significant changes and opportunities contained in the document. Clearly, the independent working group has a vital piece of work to carry out. The Minister has recognised that there is a gap in the policy. Will he assure the House that that gap will be filled and that people who want to live in the countryside will be given the opportunity to do so — an opportunity that was unavailable to them under draft PPS 14? Go raibh maith agat.

**The Minister of the Environment:** I thank the Member for his comments. I also acknowledge that although the Member had a different emphasis on this policy from me, he did engage in the discussion. I hope that I engaged positively in that discussion with him. As a result, the independent working group has been set up. Its terms of reference are very clear.

First, it must devise an option to address the issue of non-farming rural dwellers. Secondly, it must examine rural planning policies for non-agricultural rural dwellers across the UK and the Republic of Ireland. Thirdly, it must take account of local, national and European legislation. Fourthly, it must examine examples of the rural social test in the Irish Republic. Fifthly, it must take account of any developments in the Ireland/EU infraction case and other strategic developments. Sixthly, it must take account of views raised by consultees in the emerging findings document and during the consultation period. I do not want to prejudge the outworking of that group.

I also want to re-emphasise to the Member that the policy offers significant opportunities for non-farm rural dwellers and inhabitants in the countryside.

I do not accept the premise that there is already no scope for non-farmers, but a cogent case was made for examining some of the issues — that is why the independent working group has been set up, and once we have received the report, it will go to the ministerial subgroup as I have promised. That group will be aware of the recommendations and will see what those recommendations are and what action needs to be taken.

11.00 am

**Mr Beggs:** I generally welcome the Minister's announcement, which will introduce increased flexibility

and enable the development of many disused buildings, thereby bringing improvements to the countryside.

Will the Minister inform us of the exact number of planning applications presently being held in abeyance? By that, I mean applications that have gone through the planning process but have not had a determination made because of draft PPS 14. He said that determinations will be given as soon as possible — when will those determinations be given? Has a target been set? Approval of those applications could help to stimulate the building industry and return some work to the construction sector.

**The Minister of the Environment:** The new PPS 21 will take immediate effect, and, therefore, those applications currently being held in abeyance will be judged against the new draft PPS 21 immediately. I cannot say with absolute certainty how quickly that process will be finished, but we aim to have it completed by June 2009. It may be quicker in some areas than others — the balance of applications is skewed more heavily towards the west of Northern Ireland than to the east. Some offices will have more work to do than others, but I hope that we will have completed the process by then. We aim to hold some of the applications that still do not comply with the new draft PPS 21 to see whether any changes are made after the consultation so that people are not disadvantaged. That also may lead to some delay, but that delay will benefit some people who may still not come under draft PPS 21 as it stands.

**Mr Ford:** I thank the Minister for bringing his statement to the House at a reasonably early stage following last week's Executive meeting, but regret the fact that somewhere among the small group of people — whether within his Department, the Executive or others — with whom he chose to share the document, the matter was leaked to the media in an unhelpful, drip-feed way before the document appeared this morning. I trust that he will be taking some action to address that.

Will the Minister tell us whether there is anything to be added to policy CTY 6 — the personal circumstances test — especially with regard to location, siting and design matters where an additional dwelling is needed to provide family support? Some of those who were concerned about maintaining the broad thrust of draft PPS 14 made that point to him, but it appears to have been missed. Furthermore, I ask the Minister to outline the status and timing of the design guide that he proposes — indeed, those of the extant design guide — for determining what applications will be approved.

**The Minister of the Environment:** I also regret the fact that the policy, which did go to the Executive, seems to have been widely distributed, to the point that —

**Mr Ford:** It was distributed to everyone except MLAs.

**The Minister of the Environment:** Yes, everyone except MLAs. I assure you that my officials and I are

disappointed at that. I wanted to make the statement to the Assembly, and to make it clear. I believe that the Assembly should have its place in the implementation of draft PPS 21. There was inevitably going to be a gap between it reaching the Executive and reaching the Assembly because of the timing of the meetings. It would appear, however, that even before it reached the Executive, it was in the public domain, and that is to be regretted. It has entered the public domain to the extent that one consultancy, which seems to have had ownership of the document, has been able to issue a leaflet advising people as to the way forward.

We have made it clear that if people make a case that they need to provide family support or be close to their family, that would be regarded as a special circumstance. By its very nature, that would indicate that the dwelling should, where possible, be close to existing buildings. However, that may not always be possible. Indeed, given the nature of the site where one's parents or other family members live, one might not even want it because it might, for example, be a prominent site. In answer to the Member's question: first, the personal circumstances must be established, and, secondly, the specific site location must be looked at carefully.

I do not want to give a timescale for the design review, but I want it to be brought forward as quickly as possible. I have said that that process will include a range of architects and people who live in the countryside looking at issues such as innovative design and sustainable housing. Until that is in place, present applications will be judged on current design guidelines.

**Mr I McCrea:** I welcome the Minister's announcement and his abolition of the draconian direct rule draft PPS 14. Most importantly, the Minister has announced the scrapping of the farm viability test and the removal of the abandonment clause, which I have no doubt will be welcomed by many.

If an applicant received an outline approval for a single dwelling in the countryside before 16 March 2006, can they still submit a full application if they are outside the three-year period for reserved matters, or a full application for a change of house type?

**The Minister of the Environment:** The answer is yes.

**Mr Molloy:** Go raibh maith agat. I thank the Minister for his statement and for moving the issue forward, which is very important and timely. I feel, however, that it does not go far enough. There are, as he said, gaps in the process, and I welcome the setting up of an independent group to examine that.

With regard to the make-up of that group, I emphasise the importance of bringing together people with expertise, particularly from the Republic of Ireland where they have expertise in the matter of single houses in rural areas and other proposals. Will the group include those with planning expertise and experience in that area?



Furthermore, will the group bring forward legislation that will enable non-farming rural dwellers to build a house for themselves in rural areas? In addition, will the consultation ensure that those from rural areas, such as mid-Ulster, have an opportunity to have a say in the process?

**The Minister of the Environment:** It would be inappropriate for me to indicate the membership of the review group. I did not expect to get permission for that until the matter had gone through the Executive. Therefore, people were not approached prior to the matter going to the Executive.

However, those who will be asked to serve on the working group will bring with them a diverse range of skills, including planning skills from different parts of the United Kingdom and the Irish Republic, and legal skills. We will make sure that the working group includes that range of skills because we want a comprehensive report from it. That depends, of course, on whether those who I have in mind are prepared to take up the position. I hope that they will, because I believe that it will be a high-profile review group.

I have said that a series of information meetings will be held across Northern Ireland during January and February in order that people from rural areas can have their say.

I have told my officials that I do not want those meetings to take the form of public meetings that generate more heat than light, as it were. The meetings should be informative and should be held at times when people can go along and question officials on specific parts of the policy about which they have concerns in order to get proper elucidation.

Those meetings will be held at 11 locations throughout Northern Ireland and notices will appear in the press. I hope that people will avail of them. Of course, individuals can also submit responses to the consultation. As I said in my statement, all of the information that emerges during consultation will be considered before the final draft of PPS 21 is produced.

**Mr Ross:** I, too, welcome the Minister's statement. First, can he estimate how many applications that failed under PPS 14 could be successful under the new policy?

Secondly, does he agree that it is totally inconsistent for the SDLP to champion itself as a defender of the environment on one hand while, on the other hand, advocating a building free-for-all in the countryside?

**The Minister of the Environment:** On the first part of the Member's question; it is not possible to judge the outcome of the 2,100-odd applications that are currently in the system in light of the new policy. I do not believe that any work has been done on that in planning offices because staff would not have had the information with which to make that judgement.

Therefore, the stark answer to the Member's question is: I do not know how many applications that failed under draft PPS 14 could be successful under the new policy. As I said, I hope that planning offices and regional planning managers will task case officers to deal with those applications as quickly as possible in order to generate certainty.

As regards the Member's comment about the SDLP's position on the issue; I believe that this is a balanced policy and that it has been designed to sustain rural communities. I do not want to repeat the policy's essential ingredients. If people examine it, they will see that it provides opportunities for those who want to work on farms and those who need to care for loved ones, or who have special circumstances, and opportunities for the development of old buildings that are currently going to rack and ruin. In addition, people who cannot afford to purchase their own homes but who need accommodation and want to live in the countryside will have opportunities under the social and affordable housing criteria. Therefore, the policy is balanced towards sustaining existing rural communities, although it will not allow building in every field.

Given the fact that during previous weeks, through endless discussions, questions and debates on climate change, the Chairman of the Environment Committee and his colleagues have — as they are quite entitled to do — accused me of ducking the climate-change issue and of having my head in the sand, I would have thought that a policy advocating unbridled building in the countryside, with all the transport required and CO2 emissions it would create, would be a head-in-the-sand policy.

To advocate such a policy is ducking the issue. This is a piece of political opportunism by the SDLP. I do not believe that that party actually wants me to introduce such a policy; although it wants to be able to say to its supporters that it did its best to persuade me. Secretly, however, it is saying: thank goodness that the Minister did not cave in.

**Mr McClarty:** I thank the Minister for his statement, which I welcome. Will he inform the Assembly whether all five countryside-policy areas have been designated? Where are they? He has told the House that one is in the Mourne area; however, where are the other four? What criteria were used to designate those areas? Likewise, what criteria will be used to designate further special countryside areas?

11.15 am

**The Minister of the Environment:** After 2011, the designation of further special countryside areas or the extension of the five existing areas will be up to local district councils. Under local development plans, district councils will have to decide whether to extend



existing areas or have new areas, and they will have to decide what special protection to apply to those areas.

Due to the location of the five existing areas, there would probably not be a great deal of development. The designated areas are the islands in Fermanagh; the undeveloped coast in the Larne area plan, the seaward side of the Coast Road and about 50 metres inland; Slieve Croob in the Banbridge area; the Ring of Gullion in Newry and Mourne; and the Mourne area of natural beauty. Development would only be allowed in those areas in very exceptional circumstances. Area plans dictate decisions on the extension of existing areas or the designation of new areas. However, under the new council regime, it will be for local councils to make those decisions.

**Mr Gallagher:** I thank the Minister for his statement. He mentioned his predecessor, Arlene Foster, three or four times in the first few sentences. Therefore, I should, perhaps, thank the former Minister too. The statement brings welcome news for farming families and people who have deferrals in the system and were hit by abandonment tests. I welcome the independent working group, whose work, I understand, will run concurrently with the consultation period. I hope that the promise of that will be realised for people whose cases appear uncertain.

Some buildings that the Minister referred to, such as barns and mills, are within the curtilage of farmyards where there are dwellings already. Will there be sensitivity in respect of exactly where such buildings will be placed? Although families appreciate the opportunity to live on their farms, they do not want to be living very close to such buildings. However, some farmyards do not offer any options.

Previous policies have been dogged by unfairness and inconsistency. Many of us have expressed hope that loopholes that favoured speculative development have been closed. Will the Minister comment on that?

**The Minister of the Environment:** I have made it clear that buildings deemed to be eligible for replacement or those that are to be replaced after a farmer has applied under the 10-year rule must be rebuilt within the farm cluster. One reason for that is to prevent the creation of a sprawl. A second reason is that it encourages genuine family applications. Families will not mind living within the farm cluster, whereas someone buying a site with the intention of building and selling would want the building to be further away from the farm. Buildings situated outside the farm cluster would also have greater visual impact.

However, sensitivity will be shown, and if, for example, a building adjoins a chicken house or a pigsty, which would have a negative environmental impact on the family, resiting would be permitted. Without going into each situation, the policy allows for discretion to be

exercised when the siting of a house within the farm cluster would result in excessive noise or other environmental impacts on the family.

I am sorry; the Member asked a further question that I did not pick up. I do not want to avoid answering, so perhaps he would repeat the question.

**Mr Speaker:** Does the Member want to repeat the question?

**Mr Gallagher:** My question was about the previous policy's unfairness and inconsistency when dealing with planning applications by local people as opposed to developers.

**The Minister of the Environment:** The policy that I outlined today has a clear emphasis on local people, because applicants will, by and large, be those who live and own land in the countryside. The Department has made it clear that the proposals for social and affordable housing must be submitted by a housing association that has identified a local need rather than by a speculative developer. The Department aims to relate any new development to the needs of local people, and who better to assess that than a housing association? The association will, of course, have to make its case through referencing the Northern Ireland Housing Executive's figures, and they must demonstrate a housing need in that particular area.

**Mr W Clarke:** A Cheann Comhairle, I also thank the Minister for his welcome statement; draft PPS 21 offers a much better deal to rural communities.

I have a question about the reuse of older buildings: will the Minister work closely with the Minister for Social Development to provide rural social housing on individual sites? In the Mourne, a pilot scheme — the Mourne homestead scheme — worked well, but it was short-lived.

Will the Minister require extra resources to process applications that have been deferred since 16 March 2006? If so, will staff be relocated from one office to another?

**The Minister of the Environment:** The Minister for Social Development will decide whether her Department or a housing association should buy any individual sites that may become available on which to construct single buildings. One reason that I talked about groups of social housing is that there are economies of scale involved when building several houses as opposed to one house. Housing associations and the Department for Social Development will have to make a judgment on individual sites.

I have no doubt that, if a particular property is required and a site is available, a case could be made through the normal route: from a housing association to the Housing Executive and from there to the housing branch of the Department. However, building

individual houses tends to be much more costly than building groups of houses.

The highest concentrations of deferred applications are in the Omagh and Craigavon offices. I have the figures here somewhere, but I cannot find them just at the moment. The divisional planning offices will have to decide how to allocate resources. At present, offices are experiencing a downturn in applications because of the credit crunch, and I hope that divisional planning officers will use their existing staff to ensure that planning applications are dealt with quickly. If it looks as though targets will not be met, teams could be sent in to assist.

I am not making a commitment to that effect. However, a special team recently worked in the Craigavon office to process the backlog of applications. It had a dramatic impact, and the Department will consider such measures if necessary.

**Mr Irwin:** I thank the Minister for his statement, which will make a real difference to people in Northern Ireland. Will the Minister outline the number of deferred applications held by the Planning Service in each division?

**The Minister of the Environment:** I have those statistics here somewhere. I hope that the Member does not mind waiting while I leaf quickly through my papers.

In total, there are 2,180 deferred applications — 770 in the Omagh division, 250 in the northern division, 650 in Craigavon, 350 in the Ballymena division, 145 in the Downpatrick division and, oddly enough, 16 in Belfast.

**Mr Gardiner:** I welcome the Minister's statement and comments. Although he has partially answered my question, I want to probe further. I am concerned about the backlog of planning applications in the Craigavon area that were held in abeyance because of draft PPS 14. Will the Minister consider redeploying staff to the Craigavon area in order to review those applications? That measure would provide increased work for the building industry in Craigavon.

**The Minister of the Environment:** As I said previously, a special team worked in the Craigavon division and reduced the backlog of applications dramatically. Furthermore, I hope that the downturn in applications will free resources. If so, it may be possible to meet the June 2009 deadline. As I have said to other Members, some applications will, probably, be held to that time anyway. We will not issue refusals until the final version of draft PPS 21 is ready in order to ensure that all applications have a fair chance.

**Mr Buchanan:** I welcome the Minister's statement. The proposals will make changes to PPS draft 14 — a crippling document that caused difficulties in the rural community — and will, undoubtedly, alleviate those difficulties. I welcome especially the reuse of older buildings, the replacement of the abandonment test, the

cluster buildings, the new criteria for farm buildings, special circumstances, and so on. It is important that the measures protect rural areas. The changes will facilitate that protection.

Will applications that have been refused under PPS 14 be blighted if a new application is submitted on that site? How will the Minister ensure that a balanced interpretation of draft PPS 21 is delivered by planning officers in all districts? We must avoid differing interpretations across districts, as has happened in the past.

**The Minister of the Environment:** There is a policy for the use of abandoned dwellings. A report in this morning's 'News Letter' claims that in areas of natural beauty — such as the Mourne — that have already suffered from ugly development, old tumbledown houses and ruins will be turned into hacienda-style eyesores.

The policy will not allow that. It is designed to protect the countryside, while allowing for people to make an application.

11.30 am

The Member asked whether the new policy will mean that sites are going to be blighted; the answer is no, because, despite the planning history of a site, if someone makes a new planning application, it will be judged not on the basis of a previous refusal, but in light of the policy that I introduced today.

He also mentioned the possibility that the policy will be implemented differently in different divisional planning offices. I suppose that with any planning policy there will always be allegations that discretion was used more liberally in one place than another, or that the degree of subjectivity — which there will be in any document anyway — was different in one division than another. However, I and my officials will seek not only to educate the public about what the policy is designed to do, but to ensure that those who make judgements on the basis of the policy are informed as to its intentions, and how it is to be applied. By doing that, we will ensure that there is a level of consistency across all the divisional planning offices — which is important.

**Mr B Wilson:** I also welcome the Minister's statement, particularly his assurance that there will not be a building free-for-all with haciendas on every hillside, as I previously referred to it. I also welcome the emphasis on housing clusters and the expansion of existing settlements, and suggest that perhaps the Minister should make provision for the development of eco-villages. The Minister also referred to the report in this morning's 'News Letter', which stated that if the abandonment test is abolished, 100-year-old ruins could be given approval for new development. Will the Minister clarify that issue? Will he also clarify whether a strategic environment assessment has been carried out, and, if not, who will carry it out?

**The Minister of the Environment:** History is being made this morning — the Green Party has actually welcomed something that I have done. That may well cause me to revise the stance that I have taken, but I welcome the acknowledgement by the Member for North Down that I have addressed many of the concerns that people had about the destruction of the countryside under the policy that existed before 2006. The new policy will ensure that that cannot happen.

On the issue of abandoned dwellings, the policy is quite clear. I have also put it on the record here this morning that the policy will not allow someone to point to a pile of stones in a corner of a field and say that that entitles them to build a 6,000 sq ft mansion. It will not even entitle them to build a 1,000 sq ft cottage, because the policy is quite clear. There must be intact external walls, and the site must have retained the features of the previous building. I give that assurance to the Member.

The Member asked whether the policy was subject to a strategic environmental assessment; it does not have to be, and, therefore, no such assessment was carried out.

## MINISTERIAL STATEMENT

### Taking Forward the Review of Public Administration in Education

**Mr Speaker:** I have received notice from the Minister of Education that she wishes to make a statement on taking forward the Review of Public Administration in education.

**Mr Beggs:** On a point of order, Mr Speaker. I have just checked my pigeonhole, and it did not contain a ministerial statement. Nor was a statement available in the Rotunda, from which I have just come. Members are at a severe disadvantage — I see that the statement has been issued only to certain Members or to certain parties.

**Mr Speaker:** Order, Members. I understand that the statement was issued. I am sure that the Minister will clarify the issue.

**Mr B McCrea:** Further to that point of order, Mr Speaker, as the Ulster Unionist Party's education spokesman, I checked for the statement repeatedly. There is no statement available; I have not had sight of one. It is very difficult for me to contribute to the discussion without having seen the statement.

**Mr Speaker:** Order. I am sure that the Minister will clarify the issue when she gives her statement.

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

**The Minister of Education (Ms Ruane):** I apologise to Members, but the statement will be with them very soon. The statement was delayed because, as Mr McCrea will know, I received comments from Minister McGimpsey and Minister Empey late last night. I responded to those comments late last night. A statement was issued this morning, but I wanted to ensure that the statement took on board those two Ministers' comments.

Tá mé sásta a chur in iúl do Chomhaltaí go bhfuil dul chun cinn á dhéanamh ar athchóiriú agus ar nuachóiriú ár gcórais oideachais. Níos déanaí inniu, tabharfaidh mé isteach an chéad Bhille den dá Bhille a dhéanfaidh an t-athchóiriú is bunúsaí ar ár gcóras oideachais le breis agus tríocha bliain, agus beidh bunú an údaráis um oideachas agus scileanna ar 1 Eanáir 2010.

**Mr D Bradley:** On a point of order, Mr Deputy Speaker. There seems to be some confusion about statements being issued. I have a copy of the statement, which I received about 45 minutes ago. The Business Office then informed me that that statement was being withdrawn and that a new statement was being issued. If a new statement was issued, I have not received it. It was not available in the Rotunda a few minutes ago. May we get some clarity? Is what I have the statement, or has another statement been released?



**Mr Deputy Speaker:** I thank the Member for that point of order. I hope that the Minister will clarify the situation in her statement.

**The Minister of Education:** I have already clarified the situation, but I will do so again. The statement will be with Members in a few minutes. The delay has occurred because I received comments from two Ministers late last night. I want to ensure that I take comments from all Executive Ministers. My officials worked late last night to respond to both Ministers, for which I thank them. I issued a statement earlier this morning, but I asked for it to be withdrawn, because I wanted to make some changes to the statement at the last minute. I hope that that clarifies the situation.

Ba mhaith liom béim a leagadh ar bhunaidhm an athchóirithe seo. Ní bhaineann an RPA san oideachas le slacht a chur ar chúrsaí riaracháin ná ní bhaineann sé le cost-chiorrú. Is é is bunaidhm leis ná feabhas a chur ar an oideachas: an tseirbhís phoiblí rithabhachtach sin a mhúnlaíonn agus a threoraíonn forbairt ár ndaoine óga agus na deiseanna saoil a bhéas acu; a chothaíonn pobail láidre comhtháite; agus a thiománann spreagadh dár ngeilleagar.

I am pleased to inform Members that the reform and modernisation of our education system is moving ahead. Later today, I will introduce the first of two Bills that will bring about the most fundamental reform of our education system in more than 30 years, culminating in the establishment of the education and skills authority (ESA) on 1 January 2010.

I will emphasise the fundamental purpose of those reforms. The review of public administration (RPA) in education is not about tidying up administration, nor is it about cost cutting. Its focus is on improving education — that vital public service that shapes and guides the development and life chances of our young people, builds strong, cohesive communities, and drives and fuels our economy.

I am not interested in rearranging bureaucratic deckchairs. My aim is to have a fit-for-purpose system that will meet the strategic and economic challenges that we face now and in the future. Those challenges include dealing with unacceptable levels of underachievement, while at the same time building on our successes; ensuring equality of access to a curriculum that will match provision to the needs of learners; and ensuring that education fuels the development of our economy.

Those challenges also include managing the transition to new post-primary transfer arrangements; dealing with the more than 50,000 surplus school places during a time of ongoing, downward demographic change; and the pressing need to modernise the schools' estate, and our approach to planning and delivering that estate. Central to that is raising standards and tackling inequalities. There are widespread inequalities

in our educational attainment. The system is failing too many of our young people, and blighting communities.

Tá a lán rudaí inár gcóras oideachais ar féidir linn bheith bródúil astu, ach níl sé inghlactha go mbíonn páiste as gach cúigear ag dul isteach chuig oideachas iarbhunscolaíochta le droch-chaighdeáin litearthachta agus uimhearthachta, agus nach mbaineann beagnach leathchuid dár ndaoine óga cúig GCSE maith nó a gcomhcháilíochtaí amach, lena n-áirítear Béarla agus matamaitic.

We have much in our education system of which to be proud, but it is not acceptable that one in five children enters post-primary education with poor literacy and numeracy skills, and that almost half of our young people do not achieve the equivalent of five GCSE passes, including English and mathematics.

How can we build a society based on equality when, after 12 years of compulsory education, almost half of our young people do not achieve a level 2 qualification in English and mathematics, and where there is the gap between the highest and lowest performers — a matter to which the Organization for Economic Cooperation and Development has drawn attention? That is why I have put raising standards at the centre of the RPA.

Bíonn grúpaí áirithe páistí agus daoine óga ar ligtear síos go mór iad mar gheall ar na neamhionannais seo. Bíonn drochthoradh ann do na pobail lucht oibre go háirithe; Protastúnaigh agus Caitlicigh, buachaillí agus cailíní.

Particular groups of children and young people lose out because of those inequalities. Our working-class communities in particular are affected: Protestant and Catholic, boys and girls. In 2006-07, the proportion of Protestant males leaving school with fewer than five GCSEs in grades A\* to C was 44%, or 2,313 pupils; and for Catholic males, 41%, or 2,564. The proportion of disadvantaged Protestant males leaving school with fewer than five GCSEs was 79%, or 519, compared with 64%, or 895, of disadvantaged Catholic males. A staggering 92% of our Travelling community have no GCSEs — compared with 4% of all school leavers.

In 2006-07, 70% of children not entitled to free school meals left school with at least five GCSEs in grades A\* to C, yet only 38% of school leavers entitled to free school meals attained the same level of achievement. Furthermore, 12% of people with a disability hold a qualification higher than an A level, compared with 26% of people who have no disability. In addition, 8.6% of minority ethnic pupils leave school with no GCSEs, compared with 3.9% of all pupils.

Tá daoine óga eile faoi mhíbhuntáiste nach gcuirtear san áireamh ar tháblaí figiúirí i gcónaí: máithreacha den aois scoile; páistí — agus cailíní go mór mór - a bhíonn ag fulaingt ó fhoréigean agus ó mhí-úsáid teaghlaigh; páistí faoi chúram; cúramóirí den aois scoile; páistí ó



mhionlaigh eitneacha a bhíonn ina n-íospartaigh ciníochais; agus íospartaigh gach cineáil bulaíochta.

Those stark figures indicate the need for fundamental change in order to tackle inequality, but they do not tell the whole story. There are other disadvantaged young people who are not always represented on tables of figures: school-age mothers; children, especially girls, facing domestic violence and abuse; looked-after children; school-age carers; children from ethnic minorities, suffering racism; and victims of all forms of bullying, including homophobic bullying.

11.45 am

It is all too easy for children facing those challenges to become totally disillusioned and to fall out of education, drop out of our sight, and lose any expectation or chance of a lifestyle that most of us take for granted. Life has already given those young people an unequal chance. Let us ensure that our education system does not penalise them a second time.

Ba mhaith liomsa go mbeadh gach scoil ina scoil mhaith, agus ba mhaith liom go mbeadh comhdheis ag gach uile pháiste. Sin an fáth ar rún liom an t-údarás um oideachas agus scileanna a bhunú le dualgais agus feidhmeanna reachtúla: mar phleanálaí oideachais; mar thacadóir oideachais; agus mar rud a chuireann dúshlán faoin oideachas. Beidh ardú caighdeán ag croílár a fheidhme.

I want every school to be a good school, and I want every child to have an equal opportunity. That is why I intend to establish the education and skills authority, which will have statutory duties and functions as the planner, supporter and challenger of education. Raising standards will be at the core of its purpose.

The RPA is a single legislative programme. My intention is that it will be implemented by means of two Acts that will be intimately linked. Full implementation of both Acts will be necessary in order to achieve the programme's objectives. Some key policy areas — such as area-based planning of the education estate — will span both Acts.

I have given particular consideration to the timing of implementation. I remain convinced — and I know that many Members across the House share my belief — of the importance and urgency of the fundamental reform of education administration for the reasons that I have stated. However, a balance must be struck between establishing and maintaining early momentum and the need for further development of some key policies before structural change is implemented.

Therefore, I propose the following timetable for implementation. The first Bill will be introduced to the Assembly today, with the aim that it will be on the statute book before the 2009 summer recess. The second Bill will be introduced to the Assembly by June

2009, with the aim that it will be on the statute book by 1 January 2010, if possible, and no later than 1 April 2010. The substantive provisions of the first Act will commence on 1 January 2010, as will the provisions of the second Act, if complete. The education and skills authority will be established on 1 January 2010.

The development of the proposals has involved intensive consultation with stakeholders and the Committee for Education, and I am grateful for the time taken by the Committee on the matter. Regrettably, it has not yet been possible to reach consensus with the Committee on a number of matters. Over the coming months, my officials and I will work very closely with the Committee to ensure that the complexities of the Bill are debated fully, and we will endeavour to resolve the issues raised by my Committee colleagues to their satisfaction.

A LeasCheann Comhairle, ba mhaith liom aird na gComhaltaí a tharraingt ar cheithre ghné ar leith de na tograí beartais atá á dtabhairt anuas agam.

I draw Members' attention to four particular aspects of the policy proposals that I am introducing. The first relates to local democratic accountability, which is vital for a service as important as education. It was proposed originally that the ESA would have between 8 and 12 members, with no positions reserved for local elected representatives. However, I was not satisfied that the ESA would be an effective champion for education without democratic input. Therefore, I have decided that the majority of ESA members should be local councillors.

The objective is to have effective, responsive, local delivery of services, which is provided within a consistent policy framework. The ESA must be a regional organisation with a strong local presence and a real focus on local delivery. Local managers and delivery units will have the freedom to respond to specific local circumstances and need. They will be sensitive to, and receive input from, local committees comprising, among others, a number of elected representatives. Provision for the establishment of such committees has already been included in the first RPA Bill.

Secondly, following the outcome of the review of public administration for local government, I had constructive discussions with Minister Foster and NILGA (Northern Ireland Local Government Association) about the future of the Youth Service. However, I was not convinced by the arguments for transferring the responsibility for the Youth Service to local government. Nevertheless, I remain willing to consider the matter further in the future, but, for now, I propose to transfer the relevant functions to the ESA.

Thirdly, the education and skills authority will be the employer for all staff in all grant-aided schools. The original intention was to implement that proposal

in two phases; the first to include controlled and Catholic-maintained schools, and the second to include voluntary-grammar, grant-maintained, integrated, Irish-medium and other grant-aided schools. Concerns were expressed by some stakeholders, Executive colleagues and the Education Committee that that might result in an inequality of treatment among the different school sectors. Having carefully considered those concerns, I recognise the clear advantage of completing this necessary reform as early as possible. Therefore, I have decided to amend the proposals so that the first Bill will establish the ESA as the employer for all staff in all grant-aided schools.

Fourthly, I propose to change the proposals on school governance that I had intended to include in the second Bill. My intention was that the second review of public administration in education Bill would include provisions to reform the composition of, and simplify the process of appointing, boards of governors in all grant-aided schools. However, an unintended consequence of that change would mean that it would not be possible to preserve the current right of the Transferor Representatives' Council (TRC) to nominate governors for controlled schools.

Aithním tábhacht an ról a bhí ag gobharnóirí an TRC thar na blianta, agus an gá atá ann lena chinntiú go leanfar leis an pháirteachas atá acu. Mar sin de, shocraigh mé gan dul ar aghaidh leis na hathruithe molta reachtúla ar rialachas scoile sa reachtaíocht RPA. Coinneofar na forálacha ábhartha reachtúla, agus an ceart a bhíonn ag aistreoirí le gobharnóirí scoile a ainmniú. Tá sé de rún agam freisin go solathróidh ballraíocht bhoird gobharnóirí na scoileanna comhdheiseanna agus go léireofar ilchineálacht na bpobal ar a ndéanann siad freastal.

I recognise the importance of the contributions made by TRC governors over many years and the need to ensure that their involvement continues. Therefore, I have decided not to proceed with the proposed legislative changes to school governance in the review of public administration in education legislation. The relevant legislative provisions will be retained, and the right of TRC to nominate school governors will remain. In addition, it is my intention that the composition of boards of governors of schools will provide equality of opportunity and reflect the diversity of the communities that they serve.

Mar ullmhúchán do bhunú an údaráis, beidh sé tábhachtach dul chun cinn a dhéanamh le clár an bhunathraithe agus cónascadh riaracháin agus seirbhísí tacaíochta. Beidh ceannasaíocht éifeachtach ríthábhachtach dó seo. Ceapadh príomhfheidhmeannach ainmnithe an údaráis cheana féin, le foireann bheag tacaíochta. Molaim anois go leanfar leis an phróiseas chun roinnt oifigeach tábhachtach dara leibhéal a cheapadh a luaithé is féidir, d'fhonn an clár a luasghéarú.

Ag breathnú chun cinn, tá beartaithe agam cathaoirleach agus baill eile den údarás a cheapadh a luaithé is féidir i ndiaidh don chéad Bhille dul tríd an Dara Céim sa Tionól. I ndáiríre, is dócha go ndéanfar na ceapacháin seo i bhfómhar na bliana seo chugainn.

In preparation for the establishment of the ESA, it will be important to press ahead with the programme of transformation and convergence of administration and support services, and effective leadership will be the key to that. The ESA's chief executive designate has been appointed, as well as a small support team. In order to accelerate the programme, I propose to move ahead with the process of appointing a number of key second-tier officers as soon as possible. Looking further ahead, I propose to appoint the chairperson and other members of the ESA as soon as possible after the first Bill completes its Second Stage in the Assembly. In practice, those appointments are likely to take place in autumn 2009.

Tá súil agam go gcuirfidh an Tionól fáilte roimh na tograí seo, a chuirfidh dúshraith síos le go mbeidh an córas oideachais ann atá tuillte ag ár gcuid páistí. Tá mé ag súil go mór le tuairimí Comhaltáí a chloisteáil inniu, agus le díospóireacht chuiditheach agus mé ag tabhairt na reachtaíochta ar aghaidh.

I trust that the Assembly will welcome these proposals, which lay the foundations of the education system that our children deserve. I look forward to hearing Members' views and to constructive debate as we take the legislation forward. Go raibh maith agat.

**The Chairperson of the Committee for Education (Mr Storey):** I wish to make a few comments about what has happened today in the House. First, it is unacceptable that Members do not know whether they have version 1 or version 2 of the text of the Minister's statement. As Chairperson of the Committee for Education, I wish to register my disappointment that we were given the text of the statement, and then we were told that that was not the actual statement. I ask the Minister to clarify in writing the changes that were made to the original statement that she intended to bring to the House and the differences between it and the statement that she delivered.

Secondly, the Minister should not assume that she has been given a blank cheque for education reform. A huge amount of work must be done to mould the proposals and the Bill so that they are deemed to be acceptable. The Committee for Education has scrutinised a number of the policies underlying the Bill and has identified several significant concerns. The Committee will meet senior officials tomorrow and will question them about some of those concerns. The Committee will begin the process of addressing its concerns collectively during the weeks and months that lie ahead.

My question to the Minister relates to one of those many concerns. Will she reassure the House that the subregional structures of the education and skills authority, to which she referred, will provide proper local accountability in the delivery of education services? By proper local accountability, I do not mean consultative powers or, at worst, consultation after the event, but that local education providers — whether school principals, boards of governors or others — alongside local representatives would have an appropriate challenge role if the education and skills authority fails to deliver.

The Minister should take serious cognisance of the fact that there are concerns and issues that must be addressed. Rather than avoiding dealing with those concerns, as she has done in the past on many issues, will she assure the House that — just as her party, for five months, had concerns about being treated with respect — she will treat with the same respect the concerns about the legislation that are held by many Members on this side of the House?

**The Minister of Education:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Chairperson for his comments. I have clarified issues concerning the statement, and I will be happy to provide that information in writing.

I do not think that anyone would be surprised to learn that Mervyn Storey would never give me a blank cheque. We will obviously continue with our robust debate. I welcome the discussions that my officials and I have had with the Committee to date, and I look forward to that process continuing.

I can give the Chairperson the assurance that he seeks. I have already said that I have listened to the Committee's many concerns, of which local accountability is one. I have ensured that the majority of members of the education and skills authority will be local elected representatives. In that respect, people will have a vote, and we have taken that into consideration. I can assure the House that local accountability will be very important, because it is a key area.

It is also important that local educationalists play their part in the discussion. That is why I spend an enormous amount of my time in discussion with school principals, teachers, boards of governors and various education bodies.

**Mr O'Dowd:** I welcome the Minister's statement for several reasons. First, we need to move forward with the education aspects of the RPA. Secondly, the people who work in and govern the boards need to know exactly what is happening.

12.00 noon

Does the Minister agree that many of the concerns raised by Members opposite have been dealt with? For

instance, the representation of transferors on boards of governors, local accountability mechanisms, and the proportion of elected representatives on the ESA have been dealt with. Furthermore, does the Minister agree that the success of the ESA can be measured only against an improvement in the depressing figures relating to educational underachievement across society that she has read to the House? We need a new direction in education; the ESA must improve those figures and the education that is available to disadvantaged communities.

**The Minister of Education:** I thank the Member for his comments. I agree that many of the concerns raised by Members have been dealt with. As I said, we had good engagement on those issues. I repeat my thanks to everybody who worked with the Department on such issues as the transferors and local accountability, but I do not want to go over the issues again.

I agree with Mr O'Dowd on the education and skills authority: it will be judged on the outcomes for the young people who are being failed by the current system. It is essential that we move forward, with proper scrutiny, as quickly as possible so that we do not continue to disadvantage young people.

I chair a high-level group of the chairpersons of all the organisations that are affected by the RPA, and we have had regular meetings throughout the North of Ireland — in Antrim, Derry, Newry and Belfast. At those meetings, all groups — from the boards to the Council for the Curriculum, Examinations and Assessment — have said that the delay in the establishment of the ESA is causing them serious difficulties with regard to the retention of personnel and the employment of the necessary qualified personnel.

I am glad that the education Bill will be introduced in the House today, and I hope that all parties will support the Bill and progress it as quickly as possible — albeit with proper scrutiny. I welcome the proper scrutiny; it is part of the democratic process. Improvement in education outcomes is the key driver here, and it is important.

**Mr B McCrea:** This is another rushed, ill-considered, half-baked proposal from parties that are intent on getting some form of political deal without realising that they are dealing with the education of our children. For that reason — and despite the fact that I am not sure which statement I am supposed to be looking at — the Ulster Unionist Party does not support the Minister's proposals in their current form. The two Ulster Unionist Ministers voted against the proposals in the Executive. Part of the problem, Mr Deputy Speaker, is that I am not sure whether — *[Interruption.]*

**Mr Deputy Speaker:** Order. The Member will realise that Members are being given an opportunity to



ask the Minister questions on her statement. I await the question, Mr McCrea.

**Mr B McCrea:** I thank the Deputy Speaker for his clarification. I was a wee bit confused as to which statement I was supposed to be reading, and that is why I was trying to explore the issues.

Why, despite having 152 days to prepare for the release of her statement, has the Minister been unable to include her proposals on the education advisory forum in the first Bill? Why has she not been able to bring it to the Committee for discussion? Despite the Minister's assertions that she has been involved in intimate discussions with the Committee, it has been wholly dissatisfied with her proposals, and I would be surprised if that was to change now. Given the challenge presented, will the Minister inform the House whether she intends to use accelerated passage for the proposal?

**The Minister of Education:** I thank the Member for his comments, although I do not agree with them.

If people were to study the time frame in which the proposals were presented to the Executive, they would see that an enormous amount of time went into producing them and that there was a great deal of consultation on them. Therefore, I do not agree with the Member's comments. I remind Members that I brought the proposals to the Executive on 19 July 2007. I remember the date because it was my birthday — diecinueve de Julio.

If people were then to look at how much time went into the discussions on and preparation of the proposals, they would see that — for those who are good at maths — a year and five months were spent on that process. There were tremendous discussions on the subject, and the Committee for Education was engaged in those actively.

I am disappointed. What happened was that there was no vote in the Executive — no vote in which two Ministers voted against the proposals. A vote was taken in the Executive to go ahead with the Bill, and if Executive members had any comments, they were to come to me with them by the following Monday evening. They came to me at 5.05 pm, and my officials stayed late to work on and provide full responses to them.

I understand the concern about the education advisory forum. We will bring proposals to the Committee on that in the near future. It is a key mechanism, and it is too important to be rushed. Policy work on the education advisory forum is not yet sufficiently advanced to engage properly with the Committee for Education and other stakeholders. Therefore, I have concluded that it will not be feasible to introduce policy and legislative proposals within the timescale that has been given for the passage of the first Bill. However, on completion of the policy development work, I intend that the forum will be established on an interim or pilot basis at the earliest opportunity using existing general powers.

That will be followed by the commencement of specific provisions in the second RPA Bill. I do not plan to use accelerated passage. Go raibh maith agat, a LeasCheann Comhairle.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Caithfidh mé a rá go n-aontaím leis an phrionsabal atá taobh thiar den Bhille seo, nó is prionsabal inmholta é.

I agree with the principles behind the Bill — they are, indeed, praiseworthy. I also note the cosy and warm relationship that is developing between the Minister and the Chairperson of the Education Committee.

I recognise the need to streamline education —

**Mr Deputy Speaker:** Order. I stated to Mr McCrea that Members should ask the Minister questions on her statement. Please do not use confusion as an excuse — politicians of your calibre and that of Mr McCrea are not so easily confused.

**Mr D Bradley:** Thank you very much, Mr Deputy Speaker; I do not know whether to be pleased or displeased by what you just said. However, I will continue with my question.

Does the Minister not realise that resolution of the transfer issue is the public's most pressing concern? While that issue goes unresolved, many may see the Minister's introducing the ESA Bill as another example of her fiddling while Rome burns. Will she tell us how ESA will operate effectively in a situation of unregulation? Can she assure us that the Bill will treat all sectors equally — Irish-medium, integrated, controlled and maintained? Will she explain the contradiction that exists between the ending of the voluntary principle and the ESA's stated aim that it will encourage maximum supported autonomy? Go raibh maith agat.

**Mr Deputy Speaker:** Thank you, Mr Bradley. Magnus Magnusson was not so severe with his questions. *[Laughter.]*

**The Minister of Education:** I will answer all the Member's questions in order.

Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh ráiteas an Chomhlta.

I welcome and concur with the Member's initial comments, which recognised the importance of the ESA. We are now involved in a very important process. It is important for all the reasons that I have outlined, the main one being the need to deal with the issues of equality and underachievement — and the House heard the stark figures that I mentioned earlier.

I agree with the Member that the transfer issue is key, and I hope that we can find an agreed way forward on how to transfer children from primary to post-primary education. I will continue to work with everyone and with every organisation to bring about such an agreement. If



we do not reach an agreement, I will have to issue guidance, because it is my duty, as Minister, to ensure that there are clear procedures that enable our children to transfer from primary to post-primary education and that those procedures are based on equality of opportunity.

Members have heard the statistics; they have heard about the thousands of children who are being failed by the system. I agree that it is essential that we deal with the transfer issue. Many Members have been involved in that matter, along with the Churches, Protestant and Catholic, the educational stakeholders and the trade unions — and I welcome the interventions that have been made by the trade unions and the Churches.

The Member's third comment was about the need to treat all sectors equally, and it is obviously essential that all sectors are treated equally and fairly. The Member knows that, as Minister, I take my equality duties very seriously. Among those is the duty to encourage and facilitate Irish-medium and integrated education, and I will continue to do so as robustly as I have in the past. I will also ensure that there is equality across the board, covering the nine equality grounds including: gender; disability; race; marital status; people with dependants and people without; and sexual orientation. It is essential that that range of issues is taken on board. The Member can be assured on that point.

The Member mentioned the voluntary principle. The ESA will be the employing authority for all staff in all grant-aided schools. There is no eroding of the voluntary principle; in fact, it will be extended. All boards of governors will be responsible for the day-to-day running of schools, supported by the ESA.

**Mr Lunn:** In the spirit of framing every comment in the form of a question, will the Minister confirm my view that the statement that I received an hour and a half ago is identical to the one that I received twenty minutes ago? The only difference seems to be that the Irish section has been removed from the second statement.

**Mr Storey:** That is an improvement.

**Mr Lunn:** I do not see it as an improvement. The statements are identical. I welcome the fact that the Minister has made a statement — whichever statement we are talking about. She mentioned the controlling body of the ESA and the new requirement that the majority of its members be local councillors. That seems to be a big step away from the original proposal, which was that no members of the ESA would be elected representatives. That might be a step too far for some of us, but we will see what happens as the process develops.

I welcome the comment about transferors. However, I must again ask whether transferors' rights will be preserved, as they currently are, or will they have rights that may or may not be identical to their current rights? I am thinking about the numbers sitting on boards. Finally, will the Minister confirm that the Assembly, rather

than the Minister, has the right to demand accelerated passage for a Bill?

**Mr Deputy Speaker:** I remind Members that this is an opportunity to ask the Minister questions on her statement. It seems that we are running a repeat of the BBC 'Twenty Questions' programme. Members should ask one or perhaps two questions each.

**The Minister of Education:** Go raibh maith agat as an cheist sin. The two papers are not identical, and I can show the Member where the differences are. I will write to all Members to clarify those differences. Again, I apologise, but I have explained the reasons three times already — the statement had to be changed to include the late comments that were sent in. Once again, I thank my officials for staying late last night to work on the statement.

I recognise the importance of the contribution that transferor governors have made and the need to ensure that their involvement continues. Therefore, I have decided to retain the legislative provisions that underpin their role. In addition, I will ensure that the composition of boards of governors reflects the diversity of the communities that their schools serve, including ethnic minorities that are served by controlled schools.

12.15 pm

The will of the people is sovereign, so I hope that Members share my support for the majority of ESA members being elected representatives. It will be up to the elected representatives — of whichever party — who are members of the ESA to play a constructive and important role, and I have no doubt that they will. We have had discussions on equality and partnership, which are qualities that will be required in the relationships between, and among, all the members of the ESA, elected representatives or otherwise.

**Miss McIlveen:** We must all be mindful of the existing board staff who have given dedicated service and for whom these are uncertain times. Am I right in thinking that, apart from a small number of ESA staff, all other staff will remain in situ? If so, how long will that be for? How does the Minister propose to manage the transition, and what involvement will the existing staff and management have in that process?

**The Minister of Education:** I thank the Member for her thoughtful and key questions. It is too early to comment on jobs. The ESA implementation team has compiled a database of the workforce in existing organisations. It is also in the early stages of designing new service-delivery arrangements and modelling the workforce for the new organisation. That will take some time to complete. Every effort will be made to avoid compulsory redundancies and reduce voluntary redundancies. The current vacancy control policy will be important in facilitating that.

In answer to the question about transition, I am chairing a high-level group in the sector, which includes the chairpersons of all the affected organisations. That group meets regularly across the North and discusses all of the issues and concerns that chairpersons have for their organisations and any aspect of the RPA. I am working in a hands-on manner in the process. Those meetings are also attended by my permanent secretary, my deputy permanent secretary and Gavin Boyd, who is the chief executive designate of the ESA. There is a raft of other meetings happening at every level, so the Member can be assured that we are taking the issue seriously.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's statement, in which she put on record the stark figures of inequality in our education system. Although we have much to celebrate in our education system, massive inequalities exist, which the Minister highlighted when she said that just 12% of people with a disability hold a qualification higher than an A level, compared with 26% of people who do not have a disability. Therefore, I welcome the Minister's commitment —

**Mr Deputy Speaker:** Order. This is questions to the Minister on her statement.

**Mrs O'Neill:** I am coming to my question. I welcome the commitment from the Minister —

**Mr Deputy Speaker:** Order. This is questions to the Minister, Mrs O'Neill.

**Mrs O'Neill:** There is great disparity in the services that disabled children receive, depending on the board area in which they live.

**Mr Deputy Speaker:** Order. As a hint, questions usually start with the words "What", "Why", "Where", "When" or "How". Will you ask your question?

**Mrs O'Neill:** Sometimes, it is necessary to set a context before asking a question. Will the Minister confirm that children with special educational needs will benefit from the proposed changes?

**The Minister of Education:** I thank the Member for her comprehensive question, and the context in which she asked it. I agree that disability is one of the key challenges in our society for all Departments to address. The statistic that I read out to the House earlier is shocking.

Disability is one of the key areas to be addressed, and I look forward to the work that the ESA will do on the matter. Disability is one of the nine equality grounds under section 75. Therefore, thankfully, welcome changes are happening in our society, but there is still a long way to go.

We spoke about people with special educational needs during yesterday's Question Time. There is a lot of work to be done on the matter, as there is unequal

provision across the board areas, and there are unequal resources across the board areas. Therefore, it will be a major challenge for the education and skills authority to introduce a cohesive, coherent programme to deal with children with special educational needs. I plan to bring to the Executive, as soon as possible, proposals for children with special educational needs, and I look forward to having a debate on the issue.

**Mr K Robinson:** I, too, wish to register my concern, as I received a copy of the statement this morning, but I am not sure whether it is the real statement, the continuity statement or the provisional statement; nevertheless, I will attempt to pose a question.

Both UUP Ministers seem to be involved in the game of playground politics this morning, as they are getting the blame for holding everything up. Will the Minister confirm that those Ministers were unable to back the proposals in the statement, which she eventually brought to the long-delayed Executive Committee last week?

Furthermore, following the Minister's "bull in a china shop" approach to post-primary transfer issues, will she also confirm that it is highly unlikely that the Bill will achieve consensus and trust, given the draconian powers that appear to be going towards the ESA that she proposes to establish?

**The Minister of Education:** I never said that they are involved in a blame game — what I said was that I received comments from the two Ministers after 5.00 pm, and I wanted to respond in full to those comments. I asked my officials to stay late to do so, and we answered their comments in full. I have always said that I will listen to comments from all my Executive colleagues. Indeed, if anyone looks at the way in which we have dealt with the issue of the education and skills authority and the review of public administration, they will see that there has been maximum consultation. Therefore, I hope that people will take that on board.

In relation to the second part of the three-part question, the UUP Ministers — [*Interruption.*] If I could just answer the question —

**Mr Deputy Speaker:** Order.

**The Minister of Education:** Both UUP Ministers expressed reservations about the matter, and Reg Empey has asked for the ESA to carry out functions on behalf of his Department. My officials are working closely with Reg Empey's officials in relation to the matter, and I look forward to continuing my work with Reg Empey.

In relation to children with special educational needs, as I stated yesterday, my Department is working closely with Michael McGimpsey's Department, and it will be very important for the ESA to work closely with the social care trusts.

**Mr K Robinson:** On a point of order, Mr Deputy Speaker. If Members have taken the time to come along and try to pose questions on a statement that may or may not be the correct version, surely, under those circumstances, it is incumbent on the Minister to at least answer those questions?

**Mr Deputy Speaker:** That is not a point of order.

**The Minister of Education:** In case there is any lack of clarity, I have answered Members' questions.

I am not holding up the matter of post-primary education, but rather it is the people who have failed, to date, to understand the importance of building a new education system that are holding it up. My position is stated on record. We need to put in place a new system that does not discriminate against any children. I do not want the issue to become a political football here.

I read out statistics that show the effects on Protestant and Catholic boys and girls, children from ethnic minorities, children with disabilities — and 92% of Traveller children who leave school without five GCSEs. That is shocking.

I agree with the Member that bringing forward proposals for children to transfer from primary to post-primary school is urgent; and I look forward to working with him and his party, and with all parties in the House, on that matter.

I have answered the Member's three questions.

**Mr Deputy Speaker:** I remind Members that I will take no further points of order during the questions on the Minister's statement.

**Mrs M Bradley:** Given the present economic climate, is the Minister sure that the predicted savings from the ESA will go to the front-line services? Will she give us the latest figures on the resources that will be passed to front-line services and when the first benefits of those savings will be felt; or have the savings been spent before the Bill has been introduced?

**The Minister of Education:** Go raibh maith agat as an cheist sin. I thank the Member for her question. As she knows, I have secured a budget of £50 million on an invest-to-save basis for education reforms. That budget was agreed by the Executive and it is intended that the proposed reforms will release £20 million per annum from education administrative services to front-line education services, where it will make most difference to the lives of children for all the reasons that I outlined earlier.

**Mr Ross:** I assure the House that it is not only the two Ulster Unionist Ministers who have difficulties and questions about the ESA; there are those on this side of the House who have difficulties with this as well.

In her speech, the Minister mentioned area-based planning and post-primary transfer. Would it not be a

more sensible way forward to allow real area-based planning — allowing areas such as Craigavon, which uses the Dickson plan, to continue using academic selection at age 14; allowing areas that want to get rid of academic selection for geographical reasons, if for no other, to do so, and allowing areas that want to continue to use academic selection at age 11 to do so?

**The Minister of Education:** I thank the Member for his questions.

As the Member knows, consultation on many of those proposals, including area-based planning and sustainable schools, has already begun. Responses will be considered and will be fed into the policy-making process.

I recognise that Executive colleagues and the Committee for Education would prefer that all of the RPA proposals be taken forward in a single Bill. I have considerable sympathy with that view and, in the light of the proposed changes to the second Bill, I have given it further thought. However, I have concluded that it is not feasible to proceed by means of a single Bill.

All Members recognise the importance of dealing with the RPA proposals as efficiently and quickly as possible and with proper scrutiny, because people know — and Members will have been lobbied — about the difficulties of retaining staff and getting the new staff needed for key functions to bring about the necessary changes in the education system.

In relation to the second part of the Member's question; he knows that I do not support academic selection. I do not believe that it is necessary at ages 11 or 14. We can create a world-class education system by building on our academic excellence and dealing with our high levels of underachievement. We need a system that does not judge children on the basis of two one-hour tests, or on the basis of ability criteria.

I hope that we can reach agreement, and I look forward to working with all Members on that. However, the time is fast approaching when we must reach a decision; and, failing agreement, I will issue guidance on admissions criteria.

**Mr Dallat:** The Minister rightly highlighted the low standards of educational achievement in some schools. She went on to point out that there are 50,000 empty places in schools. Will she assure us that good schools in rural areas will not be closed, as sacrifices on the altar of expediency, to fill empty places in other schools which are often situated in urban areas?

12.30 pm

**The Minister of Education:** That question relates to two policies: the sustainable schools policy and area-based planning. Members will know that an interesting process is taking place on area-based planning and post-primary education. I have appointed



a central group and five local groups to consider area-based planning. Those groups are headed by experienced educationalists, who are doing tremendous work. I value the work that they have done, and I recently met Adeline Dinsmore, the chairperson of the central area-based planning group, on post-primary education. The groups are doing tremendous work, and all sectors are engaging.

Across the North, a new reality is dawning on many people who are involved in that process when they see the stark statistics on underachievement and numbers. During a previous debate in the House, I gave detailed information on the numbers in the Fermanagh area, and enormous leadership is being shown by area-based planning processes in the controlled sector and in the Catholic sector.

In the light of empty places, it is important that coherent policies are in place. Rurality must be taken into account, but no Member is asking for schools to be kept open where numbers are very low. Parents will make decisions on that, because they want there to be a certain number of children in their child's class. They understand the importance of that for their children's education. A mature approach to the issues of area-based planning, demographic decline and sustainable schools is needed. The educationalists are well placed to lead on that debate, and I pay tribute to them for the way in which they are doing so.

**Dr Farry:** I, too, am encouraged by the progress on this important issue. Given the reality of empty places in schools on the one hand, and the opportunity for better co-ordination between sectors on the other hand, to what extent does the Minister see opportunities to place area-based planning, sustainable schools and, potentially, community audits on a statutory basis in the forthcoming legislation?

**The Minister of Education:** I share the Member's view that there is a huge opportunity. I spoke recently to principals in the Newry area, who said that more intensive discussions have taken place on a range of education issues over the past 18 months than since the Assembly fell in 2002. Those include discussions on sustainable schools, area-based planning, transfer and underachievement. I welcome that debate, which, in many cases for the first time, includes all sectors. In some cases, pioneering work has gone on, and I pay tribute to that work. There are 31 learning communities in the North, in which principals from all sectors come together to discuss those issues. I welcome that.

As I mentioned in the House yesterday, I have hosted dinners with post-primary principals in Limavady, Ballymena, Derry, Newry, Newcastle and Cookstown. One of the reasons that I have gone across the North is to have discussions behind closed doors at which I can hear from educationalists at first hand. The value of

those is that they start with a discussion between me and the principals and end with a discussion and debate among all the principals at the table. That is important; I see principals as important leaders in their schools, and boards of governors also have that role. It is important to hear the voices of principals because they have vast experience in what is a difficult job.

I thank the Member for his question. Specific provisions will be included in the education Bill, which will also include detailed guidance on the issues about which he asked.

**Mr Deputy Speaker:** That concludes questions to the Minister on her statement.

**Mr P Maskey:** On a point of order, Mr Deputy Speaker. Can you explain why you allowed a point of order during the ministerial statement when the rules clearly state that no points of order are to be taken during a ministerial statement?

**Mr Deputy Speaker:** Great and all as we are, sometimes we make mistakes. I apologise for allowing that point of order.



## EXECUTIVE COMMITTEE BUSINESS

### Education Bill

#### First Stage

**The Minister of Education (Ms Ruane):** Is mian liom an Chéad Chéim den Bhille Oideachais 2008 a thairiscint. I beg to introduce the Education Bill [NIA 3/08], which is a Bill to provide for the establishment and functions of the education and skills authority; to make further provision about education, educational services and youth services; and for connected purposes.

*Bill passed First Stage and ordered to be printed.*

**Mr Deputy Speaker:** The Bill will be put on the list of future business until a date for its Second Stage is determined.

The Business Committee has agreed to meet immediately upon the lunchtime suspension. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm.

*The sitting was suspended at 12.36 pm.*

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

*2.00 pm*

## EXECUTIVE COMMITTEE BUSINESS

### Pensions (No. 2) Bill

#### Accelerated Passage

**The Minister for Social Development (Ms Ritchie):** I beg to move

That the Pensions (No. 2) Bill proceed under the accelerated passage procedure.

The Bill makes provisions for Northern Ireland to correspond with the provisions of the Westminster Pensions Bill and the National Insurance Contributions Act 2008. The provisions flow largely from recommendations made by the independent Pensions Commission and form part of a comprehensive reform of the pensions system.

The first stage in the reform process — a fairer and more generous state pension system — was enacted by the Pensions Act (Northern Ireland) 2008. The present Bill represents the second part of the reform package, and proposes measures aimed primarily at enabling and encouraging private pension saving and securing existing private pension provision. I will outline the proposals in greater detail during the Second Stage of the Bill. However, it might be helpful if I briefly describe the main provisions.

The Bill will introduce a requirement for employers to automatically enrol job holders into a qualifying pension scheme. Personal accounts will be one option. The Bill will broaden the remit of the Personal Accounts Delivery Authority in order to enable the establishment of the personal accounts scheme. A proportionate compliance regime for the new employer duties will be introduced. A number of measures are designed to strengthen existing workplace pension provision while at the same time reducing administrative, regulatory and cost burdens on employers, and the state pension system will be further simplified.

The use of accelerated passage is necessary because the Bill is a parity measure. Members are familiar with the long-standing principle of parity in social security and pension matters, and with the economic imperatives underpinning that. Members are also aware of the statutory duty placed on me and the Secretary of State for Work and Pensions to maintain single systems of social security and pensions across GB and Northern Ireland, and the constraints of parity in what is operationally possible, given the common computer

systems and the single system of National Insurance contributions. That system is the responsibility of the Westminster Parliament.

Members will also be aware that many pension schemes, and the various regulatory bodies in the pensions field, operate on a GB and Northern Ireland-wide basis. The Assembly has previously agreed that the new personal accounts system will operate on such a basis. The present Bill faces significant timing difficulties because of delays in the Westminster Bill, which was initially expected to receive Royal Assent in July; it will now receive Royal Assent later this week. However, a number of provisions or consequential measures come into operation early in the new year and in April 2009. A number of provisions to afford greater protection to scheme members, for example, will come into operation following that Bill's receiving Royal Assent. Measures in the Westminster Bill to extend the functions of the Personal Accounts Delivery Authority will apply here, and will come into force when that Bill attains Royal Assent.

The Assembly Bill will allow the authority to advise the Department on matters relating to personal accounts and employer duties. It will also allow the Department to issue directions to the authority about how it should discharge its functions. That could be used, for example, if the Department was not happy with the way in which the authority was discharging its functions in relation to Northern Ireland. Until corresponding legislation has been enacted by the Assembly, however, the authority will not be able to operate fully here, and the Department will have no power to ensure that it discharges its functions in relation to Northern Ireland.

Employers are critical to the success of the reforms, and minimising the burden on them was a key principle in the development of the proposals.

Over recent years, factors such as higher life expectancy and lower investment returns have increased the running costs of defined benefit occupational pension schemes, and cost pressures have led to a reduction in the number of schemes that are open to current and new members.

The reduction in the cap for revaluation of deferred pensions is one of a number of measures designed to encourage employers to continue to provide good quality pension schemes by reducing the regulatory and cost burdens, steps which are consistent with the Executive's priority to support business and strengthen the private sector. In essence, it brings the cap for revaluation of future deferred pensions into line with the cap on revaluation of pensions in payment. Therefore, it is imperative that the change applies from the same date in Britain and Northern Ireland.

The extension of the pension credit assessed-income period for persons aged 75 and over will take effect

from 6 April, and represents a significant easement for the most elderly and vulnerable pensioners. In the past, Members have expressed concern about the complexity and intrusiveness of means testing, and will, therefore, welcome this measure.

Bringing forward the introduction of the upper accrual point from 2012 to April 2009 corrects an unintended consequence of the 2007 Budget, which would have resulted in high-paid earners accruing more state second pension than was ever intended. That has already been given effect in Britain by the National Insurance Contribution Act 2008. Additionally, Revenue and Customs must make a consequential amendment to contribution regulations, which will extend to Northern Ireland. In order to give employers sufficient time to change payroll processes, the amending regulations must be made by January. However, that depends on the new upper accrual point being in place in Northern Ireland.

One of the key themes of the Bill is improving trust in private pension provision. The Bill includes measures to strengthen the anti-avoidance powers that are available to the Pensions Regulator. Those are necessary to ensure that the regulator's powers are adequate to address risks resulting from the emergence of new business models in the pensions market, which may be detrimental to scheme members' benefits, and have consequences for the pension protection fund.

The corresponding measures in Britain will come into force on Royal Assent in order to ensure that the regulator can safeguard scheme members' pension benefits here. Powers under Northern Ireland legislation must come into operation as soon as possible.

Parity covers not only the content of the legislation but, as far as possible, the timing of its implementation. Without accelerated passage, it is unlikely that the Assembly Bill will receive Royal Assent before the end of March 2009, at the earliest. That would lead to people in Northern Ireland being disadvantaged compared with people in Britain. Elderly people would not be able to avail themselves of the extension of the assessed-income period, and the new measures to protect pension scheme members would be delayed.

Additionally, as many schemes operate on a GB and Northern Ireland-wide basis, schemes and employers will face serious administrative problems if the two areas of law do not dovetail from the same date. That would be ironic given that a main aim of the Bill is to try to ease the administrative burden on those employers who run good occupational pension schemes.

The number of people covered by good occupational schemes has been falling steadily. It is vital that we do not exacerbate that trend, or make employers and schemes decide that it is too much trouble to run pension schemes for employees in Northern Ireland.

Failure to introduce the new upper accrual point in Northern Ireland would result in high earners accruing state second pensions in a way that was never intended. It would also cause serious difficulties for Revenue and Customs, which must align the law that relates to National Insurance contributions, and for employers, who need sufficient time to change payroll systems in advance of the April start date.

I met the Committee for Social Development on 6 November 2008. In accordance with Standing Order 42(3), I explained the reasons for my request for accelerated passage. I am grateful for the positive way in which the Committee considered my request. I trust that in line with Standing Order 42(4), I have explained satisfactorily why accelerated passage is necessary and the consequences should use of the procedure not be approved.

I do not seek to use accelerated passage lightly. Members will be aware that one of the imperatives that underpins parity is the need to match the coming into force of corresponding legislation that is made at Westminster. It is relatively rare for a social security or pensions Bill not to contain time-critical provisions. It is extremely difficult to argue for different commencement dates, particularly when the measures are beneficial. Furthermore, on many occasions, it would be operationally impossible to deliver different commencement dates due to common computer systems.

I will continue to consider any future Bill on individual merits. That said, however, we all acknowledge that there will be occasions, such as the passage of the current Bill, when it will be necessary to seek accelerated passage. For the reasons that I have explained, I believe that, in this case, accelerated passage is unavoidable.

**The Chairperson of the Committee for Social Development (Mr Simpson):** As the Minister mentioned, she paid a visit to the Committee on 6 November 2008. We were glad to see her. At that meeting, she explained the reasons for her request that the Pensions (No. 2) Bill proceed under the accelerated passage procedure. As required by Standing Orders, the Minister also explained the consequences of not granting accelerated passage.

The Committee listened carefully to what the Minister said and considered evidence from expert witnesses. That important and complex Bill requires employers to enrol their employees in pension schemes. Although that measure will present some additional costs to employers, it will provide a low-cost way for thousands of employees throughout Northern Ireland to save for their retirement.

In addition, the Bill is designed to improve confidence in private pensions while also simplifying the state pension system. The Bill is necessary to ensure that parity is maintained between Northern Ireland and the rest of

the United Kingdom in respect of pension arrangements. The Committee is aware of the importance of maintaining parity to ensure that the people of Northern Ireland benefit from the changes at the same time that they are introduced in Great Britain. However, members expressed reservations about the large number of amendments, which, as I understand, are to be included in the corresponding Pensions (No. 2) Bill in Great Britain.

Notwithstanding those reservations, and on the understanding that the Bill that has been introduced by the Minister is identical in policy to that which was considered by the Committee on 6 November 2008, the Committee agrees to support the motion that the Pensions (No. 2) Bill be granted accelerated passage.

2.15 pm

**Mr A Maginness:** It is important to realise that the House's refusal to grant accelerated passage would have serious consequences for pensioners in Northern Ireland. The Minister has outlined that fact in fairly stark terms. We must act responsibly and support her request for accelerated passage. It is regrettable, but the timetables of events at Westminster and in this House do not coincide. Therefore, it is difficult to properly settle certain matters without using accelerated passage. It would be irresponsible for us not to grant accelerated passage.

**Ms Lo:** The pensions system is extremely complicated, and I do not pretend to understand it fully. None of us likes having to use the accelerated passage system. However — so that people here are not disadvantaged or penalised — it is important that we fall in line with the commencement date in the rest of the UK. Therefore, I support the use of accelerated passage.

**The Minister for Social Development:** I have listened very carefully to the views that have been expressed by the Chairperson of the Social Development Committee, Mr Maginness, and Ms Lo. I am grateful for the Committee's support for my request for accelerated passage. I agree that the handling of social security and pensions legislation poses particular — indeed, unique — problems.

My officials have written to the Committee outlining amendments that will need to be tabled. I share the Chairperson's concern, but, unfortunately, they are necessary to reflect the amendments that were moved at the Third Reading of the Westminster Bill on 19 November. As a Member of another place, the Chairperson will appreciate that timing is critical in such provisions and in the making and amending of legislation.

The statutory requirement to seek to maintain single systems across Great Britain and Northern Ireland creates obvious tensions between our desire to scrutinise proposed legislation in depth and the need to maintain the parity of timing that is inherent in such single systems. I have consulted the Committee about the

handling of future parity legislation in this field, and we have agreed that officials will brief the Committee on policy proposals at an early stage. That will allow for any of the Committee's concerns about the detail of the legislation to be raised before the Westminster Bill is enacted.

Furthermore, in my meeting with the Secretary of State for Work and Pensions, James Purnell, last week, I asked for an assurance that I would receive constant briefings and advance notice of any forthcoming Westminster legislation on social security matters. That will enable me to apprise the Committee, other Members and the wider population, which is important from a Northern Ireland-wide perspective. I thank all Members who have spoken in the debate, and I look forward to discussing the issues further during the passage of the Bill.

**Mr Deputy Speaker:** Before proceeding to the Question, I remind Members that the motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

That the Pensions (No. 2) Bill proceed under the accelerated passage procedure.

## EXECUTIVE COMMITTEE BUSINESS

### Pensions (No. 2) Bill

#### Second Stage

**The Minister for Social Development (Ms Ritchie):** I beg to move

That the Second Stage of the Pensions (No. 2) Bill [NIA 2/08] be agreed.

During the debate on accelerated passage, I addressed the issue of parity and the imperatives that underpin that long-standing policy. I trust that all Members accept the benefits and the reality of parity. I also briefly described the content of the Bill, and I will now provide some background and describe the proposals in greater detail.

In November 2005, the Independent Pensions Commission published its second report. It recommended reforms to the pensions system to meet several long-term challenges; for example, older age groups are becoming an increasingly large proportion of the population due to increasing life expectancy and a lower birth rate. It is estimated that approximately seven million people in GB and Northern Ireland are under-saving for retirement, and the complexity of the UK pensions system has hindered people's ability to make informed decisions about whether, when and how much to save.

Changes to the state pensions system, introduced by the Pensions Act (Northern Ireland) 2008, will make it easier for future pensioners, particularly women and carers, to build up their entitlement to a full basic state pension. The Bill represents the second part of the reform package and is intended primarily to facilitate and encourage saving in private pensions. The proposed measures are designed to make it easier and more attractive to save, to extend pension provision to those who are not already covered, to strengthen the existing provision and to improve confidence in private pensions.

The Bill comprises six Parts. Part 1 sets out the new duties on employers to enrol eligible job holders automatically in a qualifying pension scheme and to contribute to those arrangements. It makes provisions for a regime to ensure compliance and for the protection of employment rights.

The Bill extends the functions of the Personal Accounts Delivery Authority. The duty on employers to make available a stakeholder pension to employees is removed, as it will no longer be necessary in the light of auto-enrolment. From 2012, eligible workers will automatically be enrolled on a qualifying pension scheme. A personal account will be one option. Automatic enrolment will help to overcome barriers to saving, such as inertia. Eligible workers will be those between 22 years of age



and the state pension age who earned more than £5,035 in 2006-07. The minimum overall contribution will be 8% of earnings between £5,035 and £33,540. That is made up of a 4% employee contribution, 3% from the employer and 1% from the state in the form of tax relief.

For the first time, many workers will be able to save for retirement and see their contributions matched pound for pound through employer contributions and tax relief. Individuals will have the right to opt out, and those who do so will have the opportunity to review their decisions. It will be possible to opt in at least once in every 12-month period, and employers will re-enrol employees at regular intervals; initially that will be every three years.

Those measures will not be suitable for everyone; for example, the very low paid, for whom income replacement rates from state pensions are likely to be relatively high.

The reforms will create important new rights for workers and obligations for employers. The Pensions Regulator will have overall responsibility for enforcing employer compliance, and a proportionate compliance regime will ensure that rights are safeguarded effectively while imposing no unnecessary burdens on business. Employers who fail to comply will not achieve a commercial advantage, and the need to take compliance action will be kept to a minimum. The enhanced functions of the Personal Accounts Delivery Authority will allow it to undertake the implementation work that will establish the personal accounts scheme, support the Pensions Regulator and advise the Department.

Part 2 of the Bill simplifies and amends existing private and state pensions legislation. The simplification of the treatment of contracted-out rights and the establishment of new rules for the revaluation of accrued rights will reduce the burden on private pension schemes. A single, consolidated, additional state pension will combine, into a single payment, rights accrued under the graduated retirement benefits scheme, the state earnings-related pension scheme and the state second pension. The state pension credit-assessed income period is extended indefinitely for persons who are aged 75 and over.

The abolition of safeguarded rights will remove an unnecessary layer of complexity for scheme administrators and will provide individuals with more choice on the transfer of rights following divorce, and so on. The reduction of the cap for revaluation of deferred pensions from 5% to 2.5% will reduce cost burdens on schemes and employers and will bring the revaluation of deferred rights more closely into line with pensions in payment.

The consolidation of additional state pension that has been built up under previous schemes will help individuals to see clearly the real value of their

additional pensions and will contribute to informed decisions about retirement saving. The indefinite extension of the state pension credit-assessed income period will reduce the level of intrusion that is normally associated with income-related benefits and will introduce a significant easement for the most elderly and vulnerable pensioners.

Part 3 introduces measures that aim to increase confidence in private pensions. In the event of divorce, compensation that is paid by the pension protection fund will be shared. That measure will allow members of couples who have had less opportunity to contribute to their own pensions — especially women and carers — to acquire a share of the compensation where it comprises one partner's more significant assets. Improvements will be made to the operation of the pension protection fund in order to clarify some provisions and to remove minor and unnecessary administrative burdens and anomalies.

In Part 4, the upper accrual point will replace the upper earnings limit as the weekly cap on earnings for determining entitlement to the state second pension. Its introduction will be brought forward from 2012 to April 2009, and it will be set at £770 a week. It will redress the unintended result of the Budget changes, whereby high earners may have accrued more state second pension than was intended.

Part 5 of the Bill contains a number of miscellaneous provisions. The Pensions Regulator's powers will be strengthened to ensure that they offer sufficient protection to scheme members and the pension protection fund. The regulator's power to delegate certain functions will be widened to increase flexibility. The measure enables the charge of a prescribed rate of interest on late payments to a range of levies, including the pension protection levy.

With a view to tackling fuel poverty, the Department is empowered to share information on state pension credit recipients with energy providers in very specific circumstances.

Part 6 of the Bill contains technical provisions.

*2.30 pm*

The Bill represents a further major step in legislating for the long-term reform of our pension system, and complements the state pension reforms introduced under the Pensions Act (Northern Ireland) 2008. The proposals are intended to increase private pension saving, and they form part of a package that is designed to ensure that the pension system is fit for the twenty-first century. The number of people covered by good occupational pension schemes has been falling steadily. The Bill aims to complement those good occupational pension schemes, and to encourage and support employers to continue to run them. Overall, the Bill aims to help people to save for retirement and

to deliver greater fairness, greater simplicity, affordability and sustainability.

Taking no action now may mean that pensioners of the future will face disappointment in retirement, or it may place a prohibitive cost burden on the working population. For the first time, employers will be required to contribute to workers' pensions, and it is estimated that, across Great Britain and Northern Ireland, between six million and nine million people will start to save in a workplace pension scheme, or will save more, thus transforming the savings culture.

With this Bill, and the state-pension reforms that have been enacted, we are building a simpler and more enduring pensions system for generations to come.

**The Chairperson of the Committee for Social Development (Mr Simpson):** As the Minister has outlined, the Bill contains a number of important components, including the requirement for employers to enrol employees automatically in pension schemes; the enhancement of the role of the Pensions Regulator; some simplification of the state pension system; and the disclosure of information useful in the identification of those suffering from fuel poverty. The Minister and her officials have briefed the Committee for Social Development on the principles and detail of this complex Bill, for which the Committee is grateful.

The Bill is part of the preparations to meet the twin challenges of increasing longevity and poor pension provision among the low-paid. As part of its review of the Bill, the Committee sought expert advice from the Pensions Advisory Service, which highlighted the concerns of possibly thousands of workers across Northern Ireland over insufficient pension provision. Such a state of affairs will have long-term consequences, both for those individuals and for Government. In that context, the Committee welcomes the Bill as part of the ongoing process of pension reform.

Members will be glad to hear that I have no intention of speaking about every provision in the Bill. However, I do wish to speak to a number of those provisions, including those elements of the Bill that require employers to enrol their employees automatically in a pension scheme. To be clear, the Committee welcomes the greater access to low-cost saving for the low-paid, which those elements of the Bill allow. The Committee also welcomes the opt-out option for employees who, perhaps for reasons of acute deprivation, may be unable to put aside even a small percentage of their wages for their retirement. It is hoped that in order to avoid confusion and to minimise unnecessary stress to the low-paid, the Department will ensure that full authoritative advice on pension options will be made available to employees well in advance of the measures in the Bill coming into force.

In addition to the long-term benefits to employees, the Committee also considered the immediate cost to, and responsibilities for, employers in the Pensions (No.2) Bill. It seeks to phase in the costs and to limit the regulatory burdens to employers. Nonetheless, the Committee expressed concern about the possible adverse impact on business competitiveness and employment that the additional cost of contributing to a pension scheme may entail.

The Committee learned, again from the Pensions Advisory Service, that employers throughout the United Kingdom are not well informed about those costs and the regulatory burdens. The Committee suggests that the Department ensures that full and authoritative advice is available for Northern Ireland employers well in advance of those costs and responsibilities becoming material.

Members of the Committee expressed concern in respect of the changes to the cap on deferred pension benefits. When people in pensioned employment change jobs, their private pension benefits are protected from the effects of inflation. Currently, those pension benefits are uprated by either 5% or by a percentage that is equal to the retail price index, whichever is lower. Under the Pensions (No. 2) Bill, those benefits will be uprated by either 2.5% or by a percentage that is equal to the retail price index. Thus, the Bill means that benefits that are accrued after 1 January 2009 will be less well protected from the effects of inflation. Committee members expressed concern that that change will disproportionately affect women, who tend to have more family responsibilities and thus change jobs more often than men.

The Department's equality impact assessment estimates that the total benefits of that change to UK employers will be £250 million a year. It is hoped that the Department will take measures to ensure that that benefit will be used by employers to offset the cost of the new pension provision and to increase their contributions to existing pension schemes.

Finally, as I indicated previously, the Committee accepted the Minister's argument about accelerated passage for the Pensions (No. 2) Bill with some reservations. On the one hand, the Committee is anxious to ensure that the benefits of the Bill are made available to the people of Northern Ireland at the same time as people in Great Britain. On the other hand, the Committee jealously guards its crucial role in scrutinising the Department's many strategies and policies that target the disadvantaged and aim to reduce the level of poverty. The Committee, therefore, regrets that there has been only a limited opportunity for debate at this important stage of the Bill, particularly in view of the large number of amendments that will be tabled at Consideration Stage.

**Mr Brady:** Go raibh maith agat

There is no doubt that the existing pension system must be reformed to ensure that it will meet long-term challenges. Due to demographic and social change, life expectancy is increasing. The number of people in society who are of pensionable age is set to increase significantly. There are inequalities in the state pension system, and there are complexities that need to be addressed.

Mr Simpson dealt with the issues that the Committee raised when the Bill was being discussed.

The Bill will simplify the pensions system, and it contains measures to simplify the rules governing occupational pension schemes.

I am sure that the Minister would never use the accelerated passage procedure lightly. The use of parity legislation is fine when it does not impact on people here, and, instead, enables us to have equality with people in Britain. However, other proposed legislation, such as that which deals with lone parents and the lack of proper childcare provision, will have an impact on people here. Go raibh maith agat.

**Mr Armstrong:** I welcome the Second Stage of the Pensions (No. 2) Bill. Although certain Departments have used the accelerated passage procedure unnecessarily in the past, I accept the Minister's reasoning for its use in this instance.

More and more people are reaching pensionable age without their having adequate pension provision. At a time when the cost of fuel and food is so high, the consequences of that are becoming all too apparent. The Pensions Commission, in its second report, 'A New Pension Settlement for the Twenty-First Century', concluded that the current voluntary private funding system, combined with the current state system, was not, looking forward, fit for purpose. That is why I welcome this piece of legislation.

The results of a Family Resources Survey indicate that some 25,780 people in Northern Ireland have no provision for a state pension. Furthermore, 343,680 people here have no provision for a private pension, and more than 20,000 have no provision for either a state pension or a private pension. Those are significant figures, which, in themselves, do not represent the inadequacies of many previous pension policies. I hope that the Bill will help to increase the number of people starting a private pension. I also hope that it will, in some instances, improve the nature of provision.

The Bill is part of the second package of reforms for the pensions system that has come from Westminster. The first was the Pensions Act (Northern Ireland) 2008, which sought to reform the state pension system. The Pensions (No. 2) Bill seeks to reform private provision and to enable people to save more in private

schemes. The Bill is designed to tackle barriers to saving by making it easier and more attractive to save; by extending provision to those not covered by the market; by strengthening existing provisions; and by simplifying the decision to save. It is often the complexity of the private pension market and a lack of knowledge that stops people from getting a private pension.

A duty on employers to enrol job holders automatically in the qualifying workplace pension scheme and to offer a minimum pensions contribution, equal to 3% of eligible earnings, is welcome, as is a compliance regime, which includes duties of education on employers. Furthermore, I find the establishment of a personal-account pension scheme as a trust-based occupational scheme particularly encouraging, because the legal duty on trustees to act in the best interests of members, whose views will be represented by a members' panel, will address an obvious gap in the current private pension provision. For too long, private pension schemes have returned miserly dividends, because they have been placed into high-risk stock-market deals that are not always in the interests of employees. The proposed scheme will give employers a chance to influence how their employees' pension schemes are managed.

I foresee there being an impact on employers in the form of the additional costs that they may incur. However, I welcome the provisions in the Bill that seek to reduce administration, and I also welcome the fact that secondary legislation will seek to support those employers who already offer provision beyond that required in the Bill.

The potential reduction in pension credit and housing benefit must also be welcomed. In these times of fiscal constraint, encouraging and facilitating people to help themselves, and, therefore, reduce the burden on Government, is a good thing.

My initial appraisal of the Bill is positive. However, in light of the fact that the Bill is being progressed using the accelerated passage procedure, my party and I will examine the fine detail in the coming weeks.

2.45 pm

**Mr A Maginness:** I, too, welcome the Bill. It is important for Members to be aware that many people will suffer unduly if the problem of pension provision is not tackled. Some Members doubt whether climate change is a fact in our world today — indeed, some Members who hold ministerial office have doubts about it.

**The Minister for Social Development:** Not me.

**Mr A Maginness:** The Minister for Social Development is excused.

Although some may doubt the reality of climate change, there is absolutely no doubt that demographic



change of an extraordinary kind is taking place. People are living longer, and although that is good, there are consequences. One consequence is that the working population is shrinking whereas the dependent, older population is increasing. Therefore, we potentially face a very serious crisis.

The intention behind the Bill is to avert that particular crisis. The Bill's provisions intend to bring about a new situation whereby more people will benefit from pension provision. That is something that we all should support. Pension provision is particularly important in our society, in which a characteristic of our working population is that many people do not enjoy high wage levels. Therefore, in that context, it is very important to make future provision for people, so that those who retire from work will have a proper and adequate means to live.

I welcome the Bill for a number of reasons. Its provisions are important because they include a mechanism whereby people who hitherto have not been able to access pension provision will be able to do so. We cannot force people into a private pension system, but we can encourage them by providing mechanisms to help them to join such a system and by making them aware of the accruing benefits of entering that system.

It is important to build a culture in society in which people know that it is right and proper to save for their future, as it will safeguard them and their families. That is what the Bill is designed to do. The Pensions Act (Northern Ireland) 2008 was designed to tackle problems relating to state pension. The Pensions (No. 2) Bill is designed to deal with those who are outside the state pension system.

The Pensions Commission, which, in many ways, was the instigator of this legislation, concluded that although changes to state pension provision were essential in order to prevent the crisis for future pensioners that I referred to earlier, a key challenge is to tackle under-saving. It is quite clear that, in relation to their pensions, many people face the problem of under-saving.

Young people, in particular, take the view that they do not have to save and that they will spend their money and enjoy themselves now. Consequently, they fail to make adequate provision for the future.

Taking no action now will mean that future generations of pensioners will not have adequate means on which to live. The knock-on effect of that will be to increase the burden on those who have made provision and on those who are in employment. In the future, as I said, the number of people in employment will be a decreasing section of the population compared with the number in retirement. Therefore, those who fail to save for their pension will place an almost

impossible burden on the future working population to provide for them. We must take note of that and act to prevent it, and the Bill is designed to do that.

The Bill contains a number of welcome measures: it will make it easier and more attractive to save, which is important because it will create a culture in which people will want to save and will see the benefit of saving. In addition, the Bill will extend provision to those who are not currently covered by the insurance or private pension market; it will strengthen existing provisions; and it will improve confidence in private pensions, which is important. Incidentally, lack of investment returns is a problem that affects everyone in private pensions, and that must be investigated. Although this Bill may not be the most appropriate means with which to deal with that issue, investment returns are certainly a problem for people in private pension schemes.

It is important to note that the proposals include a duty on employers in 2012 automatically to enrol job holders into a qualifying workplace pension scheme. Of course, people so enrolled will be able to opt out, but at least they will have been given an opportunity to join a pension scheme. Automatic enrolment will be a duty placed on employers, and it is right and proper that employers exercise that responsibility. When employees are in a scheme, it becomes more difficult and, perhaps, disadvantageous to remove themselves from it. Nonetheless, it is important that workers will be automatically enrolled in a pension scheme.

The introduction of personal accounts, a simple low-cost pension scheme aimed at moderate-to-low earners who do not have access to a workplace pension scheme, is important, particularly in Northern Ireland, which has a high level of low-wage earners. Furthermore, the broadening of the remit of the Personal Accounts Delivery Authority to enable it to oversee the establishment of personal accounts schemes is important, as is the strengthening of existing workplace pension provision by reducing burdens imposed by rules governing private pensions. Those rules have been the curse of private pension schemes. The rules are so complex that even experts in the field do not fully understand them. Therefore, simplification of the rules is very important and is to be welcomed.

With regard to measures to improve confidence in private pensions, I refer again to the point about the return on the investment that one makes in a private pension scheme. Confidence in such schemes must be built up or people will exercise their right to opt out. In particular, given our present difficult economic circumstances and the difficulties in the world's financial markets, it is important to reassert confidence in private pension schemes.



Further simplification of the state pension scheme in order to give people a better understanding of the pension that they are accruing and to support them in planning for retirement is also to be welcomed. Complexity exists in the state pension scheme as well as in private schemes, and it is important that that complexity be reduced.

The enhancement of the financial assistance scheme to provide protection for more people is obviously to be welcomed. The disclosure of information relating to state pension credit recipients to assist energy providers in tackling fuel poverty is particularly appropriate to our circumstances in Northern Ireland, where we suffer because of the high cost of energy. The Minister is very cognisant of that issue and has taken measures to deal with fuel poverty.

In conclusion, I reiterate my welcome for the Bill. Much of the Bill is designed, as I said earlier, to avert what the Pensions Commission described as a potential future pensions crisis. That is to be welcomed. However, I ask the Minister to confirm that she remains committed to seeking to deliver results, not only for future pensioners, but for today's pensioners.

**Ms Lo:** I support the Bill's passage through its Second Stage. I very much welcome the reform and simplification of the complex pensions system. I also welcome employers being asked to automatically enrol staff in private savings schemes, as we are all being told by economists, in the current economic difficulties, that we all need to save more. It is important that we encourage young people to consider saving as soon as they enter employment. As we all know, the longer one saves, the more money one will have later.

I am particularly interested in the establishment of the Personal Accounts Delivery Authority, because setting up a private pension can be a minefield. I recall setting up a group pension scheme for an organisation that I used to work for. The number of different products available can make choosing one a complicated task. An authority to provide information, support and advice to companies embarking on setting up private pension schemes is very welcome.

I query the basic requirement to contribute only 8% of earnings. I know of many company pension schemes in which 10% or 15% of salaries is paid into their schemes, and staff can seek to contribute any amount that they wish.

I call, therefore, for more flexibility on the percentage of the rate of the contribution.

I support the accelerated passage of the Pensions (No. 2) Bill.

3.00 pm

**Mr Burns:** I welcome the introduction of the Bill. As the Minister stated, its passage will help retain

parity between Northern Ireland and Britain. The GB equivalents of the Bill are the Pensions Act 2007 and the National Insurance Contributions Act 2008. The pension system has been described as a ticking time bomb; action must be taken.

There is no doubt that the current pension system for private and state pensions is not working. It has failed the people who are on a moderate or low income. People are not saving enough money for their retirement; in fact, approximately half of the workforce does not have a private pension. Changes must be made now. We must encourage people to save more for their retirement, and the pension system must be made easier to understand and more attractive to people who are saving for their retirement. The system must not be allowed to collapse.

As several Members said during the debate, people are living longer and having fewer children now. Therefore, there will be more old people and less money in the system in the years to come.

The five tests are outlined in the May 2006 White Paper. The new system must be fair, simple, affordable and sustainable, and it must encourage personal responsibility. The measures contained in the Bill, as outlined by the Minister, pass those five tests. The Bill will improve public confidence in private pensions, and the public will be happy to see the Assembly taking action on that issue in these difficult financial times.

People need to have confidence in the pension scheme into which they are paying. The secret of a successful pension scheme is the guarantee of a pension after years of paying money into a scheme. Many people fear that they will not get as much out of the pension as they paid in.

Employers also have a responsibility to help people organise their pensions better and to contribute more to an individual's pension. An individual who has paid into a pension scheme for many years will want to be assured that his or her pension will be intact when he or she retires. If an employer becomes insolvent, it is imperative that the Government are able to save the employees' pension contributions.

I am certain that the Bill will represent a major step in reforming the pension system. I am sure that it will improve public confidence and increase private pension savings. I commend the Minister for bringing the Bill before the House.

**The Minister for Social Development:** I have listened carefully to Members' contributions to the debate, and I trust that I will be able to address Members' concerns.

Mr Simpson, Chairperson of the Committee for Social Development, raised several issues. I know that the Committee safeguards jealously its position, and it

is right to do so. I do not want to denigrate or gainsay that in any way, because it is the role and prerogative of the Committee to safeguard its position. However, Mr Simpson raised certain issues. The publicity for the new scheme will be the responsibility of the Personal Accounts Delivery Authority, the Pensions Regulator and the Department for Social Development, and it will cover employers and employees.

Mr Simpson also mentioned the revaluation of deferred pensions, which is a technical matter. At the requirement of the statutory revaluation and the introduction of the 50% cap in the 1980s, inflation was running at an average of approximately 9%.

There was no expectation that schemes would have to protect deferred pensions fully against inflation. The proposal in the Bill is intended to help employers maintain defined-benefit occupational pension schemes. The change must be seen as part of the wider reform process, which has already seen improvements to state pension provision. Of course, that change applies only to pension rights accrued in the future; existing rights will not be affected.

Mr Simpson also raised the issue of the cost to employers. The aim is to try to minimise the costs to, and burdens on, employers. I note the Committee's concerns regarding the issue of competitiveness. However, it is estimated that the provision will add, on average, 0.7% to an employer's costs.

Mr Brady raised the issue of parity, and I welcome his view. As regards the issue of lone parents, I have put forward proposals that reflect the peculiar and unique position of childcare in Northern Ireland and, in doing so, I have tried to reflect that local perspective on implementing parity.

I listened carefully to what Mr Armstrong said, and I am grateful for his, and his party's, broad support for the Bill.

Mr Maginness raised various issues. I agree with him that we need to protect the low-paid. The state pension system, through basic state pension, additional state pension and pension credit, will continue to provide a high income-replacement rate for those on low incomes. Pensions are a long-term investment and will be subject to variations due to stock-market performance. However, tax law allows a pension to be annuitised at any time up to the age of 75, which gives individuals some choice about when to take their pension and, obviously, to avoid times of economic downturn. I hope that that provides some assurance.

Mr Maginness also raised the issue of today's pensioners, and I am well aware of the problems that they face. However, I am determined to ensure that people receive the benefits to which they are entitled. I launched a further benefit take-up campaign in June, and the Social Security Agency is investing £750,000

in its drive to target older people and families. I introduced provisions to facilitate the restoration of the link between pensions and earnings in the Pensions Act (Northern Ireland) 2008, and I would like to see that implemented as soon as possible.

All Members of the House will be aware of the Chancellor's statement yesterday in another place. I can confirm that, in the meantime, I will introduce an Order to increase state pension credit from £124.05 to £130 a week for single pensioners and from £189.35 to £198.45 a week for couples. From April 2009, the basic state pension will increase from £90.70 to £95.25. I also propose to introduce an Order to increase this year's Christmas bonus from £10 to £70. The £60 increase is equivalent to bringing forward the annual uprating of basic state pension from April to January. That is also good news for those non-pensioners who receive the Christmas bonus — for example, the long-term sick, carers and disabled people. I am sure that Members across the Assembly will warmly welcome that additional help for some of the most vulnerable people in our society.

Anna Lo raised various issues. She is absolutely right that the longer people contribute to pension savings, the better the return. It is, therefore, important to encourage young people to contribute as early as possible. The Member also raised the issue of percentage contributions. The percentage contribution rate is set at 8%, so that, in combination with the state pension, there will be an income replacement rate of 45%. The figure of 8% is the minimum; employers can contribute more to personal accounts. Personal accounts are not a replacement for existing schemes; rather, they are meant to complement the existing employer provision.

My colleague Thomas Burns raised various issues, and I agree that the future pension scheme must be sustainable and enduring if it is to benefit all people. I again must stress that we need to secure public confidence, and the Bill aims to do just that.

In conclusion, the Pensions (No. 2) Bill will provide employees with access to a workplace pension scheme of a minimum standard, with employer and state contributions. Individuals will be given the opportunity to build a private pension to supplement retirement income received from the state, many of them being granted access for the first time. I hope that I have addressed all the points raised today. Naturally, I will read the Hansard report of the debate carefully, and if any Member has raised a matter that I have failed to address or that needs to be dealt with in more detail, I will write to him or her. I commend the Bill to the Assembly.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Pensions (No. 2) Bill [NIA 2/08] be agreed.

## PRIVATE MEMBERS' BUSINESS

### Construction Industry

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

**Dr McDonnell:** I beg to move

That this Assembly expresses concern at the crisis in the construction industry; notes the significant impact this is having on employment in the building sector and on the wider economy; and calls on the Executive to secure action that will achieve: a commitment from all major financial institutions that they will handle the borrowings of construction companies sympathetically; meaningful discussions between local financial institutions, the Executive and the Construction and Property Group, as well as other representatives of the construction industry; the reintroduction of liquidity into the market by ensuring that affordable mortgages are available, particularly to first time buyers; due protection against repossession for vulnerable households from both companies and the Courts; and an urgent review of the budget by the Executive to accelerate spending on public construction as set out in the Investment Strategy, including social housing.

We are living in very difficult and trying economic times, and I feel glad, indeed privileged, that my colleagues and I have been able to table today's motion. It reflects the House's concerns about the issues and the difficulties that many in business face, particularly those working in the construction industry. We are hoping for some joined-up action from a joined-up Executive, and we are all delighted that the Executive are now fully functional. There is a backlog of work, but the problems in the construction industry are among the biggest that the Executive must tackle. If the Executive were to do so aggressively, they would have the unanimous support of the House.

In these difficult and trying times, local businesses are going bankrupt. The rate of unemployment has risen and will rise further, as will the rate of home repossessions. Consumer spending has decreased. Despite the Chancellor's announcement yesterday that VAT will be cut, I believe that spending will fail to rise for some time; instead, there will be further decline. Put simply, we are in a vicious circle of recession.

3.15 pm

One of the sectors in Northern Ireland that has been hardest hit by the economic downturn is the construction industry. It is one of the largest employment sectors in Northern Ireland and has, undoubtedly, been a significant driver in our economy. However, the heavy

reliance of some in the construction industry on the housing and financial markets has left the whole industry reeling from the effects of the credit crunch.

Although the latest figures confirm a continued overall downward trend in construction output, housing output has been worst hit and continues to fall. An increasing number of construction companies, particularly those involved in housing development, face bankruptcy. Dole queues are lengthening as many of our highly skilled and valuable local tradesmen find themselves unemployed in the month of Christmas.

Although the Executive have limited access to the levers of economic management, they have some powers. Some of the greatest tests for this Assembly will be how we react to the economic crisis; how we help to prevent, or at least alleviate, some of the misery of people who are joining the dole queue; and how we help those who are laid off to regain their independence and get back into employment. That is what the motion is about — nothing more or less. The motion calls on the Executive to examine urgently any and every prudent measure that it can take to help alleviate some of the worst effects of the crisis.

Although the Executive failed to meet for 152 days, some of us were not idle and met people involved in the construction industry, local tradespeople, first-time buyers, people who are looking for new homes and representatives from the local banks. On the back of those discussions, we have had some ideas and identified actions that will be a helpful starting point for the Executive, several of which are outlined in the motion.

It is important to state that the crisis faced by the various subdivisions of the construction industry, and the resulting economic ripple — or rumble — that is being felt across Northern Ireland, is not entirely of the construction industry's making, as some would have us believe. Banks must shoulder their share of the responsibility, because not so long ago they were encouraging crazy development projects, crazy behaviour and were driving land prices up by offering 125% mortgages. Such packages drove up house prices, which drove up land prices, which drove everything else onto another planet. That created an unsustainable situation and a bubble that was waiting to burst. Those same banks are now putting a tight squeeze on the property and construction industries and are creating a situation in which people cannot get credit, even those who are viable, functional and work well.

The motion asks for the Executive to help the overall stimulation of Northern Ireland's economy by engaging with all major financial institutions in an attempt to secure a commitment from them to:

“handle the borrowings of construction companies sympathetically.”



I am not suggesting that there should be an unconditional or unequivocal bail out of big developers, some of whom were reckless or foolish. In many cases, there was as much irresponsibility, and more than a little greed, from some developers as there was among some lenders.

As I said, land prices were absolutely insane. Banks must be influenced to behave in a more socially responsible manner. Last year, banks were madly throwing money at people as if it was going out of fashion, but now, less than 12 months later, they are being so tight that very little money is being lent.

I call on the Executive to take steps to encourage banks to take responsible action to help to prevent a complete meltdown in the construction industry. If construction companies can afford to increase their output, subcontractors and sub-subcontractors will have some work, and jobs will be saved. It may not be the most valuable or best-paid work, but at least people will be able to pay their bills, and homes will be saved from repossession.

By engaging in meaningful discussions with local financial institutions, construction interests and the broader interests associated with the construction industry, the Executive should be able to identify recovery measures needed to alleviate the worst of the economic downturn.

Ministers held talks with representatives from the construction industry, which were helpful for all concerned. However, that dialogue must now involve banks and the financial sector so that a comprehensive recovery strategy can be implemented urgently. It is vital that steps be taken to ensure that the benefits of any recovery package are felt throughout all areas of the construction sector. It is not just about helping major developers or about adopting a top-down approach — if a recovery package is to be successful, it must also work from the bottom up. It must provide opportunities for local plasterers, bricklayers, electricians, plumbers, painters, tilers and other tradesmen — and tradeswomen — who travel for miles every day to find work to support their families.

A key element to help to boost output and employment for those construction workers is to stimulate and stabilise the housing market and to create a demand for newbuild housing. That is why the motion calls on the Executive to do all in their power to help to boost the reintroduction of liquidity into the market by ensuring that affordable mortgages are available, particularly to first-time buyers.

House prices have fallen considerably in recent times, but first-time buyers still cannot buy homes because they cannot access mortgages, and large deposits are required to secure homes. Furthermore,

buyers are faced with brutal arrangement fees and higher interest rates.

I was talking to someone the other day who told me that he had borrowed money from the bank at the base rate plus 2.5%, but that same loan has now been recycled at the base rate plus 6%.

Those factors are combining to act as a barrier to entry into the housing market for many first-time buyers, and they need to be reviewed urgently.

Furthermore, repossessions are rocketing. Protection should be provided against repossession for vulnerable households. We call on the Executive to carry out an urgent review of budgets with a view to accelerating spending on public construction, including social housing, as set out in the investment strategy.

Investment in major capital and regeneration projects, such as roads, schools and hospitals, has the potential to stimulate the economy. Releasing significant blocks of public spending on infrastructure will not solve all the problems, but it will alleviate some of them. A good starting point would be —

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

**Dr McDonnell:** I will be finished in two seconds. A good starting point would be to address the backlog in school maintenance and the 28 desperately needed new school buildings — I could go into a lot of detail on that matter.

**Mr Deputy Speaker:** Please do not.

**Dr McDonnell:** Furthermore, road projects, such as the A5, could begin.

**Mr Deputy Speaker:** Time is up.

**Dr McDonnell:** New hospitals could be built, and energy networks, particularly gas networks, expanded.

**Mr Deputy Speaker:** Time is up.

**Mr McDonnell:** I commend the motion to the House, and I believe that everyone will support it.

**Mr McElduff:** I beg to move the following amendment: At end insert

“a fundamental reform of the planning system to enable economic and social development, including quicker turnaround of planning applications.”

The amendment is aimed at adding value to the motion proposed by Alasdair McDonnell. I commend the motion, but I offer the amendment in the spirit of adding value to it.

Part of the context for this debate is a motion that Sinn Féin tabled in April, which was successfully carried, and which stated:

“That this Assembly notes with concern the job losses in the construction industry in recent times; and calls on the Minister of



Finance and Personnel to establish a working relationship with all his Executive colleagues and key stakeholders from the industry to devise a strategy aimed at creating further opportunities and sustaining jobs in this sector."

I have immediate neighbours in Carrickmore, County Tyrone, who are employed in the building trade and construction industry. For months on end, they have been at pains to point out to me that the construction industry is in crisis. Members all agree and understand that.

Alasdair McDonnell has referred to how, during the summer months, a construction and property group was established after meetings at Toomebridge and Cookstown. Mitchel McLaughlin, Francie Brolly and I represented our party at those meetings, and MLAs from other parties were also there.

Prior to tabling the motion in April, I took the initiative and carried out a survey of local companies in west Tyrone. A point that was made repeatedly to me was that the planning system often acts as a barrier, hurdle or obstacle to the construction industry. Many reasons were advanced as to why that is the case. That is why the amendment emphasises the need to reform the planning system, because local companies tell us that the planning system has a key role to play in this, and not least the Planning Service, which is at the heart of it all.

The Construction Industry Group made a presentation in the past week to the Committee for the Office of the First Minister and deputy First Minister. Today, there was a meeting of the all-party group on the construction industry. The construction and property group is active, as is the Construction Employers Federation.

I am grateful to the First Minister and deputy First Minister, who met representatives of the construction industry in recent months and engaged in a round of meetings with financial institutions at which this topic was high on the agenda. As an MLA, I would like to have sat in on those meetings; but I wish good luck to the joint First Ministers in their endeavours at least to secure some sympathy from the financial institutions for the construction industry.

The importance of the construction industry to the local economy cannot be understated. The downward trend in construction output in recent months tells its own story, and recent unemployment figures tell their own tale, too. Ireland, North and South, has suffered, and is suffering, most acutely from the contraction of activity in the industry. The various Government Departments need to respond by pushing ahead with public-sector building projects; addressing problems with procurement; and assisting the first-time buyer to acquire a mortgage, however that may be achieved.

I turn to the aspect of planning delays. In July, I asked for a meeting with Sammy Wilson, Minister of the Environment, and we met in Omagh on Wednesday 23 July. I brought representatives of local companies, who gave first-hand accounts of the hurdles that they face on a week-to-week basis: the slow turnaround; the need for pre-application discussions; and many other factors. I am grateful to Sammy Wilson for honouring a commitment that was made by his predecessor and colleague, Arlene Foster. We were told by the local companies that time has a direct impact on company planning, on plant and labour requirements for specific projects, and that all of that contributes negatively to job losses.

Earlier today, I touched base with the divisional planning manager in the western division, Mr Gerry Hogg, who had attended the meeting in Omagh with the Minister of the Environment.

I asked Mr Hogg a direct question: what is the Planning Service doing to assist the construction industry by enabling the quicker turnaround of planning applications? I was told that a new streamlining process is being operated through the district council consultation process. Mr Deputy Speaker, you will be familiar with the streamlining process that Planning Service is taking forward.

3.30 pm

I was told that a number of pilot projects are in place in the Downpatrick and Omagh divisions of the Planning Service that are aimed at managing development control more tightly in order to be of assistance to the construction industry. I was told about the establishment at Planning Service headquarters of a strategic projects unit, which will consider major developments in a multidisciplinary way, with the involvement of road engineers and environmentalists at source. A further development is the introduction of greater tendency towards pre-application discussions for all housing developments.

Those are welcome initiatives and positive developments, and more is needed. The Planning Service must demonstrate that it is willing to take on board the criticism that it takes longer to turn around major planning applications than take other such bodies. The process of application to certificate of approval to green form often takes six months in other places, but it often takes two years or more here.

I am pleased that the Planning Service is listening, but I want further improvements, which is why Sinn Féin's amendment draws attention to the need for a fundamental reform of the planning system to enable planning applications to be turned around in a quicker period and to enable economic and social development. During the time of the Committee on the Preparation

for Government, the subgroup on economic challenges also delivered that message.

I commend the motion as amended. Go raibh maith agat, a LeasCheann Comhairle.

**Mr Hamilton:** The debate is timely and useful, and the DUP does not disagree with anything that is contained in the motion or the amendment. In respect of the amendment, planning is not only a fundamental part of the construction industry's stabilisation and growth, but of the entire economy.

Some of the problems that Mr McElduff identified are also identified at ministerial level in the relevant Department. The creation of the strategic projects unit of which he spoke is, at least, an acceptance of the need to get major investment projects through the system as quickly as possible. History shows that where there is a will, there is a way in respect of such projects. Planning permission for applications by Coca-Cola and by IKEA, which were subject to direct competition, was granted fairly quickly.

Last week, the Committee for Enterprise, Trade and Investment discussed planning with representatives of the construction industry, and we reached general consensus that the six-month target process through the strategic projects unit led to positive results. However, not everyone entered into that process and not all projects could take part in it.

The debate is timely because the construction industry is in the depths of a crisis. Many companies have already collapsed, and many are on the verge of collapse. Much blame could be put around and fingers could be pointed in various directions. Indeed, elements of the construction industry must take some of the blame, but I echo the comments of the proposer of the motion, Dr McDonnell, who said that the banks must accept a major part of the responsibility. That is not only because of the 125% self-certification mortgages about which one hears — such huge loans were limited to a small number of people, but they are symptomatic of a wider problem in the banking sector, and I welcome the elements of the motion that address those issues.

As everyone in Northern Ireland knows, the impact of a crisis in the construction industry will be severe. Our private sector has been declared by many commentators as far too dependent on the construction industry.

The impact that a serious economic downturn will have on jobs and material suppliers is obvious. Indeed, beyond that, in the wider economy, it will also impact less obvious professions such as lawyers and estate agents. Lawyers and estate agents are regularly ranked as being the least liked professionals after politicians, so perhaps we have other reasons not to see crises in those particular sectors. Given that the construction

industry is a value-added sector, the downturn will also impact gross value added per capita.

As the motion states, and as Members have said, there is much that the Executive and the various Departments can do to address that. I want to focus on the final point of the motion. Of course we can and should fast-track major public-sector investment and infrastructure projects. Indeed, earlier this afternoon, Dr McDonnell and I attended a meeting at which the possible expansion of the natural gas network was discussed. That is one example of what was described as a "recession-proof investment", which could be introduced for the benefit of not only the community and the country, but the construction industry.

I want to turn to a Finance and Personnel matter. I know that it is the deputy First Minister who is going to respond to this debate; that is welcome, because it shows that the Executive take the issue seriously.

We can talk about fast-tracking projects, but sometimes improving the financial management of existing resources in the system is much better than implementing new projects. The provisional out-turn figures for the last financial year show capital underspend amounting to some £76 million. That underspend is spread across all Departments, and I scatter my criticism to all Departments and Ministers. All the Departments have serious underspend; in some cases, it represents as much as 35% of their overall capital budget.

The December monitoring round offers the Departments the opportunity to release those funds so that they can be spent elsewhere this year. Given the circumstances, it would be unforgivable if we were to see a repeat of the sort of situation in which almost 7% of the capital budget was not spent. Given the crisis in the construction industry, it would be utterly unforgivable if that were repeated and if those capital expenditure projects, which are already budgeted for, were not implemented.

**Mr K Robinson:** I commend the proposer of this very timely motion, and I accept the amendment as outlined by Mr McElduff. The construction industry accounts for approximately 11% of total employment in Northern Ireland, compared with approximately 8% in the rest of the UK. That 11% is a conservative estimate, because it does not take into account the number of self-employed people in the construction sector.

Therefore, construction companies constitute a critical mass of employment in the economy, and are intrinsic to our overall economic health. It is a primary form of employment, but its benefits spill over into secondary sectors such as retail and services. I believe that overdependence on service industries may make the economic downturn even more severe. Eighty per

cent of Northern Ireland's overall economic growth has been centred on service industries.

Even more important to the economy than the size of the construction sector is the fact that, in recent years, it has been one of the great job generators. For instance, in the five-year period to 2007, construction added some 8,750 jobs to the workforce. That was the highest rate of sectoral growth in the economy, outstripping manufacturing and the service industries. In the construction sector, house-building accounted for some 40% of overall output.

The National House-Building Council said recently that the number of new house starts has decreased by 56% — from 4,500 in the first six months of 2007 to 2,000 in the first six months of 2008. The Construction Employers Federation (CEF) has cited that chilling statistic as evidence that activity in the sector is virtually at a standstill. CEF has also said that between 3,000 and 4,000 construction jobs were lost in 2007 and 2008. It has also forecast that a further 4,000 to 5,000 jobs are directly under threat this and next year.

In the summer of 2008, a mere 670 houses were sold in Northern Ireland. That was less than half the amount sold during the same period in the previous year. In the Province, the average house now costs £203,775, which is a drop from the peak prices of more than £250,000 last year. Economists now predict that the average house price in Northern Ireland could, in fact, nosedive, to £175,000 next year.

That is the dimension of the problem that we have to face and the situation that we have to tackle. The question is: what do we do about it? Some Members outlined points that may be helpful.

We must be more proactive in our relationships with local banks. We need to negotiate actively with the banks on behalf of the construction sector in order to ease the burdens on local building employers and homeowners. It is alarming that second-quarter insolvencies are up by 7.6% on the previous quarter and by 63% on the figure of a year ago. That is not just a crisis — it is catastrophic. The implications of such figures for employment — and for the human misery that they represent — are simply unacceptable.

Mortgage repossessions in Northern Ireland rocketed by a massive 93% during the third quarter of 2008. The Northern Ireland Court Service published statistics for High Court repossession actions that show that over 1,000 writs and summonses were issued during the third quarter of 2008, compared with the third quarter of last year, when the figure was 521.

I commend the actions of a member of the Northern Ireland Court Service who, since January 2008, has been providing free legal advice to people who face repossession proceedings and who do not have and

cannot afford their own legal advice. However, by the time that those people reach that stage, it is often too late.

I also commend the Lord Chief Justice, who said that he is considering the need for special protocol to govern the actions of housing-repossession proceedings in Northern Ireland. The courts are applying the general principles of that already, and consultation has begun on that draft protocol. Under such a protocol, a judge hearing a repossession case will expect all parties to take all reasonable steps possible in order to resolve matters before starting the proceedings. That would ensure that repossession claims would be a last resort. Before coming to court, and to ascertain whether repayment proposals could be agreed, parties would be encouraged to discuss the reasons for mortgages falling into arrears, as well as the borrower's financial circumstances. That could save many people being evicted from their homes, and it reflects the mandatory regulations that the Prime Minister has introduced in England and Wales.

We need more of that kind of action, and we must not be afraid to be direct with local banks. The Chancellor has also let it be known that if banks do not take a more measured and lenient path with small companies and become more reasonable about inter-bank lending and the provision of mortgages, he will contemplate a nuclear option of nationalising the banks.

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

**Mr K Robinson:** We must examine the possibility of capping interest levels on bank loan payments to small companies.

**Mr Neeson:** I should say at the outset that the Alliance Party accepts the amendment. It is important that we consider the planning process. In my constituency, a major project has been in the pipeline for four years, and that will hopefully get the approval of Carrickfergus Borough Council next Monday.

There has been a consistent decrease in housing output for each of the past four quarters. The decrease in housing has been offset partially by an increase in infrastructure output over the same period. In its most recent quarterly economic review, the Ulster Bank quoted some important Northern Ireland construction industry statistics.

I said previously in the House that I considered that review to be very pessimistic. We as a party — and I, as an individual — have tried not to go overboard in relation to the present economic situation, although I accept that it is very stark. One of the issues that was raised in the Ulster Bank review is that the Northern Ireland economy is in recession and is expected to contract by 1.5% in 2009. The review states that Northern Ireland's key trading partners — the US, the UK, the European Union, and the Republic of Ireland — are all in, or are entering, recession.



The Northern Ireland housing and construction downturn has triggered the slowdown, which has spread to other services. In September this year, the number of people claiming unemployment benefit rose at its fastest rate since 1986. The Northern Ireland economy began its current economic slowdown before that of the UK, and its property downturn triggered a slowdown in the construction sector.

Northern Ireland's property bubble would have deflated of its own accord; however, the credit crunch has exacerbated the downturn and will delay recovery.

3.45 pm

By the end of 2009, it is anticipated that the average house price will be around 40% below the August 2007 peak. In 2009, house completions are set to fall by around 5,000, which will be below the previous low in 1983 and will be more than 70% less than the peak in 2006. That is why it is vital that the Executive, along with the Minister for Social Development, accelerate the building of social housing in Northern Ireland.

The Alliance Party has warned against talking down the economy in the short term. As I said earlier, the figures are stark. The party has also warned against the economy's total reliance on the public sector, construction and retail in the long term. That was never sustainable; a point that has now been fully vindicated.

Alasdair McDonnell quite rightly referred to the role of the banks. The banks have greatly contributed to the crisis that we face. It is not all that long ago that people were being showered with offers to take on credit cards and encouraged to take out big mortgages.

The value of land increased substantially and at an unsustainable rate. A number of developers purchased land at very high cost and are now faced with that so-called asset decreasing in value on a daily basis. The banks must take some responsibility to safeguard the interests of homeowners, particularly young people who have bought homes for the first time. I am not sure whether yesterday's pre-Budget report from Alistair Darling will help. Only time will tell.

I am pleased that the deputy First Minister is here, and I welcome the fact that the Executive are meeting again. I appeal to the Executive: they have a responsibility to bring forward some of the major projects that are in the pipeline. Urgent decisions are needed in that regard.

**The Chairperson of the Committee for Employment and Learning (Ms S Ramsey):** Go raibh maith agat, a LeasCheann Comhairle. I congratulate the proposers of the motion for securing this important debate. I welcome the deputy First Minister; it is useful that he is here from the Executive to answer comments that may come up during the course of the debate.

On behalf of the Committee, I want to share with Members our work in this area. On 5 November, the Construction Industry Group provided the Committee with some very worrying statistics, including the fact that by September 2008, there were 6,700 construction workers claiming unemployment benefit. That is a rise of 64% on the previous year, and the Committee was told that that figure could rise to 8,000 by the end of the year and to 10,000 by next summer.

Construction workers not engaging in what they do best is something that the Assembly cannot allow to happen. I am sure that I am not the only Member who has noticed deserted building sites where work has been mothballed, or who has received cards through the letter box from people offering to undertake building work, claiming that no job is too big or too small. It is an industry in great distress.

The Committee was struck by a number of knock-on effects from the construction slowdown, such as migrant workers being forced to return to their country of origin; unemployed local construction workers having to leave their families and homes to travel to other countries in search of work; many unemployed construction workers being forced to take a low-skilled, low-paid job in an unrelated sector, just to put food on the table.

Of particular concern to the Employment and Learning Committee was the number of apprentices in the construction industry who have been made redundant. The downturn has affected apprenticeships throughout the economy; however, the highest number of redundancies is among construction apprentices. Initially, those redundant apprentices lost their college places because they did not have work placements. However, the Minister for Employment and Learning has put contingencies in place. The Committee is working with the Department to consider how such problems can be avoided in the future.

The Committee has been proactive. After it heard the Construction Industry Group's presentation, it agreed to write to all Ministers via their Statutory Committees to highlight the plight of construction workers and the industry in general. The Committee forwarded the Construction Industry Group's presentation and asked whether Departments could take any immediate action, such as bringing forward capital or other construction projects. The Construction Industry Group made it clear that a commitment from the Executive to ensure a steady flow of public-sector construction work would allow construction companies to plan ahead and would give them the confidence to continue to invest in skills and training and, most importantly, to retain their workforce.

The Programme for Government places much emphasis on upskilling and reskilling people. The



Committee for Employment and Learning seeks support for any plans that allow investment in training and development to continue. Much can be done to help the construction industry. It is appropriate that the debate should take place in the Assembly. The Committee for Employment and Learning retains a strong involvement in that vital issue. It will reflect with interest on Members' comments in the debate. Go raibh maith agat.

**Mr McClarty:** I thank the Members who tabled this important motion. At the outset, I declare that my party supports both the motion and the amendment.

Northern Ireland's construction industry has become a major driver of the local economy. Over the past five years or so, it has, of course, benefited from the booming house-building market, continued investment in public infrastructure and years of economic growth in the Province. However, it is a major casualty of the sub-prime-mortgage crisis that has resulted in the credit crunch and the subsequent recession.

The motion deals successfully with some of the complex economic and fiscal relationships that can and must be addressed. The most critical repercussion of the continued downturn in the construction sector is the sharp hike in unemployment figures. In October 2008, 7,100 construction workers were claiming unemployment benefit. That is a staggering 70% increase since October 2007. Those figures will undoubtedly increase further during the coming months. Often, they do not reflect self-employed people who have cut back substantially on the number of hours that they are working. Also, the figures do not reflect the knock-on effect that unemployment and the downturn in the construction industry has had on the wider economy. It must be remembered that those figures represent people who support families, have mortgages and pay bills.

There is understandable caution in the banking system; however, in light of the unprecedented bail-out by the UK Government, it is imperative that banks increase liquidity, fully pass on interest rate cuts to customers and give the mortgage market and, subsequently, the construction industry and developers a much-needed boost. Equally, I support the call for financial institutions to handle sympathetically present and future borrowings that are made by construction companies. A co-ordinated and conciliatory approach is needed from the banking sector in the coming months and years.

However, while desiring stimulus for the market, we must also recognise that the bubble that burst recently, with such grave consequences, was, in many ways, the result of unscrupulous lending plans and highly speculative transactions in financial markets. Decisions must be made that will provide for a sustainable future.

In that respect, the motion is correct to recognise the difficult financial situation into which individuals and families have been put. Due protection against repossession must be considered wherever possible.

The Executive also need to act explicitly to support the construction industry. We had the unfortunate spectacle of 152 days of Executive inaction and silence. It is deeply regrettable that pleas for assistance from businesses at large and, especially, from the construction industry were, effectively, ignored.

The construction industry now needs major decisions to be made quickly. Decisions on each Department's capital spend need to be made efficiently. Worrying trends of capital spends in the Department of Education, for example, need to be addressed. It is not merely an issue of spending money unnecessarily, but of increasing efficiency and reducing underspend. Wider considerations need to be given to the Executive's construction programme. The investment strategy needs be delivered in a more timely and efficient manner, with capital projects and investment being brought forward this year. That is happening in Scotland — where £100 million has been brought forward — and, indeed, in England, too.

Financial management also needs to be improved. The previous Minister of Finance and Personnel made much of his new performance and efficiency delivery unit. However, we have heard very little about the improvements that it has made, or about even the work that it has carried out. Although most Departments in the Executive achieved much for the construction industry throughout the recent stalemate, I congratulate the Department for Employment and Learning for working towards a sustainable future for the industry. Much has been done, but much more needs to be done.

I support the motion.

**Mr F McCann:** Go raibh maith agat, a LeasCheann Comhairle. It is unclear whether the SDLP accepts the amendment. Maybe, they would like to provide clarification.

**Dr McDonnell:** On a point of order, Mr Deputy Speaker. Is it in order for Mr McCann to make such a comment at this time? I am not sure that it is.

**Mr Deputy Speaker:** Mr McCann has not done anything out of order.

**Dr McDonnell:** On a point of information, if I may: I reassure Mr McCann that I am, of course, supporting his amendment. I hope that that clarification will allow him to speak fluently.

**Mr F McCann:** That is all the information that I required.

**Mr Deputy Speaker:** I am sure that Mr McCann is delighted to hear that, now that he is a lightweight in politics.

**Mr F McCann:** I thank the Member for that information.

The motion concerns an issue that impacts deeply on thousands of people in the construction industry who have lost their jobs or who are in danger of doing so. Given the nearing advent of Christmas and the accompanying expectations of family and children, such job losses are felt even more keenly. We all know of particular cases of people who are affected personally by the downturn in the economy. Tradesmen, such as plumbers, bricklayers, electricians, tilers and joiners, all rely on the building industry for their livelihood. Those tradesmen now find themselves in dire circumstances, having to cut their prices to get a job or being thrown onto the dole when sites close half way through a development.

I agree with the sentiments that the motion expresses. The financial institutions ought to make commitments to deal sympathetically with the construction industry's requests for borrowing. It is the financial institutions that are responsible for the economic mess that we are in. Indeed, when the British Prime Minister implemented cuts in interest rates, the banks and building societies were reluctant to pass on the reductions. They were persuaded to do so only when the heavy hand was eventually brought to bear on them.

We can sympathise with developers who cannot sell properties that were built for the private market. Those developers are calling for the Department for Social Development to buy the properties to fulfil the needs of the social housing programme. However, the Department should consider other factors as well.

In response to a question that I asked about the breakdown of this year's social housing programme, the Committee for Social Development was informed that 600 of the 1,500 newbuilds to be provided would be bought off the shelf from developers. That does nothing to help the unemployed tradesmen who might otherwise have been in gainful employment, building properties for the social housing programme.

The Assembly must develop an approach to assist those developers whose houses cannot be sold. However, there is also an obligation to assist the small and medium-sized building companies that could stay afloat if they were given work related to the provision of social housing.

4.00 pm

**Mr McCarthy:** Does the Member agree that greedy developers must share responsibility for the current crisis? Some of them purchased single dwellings,

including bungalows, only to replace them with huge blocks of apartments that they cannot now sell.

**Mr F McCann:** That is a good point, and it was well made.

With 40,000 people on the waiting list for housing, it is time to be realistic about the extent of the problem. It has a major effect on the quality of life of those who are experiencing housing stress. To invest in social housing is to invest in the future of those who are most in need. The provision of necessary housing would help many people and, at the same time, assist those who need the jobs that the construction industry can offer.

Every day, we hear that house prices are falling to more realistic levels. That may be so, but it does little to assist first-time buyers who still cannot access affordable mortgages. Measures must be put in place to address that problem urgently and to ensure a genuine injection of activity into the market.

To avoid the unnecessary loss of homes, building societies and banks must exercise greater flexibility in their dealings with mortgage-holders who are having difficulties; one such measure would be to allow those with repayment mortgages to switch to making interest-only payments. That one move could protect possibly thousands of people from homelessness. Financial institutions have a responsibility to do their utmost to rescue the situation, particularly since many of them were involved in the irresponsible lending that led to the crisis.

The Executive must play their part by facilitating discussions between financiers and the construction industry to achieve a resolution. The construction industry is in sharp decline, and that affects not only those whom it employs directly, but the small suppliers of materials and the entertainment industry. Most of all, however, the decline affects the quality of life of families who rely on a weekly wage to survive.

The motion, quite correctly, deals with repossession and calls for action, but action should have been taken months ago, as happened in other jurisdictions. Structures exist in the North to roll out a shared equity scheme under co-ownership and a mortgage-to-rent scheme. The Housing Executive would manage that element and work closely with housing associations on not-for-profit schemes. Had that action been implemented many months ago, many hundreds of people would still be in their homes.

Planning plays a crucial role because it should work for people, not the other way round. The Minister has wide experience of planning matters, and it is crucial that planning is dealt with as part of any package. Good, speedy planning decisions can assist in ensuring that those making major, medium and small applications do not wait, in some cases many years, for planning permission.

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

**Mr F McCann:** When all is said and done, it is crucial that a package be put together to deal with the shared concerns of the construction industry and the Assembly.

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

**Mr F McCann:** The major works that are planned should be brought forward to enable the construction industry to get back to work. Go raibh maith agat.

**Ms Purvis:** I support the motion and the amendment. It is an extensive motion that covers many areas affected by, and affecting, the economy. It is important to examine all the issues and to develop strategic policies to address them. It is particularly important to protect homeowners from repossession, to create more jobs and to generate more social housing.

However, the debate will be meaningless unless the Assembly is completely honest about why the economy is in its current state. To address a problem, the source must be identified. The present situation arose because an artificial boom in housing and construction was allowed to happen. That boom began when people were offered credit that they could never repay.

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

Over the past few years, it was gratifying to read in the media about the growth and expansion in Northern Ireland's economy. However, that is the only place where much of that growth existed — on paper.

It was not real. The money that was used to fund it was heavily borrowed, and individuals were always going to struggle to pay it back. I recognise that the downturn is connected to global events. Did we really think that a housing market in which average house prices were four or five times higher than average earnings was sustainable? Did we believe that such a market could last when first-time buyers could not get near the property ladder because prices were rising so quickly? Are we really surprised by the current situation?

Mortgage arrears and home repossessions have almost doubled since this time last year. The Housing Rights Service reports a 330% increase in demand for its debt-assistance service, and citizens advice bureaux and Advice NI report dramatic increases in requests for assistance with personal debt. An entire generation will never recover the investment that they made on their homes. Individuals were encouraged to borrow beyond the value of their house, and they will never enjoy the security that previous generations of homeowners experienced. How does that fit with the housing dream that we consider a national value?

Today's average annual income is approximately £22,000, whereas the average house price is

approximately £227,000. Earnings amount to one tenth of the cost of a house. Therefore, a significant percentage of our workforce is trapped. They are no longer mobile because lay-offs and redundancies have hit, and many workers will be unable to relocate to find a job because they are stuck in homes that they cannot sell, with mortgages that they struggle to pay. The party was not worth the hangover.

It is time to take responsibility for what has been allowed to happen. The developers, banks, overeager investors and construction companies have all played a part in the collapse and must bear some mark of responsibility. However, they did what they are designed to do — they identified an opportunity and took it. It was, and is, the job of the Executive and the Assembly to ensure that the economic and social policies that framed those opportunities will protect the long-term interests of the people of the Province and focus on sustainability.

The motion will be hollow if it merely advocates the recreation of the dynamics that caused the problems — an artificial boom with a very real bust. Indeed, one economist called it “serious pyramid buying”. Our policies must focus entirely on sustainable measures that will protect vulnerable individuals and households from more difficult circumstances in the future. We must improve the quality of existing housing stock, which, despite recent improvement, is still the most notoriously poor in the UK, according to the house conditions survey. The most vulnerable members of our society — such as the lone elderly, the unemployed and the disabled — are more likely to live in those homes and will struggle to heat a dwelling that has little or no fuel efficiency.

We must create jobs that focus on improving existing housing and creating more social housing. There is a long waiting list for social housing, and given that mortgage arrears and home repossessions are rising, it will continue to grow. We must create jobs that build and develop new houses and modify and update existing social housing. Members of the Executive have consistently stated their dedication to delivering capital investment. I support the motion, which will protect vulnerable households from repossession, generate more social housing and jobs, and improve Northern Ireland's housing stock.

**The deputy First Minister (Mr M McGuinness):** Go raibh maith agat, a LeasCheann Comhairle. The difficulties that are affecting our people and our economy are uppermost in the Executive's mind. The First Minister and I held a series of meetings during the autumn with key groups that represent sectors of industry, banking, trade unions and the community and voluntary sectors. Through those meetings, we have heard, at first hand, of problems and concerns and have sought ideas that could alleviate difficulties. As part of



that process, we have met construction industry representatives.

Last week we also raised our difficulties directly with the British Prime Minister, Gordon Brown, when we had a very useful meeting. The Executive also discussed the economic situation in depth last week.

In his pre-Budget statement yesterday, the Chancellor announced a number of initiatives aimed at increasing the availability of mortgages and helping people who are facing difficulties in paying their mortgages. We welcome those developments, which should reduce hardship and help those who are facing the risk of repossession. That was mentioned by Dawn Purvis, Sean Neeson, Barry McElduff, Ken Robinson and Alasdair McDonnell.

We have engaged with the local banks as part of our series of discussions on the credit crunch, which also included local business, trade unions and others representing civic society. The Department of Enterprise, Trade and Investment and Invest NI are also engaging with the local banks to discuss financing solutions for business in the current economic environment, and the support and assistance offered to small businesses.

The Executive are determined to use their influence to best advantage to help our people and the local economy in these difficult times. We intend to make an announcement about positive measures to help to tackle the economic difficulties and the hardships that people are facing. Throughout all our discussions, the position of the construction industry has remained a top concern. We fully recognise the vital contribution that industry makes to our economy, and the industry is, of course, a key partner in helping to deliver our investment strategy.

In recent years, the construction industry has prospered, with a very sharp rise in output between 2003-04 and 2006-07. The output of the private sector can be contrasted with that of the public sector. Over that short period, construction output for the private sector rose from just under £1.4 billion to a peak of nearly £2.1 billion; an increase of around 50% in just three years. However, output fell back to around £1.9 billion in 2007-08, and is likely to have fallen further this year. The output for the public sector has also been rising, but on a continuing upward trend. The total output for the public sector was £900 million in 2003-04, rising to over £1.4 billion in 2007-08, an increase of some 67%.

Those figures demonstrate the volatile nature of the private sector as a client of the construction industry, and contrast with the more stable and consistent growth pattern of the public sector. They also show that it is unrealistic to think that the public sector alone

can restore the total output of the construction industry to its peak level of some £3.4 billion in 2006-07.

We recognise the seriousness of the situation facing the construction industry, and we are especially concerned about recent reports about future employment levels. Those are concerns that have also been strongly reflected in today's debate, and, indeed, in a number of answers that we have given to Assembly questions on those themes. We are also aware of the interest shown by the Assembly Committees, including the Committee for the Office of the First Minister and deputy First Minister. Indeed, we received a further letter on the matter from the Chairperson of that Committee last night.

The Assembly will recall that earlier this year, the Executive published their investment strategy, showing our intention to invest up to £20 billion by 2018 to tackle the legacy of decades of underinvestment that we inherited. The investment strategy was created to enable us to direct capital investment in a coherent way to the public services most in need. Although it is not intended as a tool specifically for the construction industry, it is clearly of strategic importance to the sector. We recognise that the construction industry is a key stakeholder and partner with us, and we are anxious to do what we can at this time to help the industry in the context of the strategy.

We have been carefully examining the ideas and concerns put to us by the construction industry and other representatives when we met them. Fra McCann, Sue Ramsey, David McClarty and Sean Neeson spoke about the importance of the Strategic Investment Board (SIB), and we have commissioned the board to advise us on how we could best use the investment strategy to provide practical help to the construction industry in the period ahead. SIB has now reported its findings to us, and we are examining those as a matter of urgency.

Chief among the calls that have been made to us is that we should bring forward projects on the ground as soon as possible. The industry is also concerned that large capital underspends — which Simon Hamilton mentioned — are a feature especially marked in the period of direct rule. We are determined to ensure that that does not reappear now.

*4.15 pm*

The Minister of Finance and Personnel very strongly shares our concerns about the possibility of such underspends arising in capital, and he wrote to the Executive on that subject. The construction industry believes that the most important contribution that the Executive can make at this time is to deliver fully what we set out to in the investment strategy with the funding that is available to us. I make no apology for



reiterating that the Executive are determined to deliver the investment strategy to the fullest extent possible.

The Finance Minister will soon advise the Executive about the December monitoring round, and that will include his assessment of the amount of capital funding that is available for the remainder of 2008-09. Due to the advice that we received from SIB, we now believe that there are good opportunities to establish worthwhile projects, provided that funding becomes available through the surrender of reduced requirements by Departments during the December monitoring round.

The SIB report also considered the position for 2009-2010 and beyond. There are opportunities to bring significant investment if funding is available. We will keep the delivery of investment under close review, and we are ready to reschedule planned investment or to apply any new resources that emerge in order to maximise delivery.

In addition, the Executive are conducting a strategic stocktake of the resource and capital-expenditure plans for 2009-2010 and 2010-11. The main focus of that exercise has been for Departments to identify the pressures and easements that have emerged since the Budget was agreed in January 2008. That exercise will allow the Executive to effectively plan ahead for the 2009-2010 and 2010-11 in-year monitoring rounds.

However, my understanding is that Departments have not identified a significant level of easements in their returns to the strategic stocktake. Inevitably, that means that there will be less scope to accelerate infrastructure projects. In that context, I reiterate the call of the Finance Minister that Departments should declare reduced requirements as early as possible in order that the resources that are released can be reallocated to where they can make the most difference.

We will be criticised rightly if the Executive are unable to provide assistance to the construction sector while available funding is left unused by Departments. One of the construction industry's concerns is that it has insufficient information about the progress of the implementation of the new investment plan. The industry wants to be able to plan its business operations as efficiently as possible, and we recognise fully the mutual benefits that are to be gained through information sharing.

Departments now publish investment delivery plans that provide more detail about the individual projects that they will implement up to 2010-11. Those are all now available, apart from those from the Department of Health, Social Services and Public Safety. However, we understand that the Health Minister has been reviewing his capital programmes.

In addition to the investment delivery plans, we have introduced a new delivery-tracking system for the investment strategy. That system records details of the

progress of the projects in the investment strategy. That vital tool will allow the Executive to monitor progress in delivery, to spot potential problems at an early stage, and to take corrective action. Departments are updating information on the delivery-tracking system, which will now be operational during 2009. Information from the system that should provide further clarity and reassurance about progress on delivery will be made available to the construction industry.

Members raised concerns about the effect of recent legal challenges to two framework contracts for construction services, one of which was for schools. Those framework contracts are intended to meet the challenge that is faced by Departments of increasing the pace of the delivery of new investment. Departments are seeking to avoid the inefficiencies and delays that are inherent in procuring a flow of similar projects, one at a time.

Although similar framework contracts are in widespread use elsewhere, their introduction here has been delayed as a result of those legal challenges. However, Departments are working to minimise the impact of those delays, and SIB has identified opportunities for us to take up any remaining slack by advancing alternative projects.

We have also been trying to make more resources available for new investment by better managing our existing assets and disposing of surplus assets. Departments already have plans to dispose of surplus assets that were reflected in the Budget. In addition, we commissioned a study into the entire issue through the work of the capital realisation task force, which reported to us at the end of 2007. The Executive are not immune from the effects of the current downturn in the domestic and property markets, which is having an impact on our ability to dispose of surplus assets.

The Executive must live within their finite budgets and assets. Disposals are a factor in determining what is available for new investment.

The Executive are implementing the capital realisation task force's recommendations, albeit at a slower pace than we had originally envisaged, owing to the changed circumstances that have unfolded over the past 12 months. It is important work, which, over time, will yield considerable benefits, through making the best use of what we already own, and through releasing resources for vital new investment — moneys that are currently locked up elsewhere. The situation is being kept under review, and surplus assets for which there is a clear market appetite will be introduced for disposal.

The guiding principle will be to ensure that a good deal is secured for the public purse. However, it must be emphasised that the majority of capital funding is

sourced from public- expenditure allocations and is not dependent on the market take-up of assets for disposal. We are constrained by the level of funding available; however, it should be remembered that, just over five years ago, infrastructure investment was around £1 billion per annum. Last year, it amounted to almost £1.4 billion, and through the investment strategy, we plan to continue that upward trend. That is the measure of the progress that has been made, and it is a clear signal of the Executive's ambition to go further.

I again emphasise the concern in the Executive for the well-being of the construction industry. Not only is it vital in helping us to deliver the investment strategy, but the construction industry plays a critical role in working in partnership with us to unlock the potential for procurement and in playing an active and effective role in tackling patterns of socio-economic disadvantage. For example, Ilex Urban Regeneration Company Ltd in Derry is already putting in place measures that will ensure that those in long-term unemployment will benefit from public procurement. That will be carried out in partnership with the construction industry. That industry should also benefit from an increase in the pool of skilled labour.

I want to thank all the Members who contributed to today's useful debate, which I know reflects the views and concerns of many. During the course of the debate, Alasdair McDonnell, Fra McCann, Ken Robinson, Sean Neeson and Dawn Purvis spoke about the issue of banking and the role that the banks have played. Responsible banking is absolutely essential and must form the cornerstone of economic recovery, for the construction sector in particular. The top manager at Invest NI has been proactively meeting with local banks such as Ulster Bank, Northern Bank, First Trust bank and Bank of Ireland to discuss financial solutions for local businesses in the current economic environment.

Barry McElduff, Fra McCann and Simon Hamilton raised the issue of the Planning Service. The Minister of the Environment is fully committed to a comprehensive reform of the planning system. He intends to introduce a consultation paper very shortly that will set out wide-ranging and challenging proposals for the reform of the planning system here. The reforms are intended to improve the efficiency and effectiveness of the planning system, thus ensuring that it provides transparency in decision-making and gives confidence to its users.

David McClarty, Sean Neeson and Ken Robinson spoke about the importance of the construction industry. We all know that the industry makes a vital contribution to the economy here. Indeed, its output in 2007 was a record £3.4 billion. The downturn in the housing sector has placed particular difficulties on the construction industry. 'Northern Ireland Construction Bulletin',

which NISRA (Northern Ireland Statistics and Research Agency) published on 6 November 2008, showed that output for the second quarter of 2008 in the private-housing sector had declined by some 20%, when compared with the same period in 2007. Therefore, we are not under any about the importance of the situation and how we try to deal with it.

Dawn Purvis, Fra McCann and Sean Neeson raised the issue of social housing. In the 2008-2011 Budget, the Department for Social Development (DSD) received net capital-investment allocations for social housing of £90.6 million for 2008-09; £153.8 million for 2009-2010; and £178 million for 2010-2011. As a result of the 2008-09 in-year monitoring process, DSD has received an additional £15 million to help address the shortfall in house-sale receipts. Since the restoration of devolution, the Executive have made £136.5 million of capital allocations available to DSD through the 2007-08 and 2008-09 monitoring processes. Therefore, acceleration of capital expenditure can take place only if the resources are available. The Minister of Finance and Personnel will advise the Executive on the amount of capital funding that is available as part of the December monitoring round and strategic stocktake.

The Executive will take away the issues raised today, and we will take account of those issues as we work at tackling the challenges that we face. I thank all the contributors to today's debate.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. I speak in favour of the motion as amended, and I thank Alasdair McDonnell and his colleagues for tabling the motion. The extent of the present difficulties facing the construction industry and the wider economy makes it incumbent upon everyone in public office and in the wider economy to raise their game and to be imaginative and resourceful in tackling the economic challenges that confront us. I will elaborate further on that; however, I will first outline briefly some of the initiatives that the Committee for Finance and Personnel, which I chair, has taken in response to the downturn.

Last September, the Committee took evidence from the Construction Industry Forum and brought the key issues identified during that session to the attention of DFP. Those issues included the scope for front-loading capital spending, in addition to maintenance work on Government buildings; the need to avoid slippage of capital projects and to minimise underspend; and the need for more detailed information on the roll-out of the planned capital and maintenance spend to be made available to the industry.

More generally, the Committee has been bearing down on underspend. It has raised the need for DFP's central finance group to undertake more analysis of the reasons for underspend in Departments and to exercise

more challenge. In querying when the performance management framework will be in place to measure performance against the Programme for Government targets, the Committee found that the target was missed, as the framework was to be in place by April 2008. Previously, the Committee called for steps to be taken to ensure the effective planning and management of capital projects, with a view to minimising delays and the resulting underspend in that area. I welcome the deputy First Minister's comments on that.

Related to that, I have drawn the Committee's attention to a wider issue regarding incentives and sanctions to improve the performance of senior civil servants in managing public finances and achieving business targets. Figures for 2007 indicate that of a cohort of 200 senior civil servants, 49 received the top-line bonus of £10,000 — that equates to almost half a million pounds shared between 49 individuals. Another 50 senior civil servants received the second tier, which was £6,500 — amounting to over £300,000 between them, and a further 50 received £4,000 each — totalling over £200,000. I am not quite certain what the remaining 51 were up to.

The Committee has also decided to take evidence from the local banking sector, to examine what measures it can take to assist the local economy in minimising the impact of the current economic downturn. The motion, as proposed by Mr McDonnell, clearly sets out an imperative on financial institutions to go the extra mile to protect vulnerable enterprises and jobs at this time, rather than protecting profits. Also, in the context of the economic downturn, the Committee is commencing an inquiry into public-procurement policy and practice, focusing especially on the scope for maximising opportunities for local small and medium-sized enterprises and social enterprises to access public contracts.

Speaking on behalf of Sinn Féin, I exhort the Assembly to adopt the approach of investing now to promote recovery. There must be an appropriate response from the Executive, and — as Alasdair McDonnell acknowledged — although the Assembly and the Executive have no influence whatsoever on the causes of, or the remedies required to deal with, the deepening global economic crisis, significant financial resources are available to Ministers and their Departments. Therefore, we have the ability to review and to respond to a changing and challenging economic landscape. Such responses could produce the outcome that we seek, by — as other Members have indicated — encouraging the skills and capacity in the construction industry and associated services to be retained and promoted.

The Executive should consider introducing binding protocols across all Departments regarding the prompt payment of bills that are outstanding at the end of

contract periods. Particularly in light of the suspension of Workplace 2010, there may well be an opportunity to move to the incremental refurbishment and development of Civil Service accommodation in a way that would assist the local construction industry. I welcome the deputy First Minister's comments regarding the underspend, as that is a critical demonstration of a failure in the standards of both project and financial management.

Finally, I exhort the Executive, as a prerequisite to promoting economic recovery and growth, to seize the opportunity to end once and for all the constipation that afflicts the current planning system — let us think globally, but act locally.

4.30 pm

**Mr Durkan:** The debate was interesting. Although the motion is wide ranging, many Members elaborated on other matters that merit our attention, including some that have been in the news recently, and I shall address some of those matters later. The debate reflected the wide-ranging agreement on a number of matters, and, happily, all parties support the motion and the amendment.

When proposing the motion, Alasdair McDonnell covered its main elements, emphasising the importance, in its own right, of the construction industry here, given its economic scale. In addition, he and several other Members spoke about the industry's wider role of creating a variety of multipliers in our economy.

Mr McDonnell also called on the Executive to help with a number of other matters. We are under no illusion that the Executive can totally control the conditions — which are not of their making — afflicting the construction industry. As other Members said, such conditions are caused by wider systemic, international and global market failures and by some questionable lending practices by the banks in which the construction and property industry got caught up. However, we must now ensure that action is taken that will mitigate the damage and stimulate the best path for future recovery.

Barry McElduff referred to the fact that he and his colleagues tabled motions on similar matters in the spring, and he referred to a number of meetings that took place with the Construction and Property Group during the summer. Having attended some of those meetings as Chairperson of the Committee for Enterprise, Trade and Investment, I made sure that representatives from the group spoke to the Committee in July, before recess, in order to register the importance of the matter. Furthermore, at that time, the Committee made appropriate representations through various Ministers.

Simon Hamilton referred to the fact that the amendment highlights some of the planning issues and



to the impact of the current crisis on the construction industry. In addition, he mentioned — as we are all doing — the importance of fast-tracking capital projects. He pointed out that although it is all very well to set fast-tracking targets, if significant underspending and underperformance continues, all the targets in the world will not add up to much. Therefore, questions should be asked about the strategy and the means that we put behind it.

Ken Robinson highlighted the huge employment significance of the construction industry here, and he compared employment ratios here with the rest of the UK. He pointed out, nevertheless, that that industry is one of the great job generators in our economy. In particular, he mentioned the significant role that house building has played in our economic performance over the past number of years. Although he recognised the impact of current events, he spoke about how we must try to stimulate future economic performance using manageable methods. He said that the Government here must be more proactive with the banks.

Mr Robinson also referred to the Lord Chief Justice, who is considering a special protocol on home repossessions. When the Prime Minister indicated that the British Government were planning to take the matter up with the Lord Chief Justice in England, I enquired from the Ministry of Justice and from the NIO about how the matter would be dealt with here, and I was informed that an appropriate communication was being made to the Lord Chief Justice, who was then to undertake exactly the consideration that is now there.

Sean Neeson highlighted the decreasing housing output over the past number of quarters. He drew attention to the Ulster Bank's particularly gloomy assessment and pointed to the change in the numbers of construction workers claiming unemployment benefit. He highlighted a need in the current circumstances — and even an opportunity — to build more social housing, and he wanted to see whether the current circumstances could be used to create new pathways to achieving the social-housing targets, perhaps by using the current market difficulties.

Sue Ramsey, as Chairperson of the Committee for Employment and Learning, emphasised the significant impact of rising unemployment among construction workers and warned that more job losses will follow. She said that her Committee has already been in contact, not only with the Department for Employment and Learning, but with other Ministers and Departments to try to ensure that action is taken against existing problems and that Departments are ready for any possible upturns.

David McClarty highlighted the significant part that house building — and construction in general — has played in our recent economic growth. Like other

Members, he emphasised the need for the banks to increase liquidity, to pass on interest rate reductions and to offer feasible borrowing facilities for people.

One point that was apparent from many Members' speeches was that, in circumstances in which we all, as taxpayers, are helping to underpin the banks' liquidity and have seen taxpayers' money used, not only to support liquidity but to recapitalise banks and, in many cases, almost underwrite bad assets, we are well within our rights to ask our Government representatives to ensure that the banks share that liquidity with the wider economy in the wider social and economic interest. I think that the deputy First Minister indicated that that was the burden of his and the First Minister's contact with the banks. That was not simply a one-off meeting; they and other Ministers are having ongoing contact with the banks.

Fra McCann emphasised the impact of the situation on tradesmen, plumbers, tilers and others in ways that echoed points that had been made earlier by Barry McElduff. Mr McElduff reminded us that, as far as he was concerned, he could see the impact of the crisis in the way in which it affected his neighbours who were going out to their jobs in their vans. The human aspect of the matter was brought home very forcefully in the debate.

Fra McCann also raised the issue of how social-housing targets might be advanced in the current circumstances. He seemed to be saying that, although there are difficulties, there may be opportunities that could be harnessed, if the right action can be taken. He also mentioned action on affordable housing and referred to some of the measures that the Minister for Social Development is taking and the impact that they might have if they were applied more widely.

Dawn Purvis spoke in support of the motion and the amendment. She highlighted the impact of the crisis on individuals, which is reflected in the increasing number of people who turn to Advice NI, mortgage advice centres, citizens advice bureaux and others due to the predicaments that they are in. She stressed that many of the problems come from previous practices and unsustainable market activity and that we must avoid repeating the same mistakes in future.

The deputy First Minister, very helpfully, covered the Executive's particular concern about what has been happening to the construction industry. The Executive have met representatives of that industry as well as representatives of financial institutions. He talked about action that is being taken in relation to the investment strategy for Northern Ireland and action to try to fast-track capital projects.

We need to recognise that we have a problem of delivery sclerosis when it comes to capital expenditure in Northern Ireland. As Mr Deputy Speaker will recall,



in his previous capacity as its Chairperson, the Finance and Personnel Committee produced a report that called for a new central driver for capital expenditure in Northern Ireland. The Strategic Investment Board was meant to be such a driver, but it has not really been allowed to operate in the way that was originally intended.

There is still too much confusion, cut-up and cutting in and among Departments, the Strategic Investment Board and others.

We all complain about planning control and approval, which is alluded to in the amendment, but our financial planning and control does not lend itself to ready production. If the Executive have an investment strategy, and if Ministers have chosen spending programme priorities, they should be able to deliver them without the help of appraisals, reappraisals and re-evaluations that involve the cast of consultees who are involved currently in the statutory system. That system, along with the formal planning system, must be cracked.

*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 crisis in the construction industry; notes the significant impact this is having on employment in the building sector and on the wider economy; and calls on the Executive to secure action that will achieve: a commitment from all major financial institutions that they will handle the borrowings of construction companies sympathetically; meaningful discussions between local financial institutions, the Executive and the Construction and Property Group, as well as other representatives of the construction industry; the reintroduction of liquidity into the market by ensuring that affordable mortgages are available, particularly to first time buyers; due protection against repossession for vulnerable households from both companies and the Courts; an urgent review of the budget by the Executive to accelerate spending on public construction as set out in the Investment Strategy, including social housing; and a fundamental reform of the planning system to enable economic and social development, including quicker turnaround of planning applications.

## PRIVATE MEMBERS' BUSINESS

### Carbon Neutrality of the Northern Ireland Assembly

*The following motion stood in the Order Paper:*

That this Assembly calls upon the Assembly Commission to draw up an action plan to ensure that all of the buildings used by the Northern Ireland Assembly are carbon neutral by the end of March 2010. — [*Mr B Wilson.*]

*Motion not moved.*

### Voluntary Sector

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

**Ms Lo:** I beg to move

That this Assembly calls on the Executive to produce a policy paper committing itself to strengthening the relationship between Government and the voluntary sector, thereby developing an important asset for the whole community.

I accept the SDLP amendment. The motion calls for a policy paper, which is intended to be the equivalent of a Westminster White Paper — although I understand that the Northern Ireland Assembly does not use the term “White Paper”. White Papers are issued by Governments, and they lay out policy or proposed action on a topic of concern. Although a White Paper may be a consultation about the details of new legislation, it signifies a clear intention on the part of a Government to pass new law.

According to the Northern Ireland Council for Voluntary Action (NICVA) — the voluntary sector’s umbrella organisation — there are approximately 4,500 voluntary and community organisations in Northern Ireland, with 29,000 paid employees and 200,000 volunteers.

A voluntary organisation usually refers to a regional organisation that is working on a specific issue, such as disability, children or older people. A community organisation is, usually, a smaller organisation that is involved in different issues, such as community development or education and training, which are of concern to a local community.

Some voluntary and community organisations receive core or project funding from the Government if

they fit into statutory policies, and those organisations deliver services to the public under service level agreements with individual Departments. On 21 October 2008, the Assembly debated a motion about the Supporting People programme, which funds a range of housing support services from the sector in over 900 schemes and helps some 23,000 people to live independently.

In 2003-04, the total income of the sector was approximately £615 million, with one in every five organisations dependent on 75% or more of the income from Government sources. Many organisations do not receive funding to cover the full cost of providing the service through the service level agreements. The service providers have also been hit by departmental efficiency savings, which are passed on to them by way of cuts in their funding. Furthermore, the shrinking of EU Peace programmes and lottery funding has led to serious financial shortages for many organisations in the sector.

4.45 pm

The community and voluntary sector has made significant contributions to life in Northern Ireland and has been a key social partner working with Government to deliver social, economic, cultural and environmental change. It holds a track record for tackling social need and deprivation and is recognised by Government as being well placed to develop and deliver improved front-line services, particularly to the most disadvantaged and excluded people in society.

Over the years, the sector has built up enormous experience and expertise in many areas, including human rights, equality and good relations. It has shown itself to be innovative, flexible and value for money. It is timely that NICVA is campaigning for a parliamentary paper to clarify and define the relationship between Government and the voluntary and community sector in Northern Ireland, given the changes in society with a devolved Administration and proposals for increased powers for local councils under the review of public administration.

The 10-year-old compact between Government and the sector is a largely aspirational document but, despite follow-on initiatives such as Partners for Change and A Positive Step to implement a compact in a practical way, its principles have not translated into day-to-day practices. In particular, the sector has become frustrated by the increasingly bureaucratic and complex accounting system, which takes away the focus on service delivery.

Governments in England, Wales and Ireland have issued White Papers or other legislative frameworks defining relationships with the voluntary and community sector. The process for developing the paper will create the opportunity for this Government

to have a dialogue with the sector to explore what Government want and expect from the sector; the sector's role in service provision; the roles the sector plays in communities and the democratic process; how Government support the sector in developing those various roles; and what structures would need to be in place to do that.

In its briefing to the Committee for Social Development, NICVA advocated several issues to be examined in the paper. They included recognition of the role of the sector and articulation of its value in a democratic context as has been done in the Irish White Paper, and the Welsh and English legislation. The paper must outline some of the sector's key functions, as has been done in Ireland, and show a commitment to work with, and support, the sector, including some detail on what that would involve at various levels of Government.

It should contain a structure for relations between the Northern Ireland Assembly, the Executive and the sector. That would move beyond the Joint Government/Voluntary and Community Sector Forum, which brings together the sector and officials to a model more like the Welsh structure. That brings politicians and Ministers into regular, structured contact.

Commitments on community management and ownership of assets should be considered in the paper. That could build on the work of the Quirk Report in England and decisions by the Office of the Third Sector and the Treasury.

In view of the current cumbersome accounting system, a funding code of practice must be established to tackle some of the bureaucracy surrounding funding, including assurance of fair and reasonable access to public funds, as has been done in Wales. A firm commitment to multi-annual outcome-focused funding, as recommended by Treasury guidelines in 2006, will improve the sustainability of the sector.

The policy paper must contain a commitment to research and collect information on the sector, as happens in Wales and in England, and a commitment to consider the effect that new policies would have on the sector, as happens in Wales.

The Minister for Social Development has lead policy responsibility for the voluntary and community sector across Government. I am aware that the Department's voluntary and community unit is developing strategies on volunteering, support for the sector, advice services, and, of course, charities legislation. I therefore call on Minister Ritchie to consider leading on the development of a cross-departmental White Paper on the voluntary and community sector.

In conclusion, if the Executive establish a clear understanding of the expected roles and

responsibilities of the voluntary and community sector, that will clarify boundaries, not only for voluntary organisations but for Government. It will also clarify how the third sector can contribute to making Northern Ireland a better place, as we move into a normalised society. Committed statutory support for voluntary organisations will provide a more efficient and stronger sector that will, in turn, be more effective in engaging with Government in the democratic process.

**Mr A Maginness:** I beg to move the following amendment: At end insert

“; urges Ministers to review the impact of efficiency savings and other departmental discussions on the sector and those who depend on its services; notes the downturn in European Union funding across the sector; and further calls for better cross-departmental funding to support the delivery of Programme for Government targets using the third sector’s capacity.”

I also support the motion in the name of Ms Lo. I should point out that where the amendment says “departmental discussions” it should read “departmental decisions”. That is a typographical error. I hope that that is acceptable to the Assembly.

The voluntary sector is an enormous asset to us. It engages about 100,000 people; some 28,000 are directly employed, while another 70,000 to 75,000 are involved on a voluntary basis. That enormous resource is of value to all in society, but it should be used constructively in partnership with Government. There should be continuous dialogue between the voluntary and community sector and Government in which the sector can express its views and hope to influence Government decisions. One would also hope that it would shape Government policy at an early stage, particularly when the policy involves social matters — the sector has particular expertise in such matters, as a result of its experience, views and association with people.

The voluntary sector in Northern Ireland comprises more than 4,000 organisations; its enormous expertise should benefit the whole of society. The sector’s income is more than £600 million, a large part of which is provided by Government. Of course, it is important that that relationship be properly developed and that the money that Government puts into the voluntary and community sector be used constructively.

The motion is important and timely. The SDLP agrees with NICVA and other organisations that it is important that a proper relationship be developed and that Government produce a policy document to strengthen their relationship with the voluntary sector.

However, the Executive have endorsed a cross-governmental strategy in their attempt to establish a partnership with the voluntary and community sector. That is an important step and commitment. The Partners for Change strategy, which predates the Executive, is also in operation, and there is Government engagement with the voluntary and community sectors.

One hopes that a more formal and defined relationship will be developed between the voluntary sector and Government, similar to that in the Republic, Wales and the rest of Britain. That is what the voluntary sector wants, and the Assembly should support that.

However, there are difficulties, and our amendment highlights them. As a result of the comprehensive spending review, efficiency savings have been imposed on Government. However, one hopes that exemptions can be made, as they were in the case of the Supporting People programme, which is funded by the Department for Social Development. That would be helpful to the voluntary and community sector.

There is also a looming problem with European funding. European funding is crucial to the voluntary sector, but it is diminishing and will eventually dry up. Therefore, it is important that alternative funding be secured to support and sustain worthwhile projects and organisations in the voluntary and community sector. As outlined in the amendment, the SDLP calls on the Government to oversee better cross-departmental funding to support the delivery of the Programme for Government using the third sector’s capacity, because the third sector can do things that Government cannot do directly. So it is very important that the Government use that expertise to maximise the realisation of the social objectives in their policy.

Therefore, I urge Members to support our amendment. Ms Lo graciously stated that the Alliance Party has accepted it. It is important that our amendment be passed, because it adds value to the substantive motion.

The motion seeks a new, more active and co-operative relationship between Government and the voluntary and community sector. The SDLP sees the Civic Forum as the place to partly achieve that.

**Mrs Long:** Does the Member agree that the continuing delay in the decision on the future of the Civic Forum, and the consequent uncertainty that has hung over it for a long time, adds to the view in the voluntary and community sector that its opinion is not valued?

**Mr A Maginness:** Unfortunately, I agree with that assertion, and I urge the Executive, particularly the Office of the First and deputy First Minister, to expedite their work on the reconstitution of the Civic Forum. The Civic Forum is an important element in the fabric of our politics, and it reflects — although not completely — many aspects of the work done by, and organisational membership of, the voluntary and community sector. Therefore, it is important that that be part and parcel of what the Executive do.

We call for the Civic Forum to be brought back into operation as quickly as possible. In fact, it could have provided an important contribution to the debate. There are other models for establishing that



relationship, and we hope that the Executive will explore a model that is suitable to Northern Ireland's extensive voluntary and community sector.

5.00 pm

It is important for the Assembly to show its active support for the community and voluntary sector. Minister Ritchie said in a previous address that:

"The skills, knowledge and independent voice of the sector are vital to complement Government services and policy-making. This leads to direct support for those most in need and helps us to build stronger, more inclusive communities across the North."

I agree with that. The motion certainly reflects that, and it is supportive of those views.

**Mr Hamilton:** I welcome the opportunity to acknowledge the massive contribution that the community and voluntary sector makes to Northern Ireland society. The previous Member who spoke outlined some facts and figures, which show the scale of the sector in Northern Ireland. In many ways, the strong community and voluntary sector reflects our history over the past number of decades, as it has done lots of work that the Government were unable to do — or did not want to do — or it was absolutely necessary for the work to be done on the ground.

Slowly but surely, in recent times, political parties, and, most importantly, the Government, are starting to recognise that contribution. If we examine the Executive's key documents, such as the Programme for Government, there is a recognition that the objectives, including that of growing the economy, cannot be achieved by the Government alone, or by working with only one or two sectors — the community and voluntary sector, too, has a role to play.

Public service agreement 12, I believe, encourages the growing of a strong voluntary and community sector. The Budget contains many references to the sector and to associated funding across all Departments. Therefore, there is an acknowledgement that the community and voluntary sector has a pivotal role to play, unlike any other sector, in meeting the objectives in those key documents.

I am sure that other Members will concur that, during the 18 months since restoration, we have seen the impact of the community and voluntary sector, and we have regular interaction with representatives from the sector, as they provide input to the work of our Committees. In fact, they act almost as our eyes and ears. Some of us may think that we know everything, but we cannot be everywhere and know the impact of every policy position that the Assembly, or the Departments, plan to adopt. Therefore, sometimes that input is essential, and I have witnessed the importance of that input at Committee level.

As the motion states, it is important that a strong relationship is developed between Government and the voluntary and community sector, not only to achieve all the aims that we are talking about in the Executive's key documents, but to deal with long-standing problems.

I want to touch on two of those problems. We are facing a very uncertain economic future. Having attended the NICVA conference last week, I know that the community and voluntary sector perhaps does not want us always to dwell on the service delivery aspect of its work. However, it is worth spending some time on acknowledging the good service delivery work that it does. That is particularly important when there is an economic downturn and the work of the business sector and other sectors decreases. However, by its very nature, a lot of the work carried out by the community and voluntary sector will increase, and there will be an upswing in its work.

It is working, by and large, in some of the communities that will be hardest hit by the recession we are going through at the moment. That is an important role, and that is why a strong relationships between Government, Government Departments and the sector is important.

There is also an ongoing issue of building confidence and capacity in our communities. I see that starkly portrayed in my own community: the unionist and loyalist community has had confidence and capacity issues which are widely acknowledged. I know of a residents' association in the east end of Newtownards which began on a small scale with limited ambitions to bring people together and deal, on an ad hoc basis, with problems that come up in the area. The Minister has visited that association twice. It has now developed from an ad hoc group into one that is involved in everything: inter-generational work; multicultural work; and men's and women's health programmes. It has evolved into an organisation with a wide remit and scope. I see that capacity in my own area, and also on a cultural level, in relation to issues such as bonfires. Confidence and capacity are increasing in our communities. That is important, and there is a need for a strong relationship between Government and the voluntary and community sector.

We all acknowledge that finance, and making efficiency savings, are important. However, where those efficiency savings become cuts, or where cuts are masked or dressed up as efficiency savings, that will be a problem for this sector. Some representatives of the sector have called for an efficiency review: that should be looked at, and the outcome of that will be favourable for the sector.

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to take part in



this debate, and I support both the motion and the amendment.

The voluntary and community sector plays a key role in the delivery of services to people in our communities. A number of different strategic documents have been produced down through the years. 'Positive Steps' was the Government's response to the report 'Investing Together', drawn up by the Task Force on Resourcing the Voluntary and Community Sector. In 'Positive Steps', it was recognised that the voluntary sector was:

"a key social partner working with the Government to deliver social, economic, cultural and environmental change ... well placed to ... deliver improved frontline services ... to the most disadvantaged people in society."

The Government's endorsement of Partners for Change produced a cross-departmental strategy to work in partnership with the voluntary and community sector. It was described as:

"an Action Plan that identifies the work that Government Departments plan to undertake in partnership with the Voluntary and Community sector".

The neighbourhood renewal programme was then set up to improve the delivery of services and to ensure that they meet local needs, yet from its outset there was a problem about which areas were included within the neighbourhood renewal areas and which did not. There were other problems: the lack of commitment on the part of statutory organisations and the lack of strategic direction. Those organisations that fall into category 2 do not know whether Departments will continue to fund them in March 2009.

Therefore, there have been many strategies, commitments and promises that the contribution of the voluntary and community sector to society will be recognised, yet they still fall short of what is needed and what voluntary and community organisations want.

A White Paper should be developed to look at the way in which Government perceive the voluntary and community sector. That is what is important here, and that is what the expectation of the sector is. The paper should also look at sustainability, particularly with respect to funding. In other White Papers — in the South of Ireland and in England — the sector is described as an essential part of building community cohesion, and an essential requirement in the delivery of front-line services which the state cannot deliver by itself.

The fact that the voluntary and community sector has delivered a wide range of services that are the responsibility of both local and central Government needs to be fully recognised. Organisations must be core-funded to deliver such services.

Earlier this afternoon, I attended an Inter-Church Addiction Project event. Projects like that — suicide prevention, support for bereaved families, alcohol and

drugs misuse, and community safety — are already being delivered in the voluntary and community sector. However, the sector needs resources to do that.

There is currently a funding crisis in women's training organisations. They have obtained funding from the European social fund (ESF), but they cannot get match funding. The Rape Crisis and Sexual Abuse Centre faces a crisis regarding its funding, and a number of neighbourhood renewal projects face the same predicament. Consideration must be given to how those services are delivered and how they can be core-funded. A White Paper on the issue could bring that forward.

Advice services in urban and rural areas will go the wall because of a lack of funding. Given the economic crisis, those types of services are essential to people. As funding goes, services will go. Furthermore, the organisations that deliver those services already have a skills base, which will be difficult to replace. All of those groups and organisations, which have been at the forefront of delivering services, must be recognised for the contribution that they make.

As has been mentioned in previous debates, the social economy offers potential for community and voluntary organisations as an innovative and cost-effective way in which to deliver services. The social economy plays a crucial role in regenerating disadvantaged communities and providing much-needed front-line services. Community participation is, therefore, essential in setting the priorities and in the design and delivery of public services. The procurement process can help with that, and that has also been mentioned in previous debates. The social clauses that are to be included in the tendering process must be considered, as must the social value that such projects deliver.

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

**Ms J McCann:** I support the motion, and I call on the Executive to develop a White Paper as soon as possible. I call for mainstream long-term funding for those projects.

**Mr Beggs:** I declare an interest as a member of Carrickfergus Neighbourhood Development Group, of the Glynn Community Development Association, of Horizon Sure Start and as a Boys' Brigade officer. I am surprised that no other Member declared his or her involvement in voluntary organisations.

I also welcome the opportunity to acknowledge the work of the community and voluntary sector. The voluntary sector is an incredibly important feature of Northern Ireland society. There are hundreds of thousands of volunteers, and it is safe to say that everyone is either involved or knows someone who is involved in volunteering. The Northern Ireland voluntary sector has a long tradition of providing

invaluable assistance to improve the lives of many citizens. Whether working for disadvantaged people, disabled people, old people or young people, the voluntary sector has become an integral part of the delivery of social and health services.

Through its Parents and Kids Together initiative, the YMCA has been successfully able to deliver educational development courses. Previously, attempts by the statutory sector to deliver those courses in colleges failed. One of the benefits of the voluntary sector is that it can reach people that the statutory sector cannot reach. Volunteers and employees of voluntary organisations often provide assistance that is far beyond that which could be expected of any employee.

Although we all agree that the voluntary sector provides an invaluable service, we cannot expect it to live from hand to mouth and still deliver at its best. The necessary vision and security that policy development and longer-term secured funding brings must be provided. I agree that the relationship between the voluntary sector and Government could and should be strengthened by cross-departmental policy development. Despite the crucial service that the voluntary sector provides, it has recently started to see gaps in funding due to a tightening of its budget and the pressures that are being applied to achieve efficiency savings.

5.15 pm

I am aware that NICVA has lobbied the Department of Finance and Personnel to carry out an efficiency review into the voluntary and community sector; some Members may be surprised that NICVA has pressed for that. However, as I understand it, the last time that a major review of the voluntary sector was carried out was in the 1980s, under a Thatcher Government. Even they had to acknowledge the strength and value for money that the community and voluntary sector brought to many issues and the fact that it provided an efficient delivery of services.

There is a need for sustainable and guaranteed funding — co-ordinated at an inter-departmental level — to allow the sector to plan ahead and to deliver. I acknowledge that funding is not limitless and that we cannot simply throw money at issues. Therefore, the approach must be balanced and planned to maximise outcomes.

Like any structure, I suspect that some efficiency savings could be made in the sector. We need to minimise bureaucracy and to maximise the funding that is available for front-line services. Recently, two charities in the voluntary-age sector merged. That must be welcomed, because it will reduce bureaucracy and confusion about which is the most appropriate organisation to contact. That is an example of how improvements can be made to reduce running costs. It

is in everyone's benefit to define clearly and spell out in black and white the relationship between the Government and the voluntary sector.

I am curious as to why Northern Ireland is in the adverse situation of not having issued a White Paper, or equivalent, on the matter. The Executive have yet to formulate a framework outlining the best relationship between the Executive and the community and voluntary sector. Westminster has published a local government White Paper; the National Assembly for Wales has established the National Assembly for Wales voluntary sector scheme; and the Irish Republic's Government have published a 'White Paper on a Framework for Supporting Voluntary Activity'.

I welcome the fact that the Northern Ireland Council for Voluntary Action has taken the initiative and has met the Committee for Social Development, because strengthening our relationship with the voluntary sector can only be a good thing. I therefore commend the motion, and I look forward to the day when the Northern Ireland Government and its Departments work in partnership with the voluntary sector for the benefit of all citizens.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. Policy on the voluntary and community sector was developed in 1997, after which the Government and the voluntary and community sector entered into a compact. The resulting document that was developed set out principles under which the relationship between the voluntary and community sector and the Government were to be conducted.

Partners for Change was mentioned. That initiative tried to make the compact workable by setting out departmental actions for the sector, alongside examples of good practice. Positive Steps, which was also mentioned, was a Department for Social Development-led initiative established in 2005. Initially, that was welcomed by those in the voluntary and community sector; however, their enthusiasm waned very quickly.

Anyone who, like me, has been involved with the voluntary sector for many years will be aware of its contribution. The present situation cannot be allowed to continue. The energies of many in the voluntary sector are taken up with chasing funding, and I know from my 26 years' experience that success in securing funding has been hit and miss. Until match funding was introduced, local councils did not fund many voluntary organisations. Indeed, it was the Department of Health, Social Services and Public Safety that originally funded my project.

To date, the compact has been largely aspirational and ineffectual. The Executive have now the opportunity to introduce a White Paper that will be a useful method of defining and clarifying the

relationship between the Government and the voluntary and community sector.

Several issues could be contained in a White Paper, such as recognising the role of the sector and its value; an outline of the sector's key functions; a commitment to work with and to support the sector; a structure for relationships between the Executive, the Assembly and the voluntary and community sector; commitments on community management and ownership of assets, which could build on the work of the Quirk Review in England; and a funding code of practice.

There needs to be a commitment to research and to collect information on the sector. There needs to be a commitment to consider what impact new policies would have on the sector, and there must be a lot of consultation on that area. There also needs to be a firm commitment to focus funding.

Any White Paper must recognise the diversity of the voluntary and community sector in areas such as advocacy, service provision, self-help and mutual aid. The community and voluntary sector should be viewed by the Assembly as an essential requirement for the well-being of society, and its contribution needs to be widely recognised. A White Paper would give the Assembly the opportunity to consider fundamental questions about the sector: what does Government want and expect from the sector, and what is its role? The valuable and irreplaceable role of the voluntary and community sector has long been recognised, and it is incumbent on us all to give it the support that it needs and deserves. Go raibh maith agat.

**Mr B McCrea:** I am glad to see that we have agreement already. As I sat reflecting on the debate, a note of despair came upon me, and someone came along, put their hand on my shoulder and told me to smile because things can only get worse. I cheered up a wee bit, and stood up and realised that they were right: it can only get worse. That is something of the attitude that people in the voluntary sector share: that they work very hard, face challenge and despair all the time, and all that they get is a bit of platitude. When the pat on the back has been received, and people go away, the voluntary workers realise that they are no further on.

I got involved with working with the voluntary sector through a range of issues from youth diversionary projects to issues dealing with domestic violence. I know that the Minister does her best to support those issues, the refugees and the like, but we have some very ad hoc funding arrangements. Some Members spoke about the capacity-building elements that we must have. I have been on estates where, the minute someone tries to do anything, the community asks them who they think they are. We have a real challenge to try to encourage and empower those people.

It was mentioned that funding is the key. Most voluntary organisations that I know survive on a cocktail of funding, and they spend all their time trying to find more funding, or to secure their existing funding. In fact, they have their staff on 90-day notice almost permanently. That is so wasteful of energy and enthusiasm. I would like to see the Minister address how we get something that taps into that enthusiasm, and rewards, encourages and builds upon it. Some people ask how Government might help: perversely, I want to see less government, but government more strategically applied.

The whole issue of voluntary service is the antithesis of government: it is about spontaneity, can do, we will sort this out ourselves. They want help, not some kind of financial strait-jackets or procedures that we have to put people through. I understand why, from a Civil Service point of view, people are worried about risk, and whether people are going to run off with the money. There are issues around matched-funding and on what the money will be spent. I would like a set of circumstances whereby we realise that those groups operate in their own particular way: in a relatively ad hoc, risk-orientated manner. I hope that the Minister will encourage people to think about that, about how we support those people without dampening their enthusiasm. There is an opportunity in the Assembly, in having our own local Government, to find a way of having a radically different approach.

Some Members might be aware that, not long ago, I hosted a visit to Stormont by 300 young achievers. They were from all arts and parts of Northern Ireland and from all backgrounds. Dolores Kelly was with me, and she supported the whole thing. However, there was a worry that those young people would wreck the place or steal the chandeliers.

**Mrs D Kelly:** They were better behaved than most of the politicians.

**Mr B McCrea:** As Mrs Kelly just said, they were better behaved than most of the politicians.

The idea behind the voluntary sector is that if people are allowed to participate in it, they will be enthused tremendously. Engaging with society is absolutely what the Assembly is about. Such work provides an opportunity to do something right, and I hope that the Minister will find a way to help us to do that. If she does, I assure her of my full and undivided support.

**The Minister for Social Development (Ms Ritchie):** I welcome the motion and the amendment, as they confirm my belief that the health and well-being of the voluntary and community sector in Northern Ireland is a cross-governmental responsibility. I agree that it is, therefore, a matter for all members of the Executive, not just for me as the lead Minister. However, I am, of course, happy to respond on behalf of the Executive.



In answer to Members' various queries, and with particular reference to Mr McCrea's comments, I was a bit worried when he said that a hand was placed on his shoulder. I remember the person who said that previously; he also talked as though an important moment in history was being marked.

Notwithstanding that, as the lead Minister with responsibility for the community and voluntary sector, I understand, appreciate and acknowledge freely the contribution that that sector makes throughout Northern Ireland. I have no desire to dampen that sector — anybody who is a volunteer is giving of themselves freely, is investing a considerable amount of time and effort, and is making a personal and perhaps a financial sacrifice to do so.

I said already to my Executive colleagues that I intend to introduce a series of proposals to strengthen the relationships between the Government, the Executive, the Assembly, the public sector and the voluntary and community sector.

My officials and I have already had discussions with NICVA and the Joint Government/Voluntary and Community Sector Forum to identify the key areas in which progress is needed. I very much welcome the public conversation on the future of civil society in Northern Ireland, which NICVA began last week at its annual conference.

I know from Members' contributions to the debate that they recognise and believe in the value of voluntary action and in the work of the voluntary and community sector. Indeed, I know that many Members give freely of their own time, beyond their paid employment, to local residents' associations, sporting groups, credit unions, and to fundraising for charities, such as the hospice or Habitat for Humanity. For many of us, voluntary activity, a concern for fairness, tackling social need, and a desire to improve living conditions for everyone motivated us and brought us into politics.

The Programme for Government commits us to:

"working in partnership as an Executive, and across the public, private, and voluntary sectors, to harness the ideas, energy, and commitment of all the sectors."

At the heart of those working relationships lies the understanding that many pressing and complex social issues cannot be tackled solely by the Government, by regulation or by public services. We recognise that better outcomes in health and education, lower crime, and environmental sustainability cannot be achieved without the active participation of citizens.

There is still scope for voluntary initiative and involvement by individuals, philanthropists, groups and businesses to demonstrate their commitment to change. In promoting healthier living and building more caring communities, the voluntary and community sector's ability to stimulate voluntary

action, to establish greater engagement with public bodies, and to generate trust is an invaluable asset.

In particular, voluntary action has helped to tackle social needs and disadvantage, address inequality by providing a voice for citizens, challenging unfairness, and advocating change.

The contribution of the voluntary and community sector cannot be overstated, whether it is through developing and providing local services and activities, providing advocacy and a voice for the disadvantaged, or helping to shape and inform new policy and practice.

5.30 pm

As many Members pointed out during the debate — such as Anna Lo when she moved the motion, and Alban Maginness when he moved the amendment — the voluntary sector in Northern Ireland has played a distinctive and honourable role throughout the past 40 years, during periods of conflict, and, at present, in building a more prosperous and peaceful society. Our dependence on the sector to deliver local services and to tackle need should also not be underestimated.

I understand that there are significant concerns in the voluntary and community sector about how it is treated by Government with regard to financial support. There is a perception that the sector is being asked to provide much-needed services and support, particularly those that relate to health, on the cheap. I agree that that would not be a welcome trend or perception.

Furthermore, I understand that there is a desire to ensure consistency of approach towards the sector and to tackle the issues of unnecessary bureaucracy and financial requirements. Although scrupulous oversight of the use of public funding is needed, it must be proportionate. Those burdens can absorb staff and volunteer time that could be put to better use.

During the past year, I have visited many voluntary and community organisations and have seen the work that they do on behalf of the communities that they serve, right across the community. I want to say that I am sympathetic to their concerns and want to help wherever I can. However, although I want the relationship between Government and the voluntary and community sector to be — dare I say it, intimate — I do not want it to be overly paternalistic. I do not consider Government or DSD as the voluntary and community sector's employers because that could become a stranglehold.

One option that I have considered is to take those issues forward through the joint Government voluntary and community sector forum, which brings together officials from Government to work alongside people in the voluntary and community sector, and draws on the expertise of both. The forum's task is to bring forward



a draft policy and vision statement with agreed options for action. I urge people who support the idea and template of a White Paper to wait until that comes forward. I want the partnership approach that has underpinned relationships for the past 10 years to continue. I am aware of NICVA's call for a White Paper to be prepared. Although I remain to be convinced that that is necessary to deliver the change that is required, I am, nonetheless, content to explore that option with my officials.

To sound a note of realism, we are in a period of major change. Local councils and public bodies are undergoing major reorganisation in the review of public administration. Current economic and financial difficulties — the very matters that Simon Hamilton mentioned — must remain at the forefront of our thinking. We must face an economic environment — including the reductions in European and public funding to which Mr Maginness referred — that is more challenging than it has been for some time.

As politicians, we understand collectively that we also face significant expectations from the public for more and better services, increased prosperity and solutions to ease the burden of those who are affected by problems such as rising fuel costs and the lack of affordable housing. We are particularly aware of the impact on vulnerable people, the elderly and those who are on low incomes. We will develop solutions to those needs, and we will have to work in partnership with the private sector and the voluntary and community sector in developing solutions. We need to be aware, however, that it would be foolish to make promises that the Assembly cannot deliver.

In previous years, Northern Ireland has been the beneficiary of much goodwill and support, at home and from abroad, particularly financial support from the European Union and the United States. Some of that additional funding is now being reduced — in particular, the peace programmes on which the sector has come to depend. It would be unrealistic not to recognise that there is some duplication of effort in the sector or that everything that was funded for a short time should continue as it is for ever.

'Investing Together' — the report of the Task Force on Resourcing the Voluntary and Community Sector — defines "sustainability" as:

"the ability to achieve the necessary investment, resourcing and support to evolve, survive and develop in order to make a continuing contribution to a vibrant society."

Sustainability, therefore, is not primarily about funding, public or otherwise. It is more about the capacity of organisations to operate in an ever-changing environment. DSD is taking forward several strategies that aim to strengthen the voluntary sector and enable it to deliver change and more effective services at local and regional level. Those strategies

include the creation of charities legislation to establish a proper regulatory framework for charities in Northern Ireland.

Neighbourhood renewal is about targeting resources and services to promote social, economic and environmental changes in the most disadvantaged neighbourhoods. Jennifer McCann raised that issue, with particular reference to category 2 organisations. I am not dilatory in saying that although DSD is the lead Department in neighbourhood renewal, we require the financial buy-in of other Departments. Category 2 relates specifically to projects that impact on other Departments — namely Health, Employment and Learning, and Education. Neighbourhood renewal needs Executive buy-in and cross-ministerial support.

The modernisation fund — both revenue and capital — is about preparing organisations for the challenges that are faced in delivering local and public services in an inclusive, cost-effective and collaborative manner. Along with other Departments and sector representatives, we are developing a new volunteering strategy that will seek to reinvigorate volunteering, increase volunteering levels and improve the volunteering experience. It will enhance public recognition of volunteering and provide a strong regional and local infrastructure to support volunteering.

The drive to increase affordable housing and shared neighbourhoods is close to my heart. The Troubles have created a legacy of communities living separately. A shared future will not merely evolve — it must be built. Divisions must be bridged, and as part of the new housing agenda, we aim to deliver as many newbuild social and affordable housing schemes as possible, in which the occupants are from mixed traditions and are signed up to a shared-future charter. The shared neighbourhood programme will assist more communities in their desire to live together and involves communities and community organisations in 30 areas across Northern Ireland.

Members have raised various issues in the debate. I agree with Anna Lo that 'The Compact' was designed as an aspirational document and that more practical action is needed to underpin its principles. Ms Lo mentioned the sector's diversity, its dependency on Government funding, and the reduction of EU and other funding sources. Those are matters of concern for us all, and the sector is making efforts to diversify its income sources. Ms Lo highlighted the work that has been taken forward in other places and, in particular, a White Paper. I will ensure that the merits of all other relevant models are examined.

Ms Lo mentioned the need to take account of the relationship between elected representatives and the sector, as in the Welsh model. My officials have been examining the Welsh model closely, and it has much to

recommend it. Ms Lo also referred to the English White Paper on local government, which recommended — based on the Quirk Review — the transfer of redundant assets to communities to develop and manage for community use. We need to research that recommendation and discuss it with councils, because we have no powers to command such action.

Mr Maginness mentioned the need for regular dialogue between the Government and the voluntary sector, and I have absolutely no problem with that. Indeed, as the Minister with special responsibility for the sector, I meet regularly with the voluntary and community sector and co-chair the Joint Government/Voluntary and Community Sector Forum. I also convene other Departments in the interdepartmental group, and I encourage my ministerial colleagues to do likewise. Mr Maginness referred to the decrease in EU funding and the need for it to be replaced by other sources. However, that may not be feasible, given the scale of EU investment in the voluntary sector over the past 12 years.

DSD now seems to be regarded as the funder of last resort when other organisations have ceased to fund, and that point must be taken on board.

Naomi Long asked Mr McGuinness about the role of the Civic Forum, and that is a matter for OFMDFM. However, the SDLP is a strong advocate of that body and particularly supports the establishment of the all-Ireland consultative forum, because all-island dialogue is required to understand the issues that affect the community and voluntary sector.

Simon Hamilton highlighted the need for funding in loyalist areas. I have invested much time and effort, and many resources, in seeking to understand the needs and issues that face disadvantaged loyalist and nationalist areas across Northern Ireland. I twice visited the east end area of Newtownards, and I saw the strides that have been taken to improve it.

I apologise for not addressing all the many other issues that Members raised today. I will read the Hansard report carefully and respond to Members in writing.

I restate my personal commitment to implementing all the actions that I mentioned. I support the motion and the amendment that call for the production of a policy paper designed to strengthen the Assembly's relationship with the community and voluntary sector. That will be to our mutual advantage and to the benefit of the entire society in Northern Ireland.

**Mrs D Kelly:** At the beginning of his contribution, Mr Roy Beggs Jnr highlighted the need for Members to state any affiliation to community organisations. I come from the rural area of Aghagallon, where I am a member of such an organisation. As the Minister pointed out, most SDLP Members started out in grass-roots organisations before advancing to politics.

Every Member who contributed to the debate referred to the value of the community and voluntary sector in light of the democratic deficit over the past 40 years. Tribute was paid to the sector for acting as a platform and, to some extent, the glue that held many communities together during extremely difficult times. It is only right and proper that that contribution be acknowledged.

The Minister's response included an undertaking that her officials will examine the available research in Wales and England on how to build better relationships and strengthen the role of the voluntary sector as it works alongside elected representatives. It is worth noting that NICVA, as other Members said, is calling for efficiency savings to be considered, and Age Concern and Help the Aged are ahead of the pack in considering how they could amalgamate and serve the community together.

As the Minister pointed out, sustainability is not only a question of finance. Some organisations came about in response to a single issue or saw an opportunity to obtain European funding. They have had to devise exit strategies, and some organisations have not been particularly good at doing that. Those in the community and voluntary sector must sit round the table to assess their similarities and to determine the backroom services that can be shared. The community and voluntary sector is not shying away from that difficult task, and its efforts should be commended.

Some Members, including my colleague Alban Maginness, highlighted the number of organisations and noted the amount of funding that the community and voluntary sector draws into the Northern Ireland economy; money that would not be obtainable through Government sources. The community and voluntary sector can draw down funding, in particular from Europe, that would not be available to Government agencies. For every pound that the sector draws from Europe, approximately £7 is generated for the economy. The number of organisations means that the sector is a major employer. However, many people still receive no remuneration for their contribution to civic life.

Other Members talked about the role of the Civic Forum. It is unfortunate that there has been such a lengthy delay in its reconstitution, because it is a provision of the Good Friday Agreement. Moreover, as the Minister knows, the all-Ireland consultative forum depends on the establishment of the Civic Forum in Northern Ireland. Therefore, one delay is, regrettably, delaying the all-Ireland aspect of that organisation.

5.45 pm

The Minister — rightly — said that other Departments also have responsibility for the community and voluntary sector. My colleagues on the Committee for the Office of the First Minister and deputy First Minister will

acknowledge that we have received communication recently from Women into Politics and the Training for Women Network, both of which have succeeded in securing significant European Union funding. However, the delay in the decision on that funding from the First Minister and the deputy First Minister is unexplainable. I hope that the Minister for Social Development will ask her Executive colleagues to explain that delay. An explanation would help to allay some of the community and voluntary sector's concerns.

Members are aware of the neighbourhood renewal fund's potential to build better communities and to enhance community cohesion. In the past, the Minister has said on record that the main purpose of the neighbourhood renewal fund is to leave a legacy, to improve quality of life and health, and to lift people out of poverty. The Minister would be deficient in her role if she did not try to ensure that that money was used effectively and efficiently to benefit the entire community.

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

**Mrs D Kelly:** I welcome the Alliance Party's acceptance of the SDLP amendment.

**Mrs Long:** I thank Anna Lo for tabling the motion and thank all Members who participated in the debate. I thank the SDLP for its amendment, which the Alliance Party accepts.

Anna Lo set the scene when she outlined the major contribution that the third sector makes to the community. Alban Maginness expanded on that concept and recognised that the community and voluntary sector is an enormous asset that engages over 100,000 people. That statistic emphasises the scale of that resource.

In her opening remarks, Anna Lo outlined the difficulties that the community and voluntary sector is experiencing. Factors such as the reduction in, and changes to, EU funding, the squeeze on lottery funding because of increased focus on Olympic projects, and the general budgetary constraints in Northern Ireland Departments have combined to limit the funding pot. That fact was highlighted by several Members, including Simon Hamilton, Alban Maginness and Roy Beggs.

Given that — as the Minister said in her speech — the voluntary sector undertakes a huge amount of work and its mobilisation adds value. Therefore, rather than question whether we can afford to support the third sector, we should question whether we can afford not to. Alban Maginness — rightly — highlighted the two-way nature of communication between Government and the voluntary and community sector. That dialogue is important because it influences Government, and the expertise helps to form policy. Furthermore, that dialogue shapes the services that the voluntary and

community sector could deliver for Government, perhaps, in many cases, more effectively than the statutory sector.

As Alban Maginness said, it is important that we receive some clarity about the Civic Forum. The continuing uncertainty sends a negative message about the emphasis that is placed on formal engagement with that sector. We must take that issue seriously. As Dolores Kelly said, the Committee for the Office of the First Minister and deputy First Minister must keep an eye on that matter.

Simon Hamilton humbly confessed that he does not know everything. Although that was welcome, he did not explain what he does and does not know. However, we will explore that matter during another debate. He said — rightly — that in the context of devolution, it is important that the Assembly reaffirms and articulates the value that it places on the community and voluntary sector and how it envisages its role and relationship with that sector. That must happen now that direct rule has passed.

He also referred to the importance of capacity building in communities, and the Minister referred to capacity building in some of the organisations, which would aid sustainability. That is an issue that must be addressed.

Jennifer McCann highlighted sustainability of funding, which goes to the core of the crisis in which many of the organisations find themselves. In my view, one of the failings of the EU funding programmes is that in many cases, there was not enough focus on sustainability or support given to build sustainability into the regular working of those organisations. In the same way, Peace II extension funding was not sufficiently geared towards helping organisations to make the transition from Peace II to Peace III. That is another failing, and there are lessons to be learned on how funding is taken forward.

Jennifer also raised the issue of European social fund match funding, which suggests to me that there has been another failure to fully co-ordinate and grasp the nettle where that funding is concerned. Groups have been given funding and have then struggled to find partner funding that is not also EU-based. That has been a huge crisis for those who, for example, are delivering training projects that are necessary if the Programme for Government targets are to be met as regards employment for those who are furthest from work. There are huge issues to be addressed, which may lead to an increasing crisis, particularly in the women's training sector — which Dolores Kelly mentioned. Cross-departmental engagement is fundamental, because those issues also directly impact on Department of Employment and Learning funding, and there is a need for joined-up thinking when addressing them.



Roy Beggs spoke of the hand-to mouth existence of some organisations, and Mickey Brady spoke of hours, if not weeks and months, spent chasing funding. Basil McCrea also referred to the funding issue, and I concur with the points that were raised. A policy paper development process would allow more thought to be given to longer-term, multi-annual funding packages, rather than the constant focus on project-based funding. There are some organisations with the capacity to deliver a range of projects, and sustainable funding would allow them to invest their resources where they are most needed — working with the community, rather than chasing money.

I think that it was Roy Beggs who raised the possibility of having a planned approach to maximise outcomes. Again, the cross-departmental engagement that would result from the policy paper would eliminate some confusion and duplication and deal with some of the bureaucracy that absorbs a lot of energy from people that would be better spent on delivery.

Basil McCrea spoke of the despair that he felt during the debate — we all got a taste of that despair when Basil rose to his feet; nevertheless, we recovered. He is right to say that the pressure that people are put under to chase funding is demoralising and wasteful of skills and energy in the sector. If that could be managed, it would be very welcome.

I notice that we have been joined by the Minister for Employment and Learning, so I will refer to my comments on ESF funding and women's training in case he did not hear them, because I know that that is an issue on which he has been extensively lobbied and it is important that it is dealt with by cross-departmental engagement between Ministers.

The Minister for Social Development recognised her role as lead Minister in co-ordinating and driving the creation of a policy paper. That paper is an opportunity for the Minister to engage the whole of the Executive, now that they are engaging with one other, and to take this issue forward as a priority for all Departments — because all Departments have a role to play, not just the Department for Social Development.

The balance between delivery and bureaucracy needs to be addressed; community and voluntary organisations place a lot of focus on it, and it must be prioritised, not just in DSD. There must be co-ordination with regard to when European funding can be drawn down, for example, and how match funding will be arranged and accessed through Government, and not simply through individual Departments, with people going cap-in-hand from door to door seeking support.

Volunteering is critical, and the Minister's recognition of that is also of great value. A lot of added value arises from the community and voluntary sector

because it captures the good will of communities to invest in themselves.

The Minister spoke about many of the issues that she wishes to address; the view of my party is that those could be addressed through the development of a policy paper, because engagement would occur naturally.

I am glad that the Minister and her officials have not completely ruled out the development of a policy paper, and I hope that a supportive vote on the part of the Assembly will help to shape her final view. The alternative to a coherent policy paper that draws all the threads together is a piecemeal approach that delivers in some areas, but may not address other issues at all. We would prefer a more co-ordinated approach to try to deal effectively with the voluntary sector and the barriers that it faces.

As I have said, it is absolutely crucial that the voluntary sector articulates its role to the Assembly — that is important in the context of devolution. Regardless of our enthusiasm to have our say, it is important that we, as individuals, reaffirm that we are also listening to those who are delivering services — in a very expert and detailed way — on the ground to the communities that we represent. We should reaffirm that we value and respect the contribution that they make, and that we want to engage with them in a productive manner.

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

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

*Resolved:*

That this Assembly calls on the Executive to produce a policy paper committing itself to strengthening the relationship between Government and the voluntary sector, thereby developing an important asset for the whole community; urges Ministers to review the impact of efficiency savings and other departmental discussions on the sector and those who depend on its services; notes the downturn in European Union funding across the sector; and further calls for better cross-departmental funding to support the delivery of Programme for Government targets using the third sector's capacity.



## PRIVATE NOTICE QUESTION

### Calcast Ltd

**Mr Deputy Speaker:** I have received a private notice question, in accordance with Standing Order 20, for the Minister for Employment and Learning.

**Mr McCartney:** asked the Minister for Employment and Learning what steps he is taking to realise a satisfactory resolution to the current dispute at Calcast, Campsie, Derry/Londonderry, which has sought to make 100 workers redundant.

**The Minister for Employment and Learning (Sir Reg Empey):** I understand that the management and the workforce of Calcast Ltd are in consultation about the proposed redundancies. The Labour Relations Agency, which my Department sponsors, has been in contact with the company and the trade unions to make its services available, should they be required.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin.

I thank the Minister for his answer. I know that he gave an interview on Radio Foyle this morning and that he is aware of the wider issues. The workers are aggrieved at the prospect of redundancy, but I wonder whether the Minister agrees that the wider issue is the fact that the company will lay off fewer than 100 staff, which means that it will avoid statutory redundancy provision.

The workers' sense of trauma about redundancies is compounded by the fact that they feel that the company has, essentially, found a loophole in the legislation that will allow it to avoid having to fulfil its obligations. Will his Department monitor the future of the situation in respect of the workers who will be told that they will be employed only until the company winds down? In two month's time, if those workers are laid off, the company will have found a loophole in the law that will allow other companies to do exactly the same thing in the future. It is important that the company does not get away with what it is trying to do.

**The Minister for Employment and Learning:** I sympathise with the situation in which the factory workers find themselves. As the proposal stands, they will be made redundant on 23 December 2008 — the day before Christmas Eve. That is a traumatic situation for any family.

Officials from my Department who are based in the Lisnagelvin jobs and benefits office and the Foyle jobs and benefits office will visit the plant tomorrow at 11.00 am, because we had no advance notice of the proposed redundancies. Therefore, it is our intention to meet the management and find out what the proposals

are. Our task is then to consider the situation in respect of each member of staff, what needs they may have, and what services we can offer them.

The Member asked about the position in respect of redundancies. The law is relatively clear: when the number of redundancies is 99 or fewer, the required notice is 30 days. When the number is more than 99, the required notice is 90 days. There is obviously a significant difference between those two scenarios. My understanding is that the company believes that it needs 10 workers to carry out security, maintenance and other winding-down activities.

I have no detailed knowledge as to whether that is accurate. However, as there is such a significant dispute, and because it appears that all the workers — more than 100 — will be made redundant within a relatively short space of time, I can clearly see the potential for conflict. That is why I am offering the services of the Labour Relations Agency, which, although sponsored by my Department is a completely independent organisation that is experienced in such matters. If there is a genuine dispute, that agency can work with the company and the trade unions to establish whether anything can be worked out. However, this is a very distressing announcement — at a very difficult time of year — and I believe that the entire House is sympathetic to the plight of that particular workforce at this time.

6.00pm

**The Chairperson of the Committee for Employment and Learning (Ms S Ramsey):** Go raibh maith agat, a LeasCheann Comhairle. Like my colleagues and the Minister, I offer my sympathy to the families and workers of the Calcast factory. It is shocking that we are hearing this news now.

I appreciate what the Minister has said. On behalf of the Committee, I would appreciate it if he would keep us updated on any further developments, including any possible use of the Labour Relations Agency. The Minister has stated that his officials will be travelling to the plant tomorrow. I would be grateful if he would update me or the Deputy Chairperson — who is present in the Chamber — at the earliest opportunity, as we have taken a close interest in the issue.

The Minister, in his response to Raymond McCartney's question, indicated that there were no warning signals. Will he investigate whether any of his officials, or those in the Department of Enterprise, Trade and Investment (DETI), knew whether there were any warning signals?

Furthermore, was there any opportunity, or attempt, to redeploy the other workers? My concern is that we were told that 10 or 12 employees were to be redeployed and that we are now being told that those employees are needed on-site to look after and

supervise the wind-up of the factory. That has caused people to be cynical, and I am sure that the Minister can appreciate why that is the case.

**The Minister for Employment and Learning:** I thank the Member for her questions. In relation to her latter point, I have no knowledge of that at this stage.

What I can tell the Member is that when I said that there was no warning, I meant that the Department is usually notified formally, via the local jobs and benefits office, if there are to be significant redundancies. We have all heard the speculation, and we have all known, for many years, about the difficulties in the motor trade and the competition in that industry. That is not something new. Indeed, when I was Minister of Enterprise, Trade and Investment I examined that plant very closely for those reasons.

However, what I was referring to was the specific, statutory requirement for my Department to be formally notified, and we received no notice of the redundancies until the same day as the workers. My understanding is that DETI officials will also be visiting the factory tomorrow, and they, along with my officials, will be making their own assessments.

I have no problem with keeping the Committee updated on progress. The Department will ensure that the Committee receives information as quickly as possible. I hope to receive feedback following the meeting tomorrow at 11.00 am, and I am happy to ensure that any information is passed on to the Committee as soon as possible.

I agree entirely with the Member's comments about the plight of the workers at the Calcast plant. It always seems that issues such as this arise at this time of year. Indeed, there have also been recent announcements in Kilkeel and elsewhere that have been equally distressing.

I will make a technical point in relation to the minimum statutory requirements that an employer must observe. Those requirements are laid down in the Employment Rights (Northern Ireland) Order 1996, and article 216 of that Order stresses that there is a duty on the employer to consult the representatives of their employees. The employer is required by law to notify the Department of a proposal to dismiss 20 or more employees as redundant at one establishment within a period of 90 days or fewer.

The employer is also required to notify the Department before any notices of dismissal are issued and to send a copy of the notification to the representatives of the employees being consulted. If an employer plans to make between 20 and 99 redundancies at one establishment, the minimum period for notification to be sent to the Department is at least 30 days before the first dismissal. If an employer is making 100 or more redundancies at one establishment, it must notify the Department at least 90 days before the dismissal.

I would be very happy to furnish the Committee with those details when giving a response to it, which, all being well, should happen tomorrow.

**The Chairperson of the Committee for Enterprise, Trade and Investment (Mr Durkan):** I commend Raymond McCartney for the private notice question. I thank the Minister for the answers that he has given, and I appreciate the very obvious sympathy that he has shown for the plight of the workers, while also respecting the limits and sensitivities of his office.

The Minister referred to the fact that DETI officials will visit the plant tomorrow. I have spoken to the Minister of Enterprise, Trade and Investment and to senior representatives of Invest Northern Ireland. Is the Minister for Employment and Learning aware of any clawback issues that could be used in this situation to influence the company's thinking?

Having visited the plant today, I can say that it is very clear that the workers are absolutely firm in the view that the number of redundancies was entirely calculated to reduce the redundancy entitlements owed by the company. Although the management representatives sought to persuade me differently, they did not succeed in convincing me that the jobs that they would be keeping on are real or long term. For example, the security work can always be provided by a firm, other arrangements can be made for the maintenance work, as is the case with the jobs that they said would be offered in Belfast.

Therefore, will the Minister use his office — along with whatever influences the Department of Enterprise, Trade and Investment has — to ensure that the management takes a new approach to the workers and negotiates a fair and honourable redundancy package, rather than presenting them with a fait accompli that leaves them feeling as if they have been the victims of a stroke.

**The Minister for Employment and Learning:** Mr Durkan approached me about this issue yesterday, and I assure him that the two Departments are working together very closely — there are no demarcation issues. A standard process comes into effect in these situations and, sadly, we are getting good practice at dealing with such situations in recent months. That is most regrettable.

I detected a sense of hurt from the workforce and, to be honest, I would be deeply shocked if it were the case that a company of the standing and stature of Montupet would indulge in the sort of behaviour that you described. I have no hands-on evidence of anything of that nature at this stage. Given that I am suggesting that if the impasse is not broken, the workforce and the company should utilise the services of the Labour Relations Agency, perhaps it as well for me to leave it at that.

The contracts that Invest NI makes with companies include a standard clawback process that it applies rigorously, should a situation arise where Invest NI would have to use it. I cannot tell the Member whether that is the case in this instance because I am not aware of it. Personally, I have not heard of it; however, Invest NI reports to Minister Foster about that so I have no knowledge of it.

When this sort of situation arises, there is an automatic examination of the contracts and the undertakings that have been given over the years to see whether any clawback is required, and that is usually time-limited. As the Member knows, when grants are given to a company, they must usually meet certain criteria, and I have little doubt that Invest NI will be studying that contract very carefully. I expect that that is one of the issues that will be addressed when Invest NI representatives visit the plant tomorrow.

*Adjourned at 6.09 pm.*





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# NORTHERN IRELAND ASSEMBLY

Monday 1 December 2008

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

*Members observed two minutes' silence.*

## ASSEMBLY BUSINESS

**Mr Lunn:** On a point of order, Mr Speaker. Under Standing Order 18, is it appropriate for Ministers to make statements about important matters to the press before making a statement to the Assembly? I am referring in particular to the two important matters arising from last week's Executive meeting concerning the rapid-transit system and the Titanic Quarter.

**Mr Speaker:** All sides of the House know exactly how I feel about Executive statements being given to the press before being made in the House. However, the two matters that were announced last week have been debated in the House already, and having read the Executive's statements, I can say that they acted properly on both occasions.

## Suspension of Standing Orders

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I beg to move

That Standing Orders 10(2) to 10(4), inclusive, be suspended for 1 December 2008.

**Mr Speaker:** Before I put the Question, I remind Members that this motion requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

That Standing Orders 10(2) to 10(4), inclusive, be suspended for 1 December 2008.

**Mr Speaker:** As the motion has been agreed, today's sitting may go beyond 7.00 pm, if required.

## MINISTERIAL STATEMENT

### Independent Review of Economic Development Policy in Northern Ireland

**Mr Speaker:** I have received notice from the Minister of Enterprise, Trade and Investment that she wishes to make a statement on the independent review of economic development policy in Northern Ireland.

**The Minister of Enterprise, Trade and Investment (Mrs Foster):** I wish to make a statement on my intention to launch an independent review of economic development policy as it relates to my Department and to Invest NI. The review will be a strategically important exercise, and comes at a time when the Northern Ireland Executive have made the economy their top priority in the Programme for Government.

The Executive are already taking measures to help businesses to cope with the significant short-term pressures that stem from the global downturn, but we must also remain focused on the medium- to long-term priorities for the economy that are set out in the Programme for Government.

Detailed terms of reference for the review have been drawn up and are attached to the written copies of my statement at annex 1. Draft terms of reference were shared with my ministerial colleagues and with the Committee for Enterprise, Trade and Investment. I am grateful to the Committee for its comments and to those Ministers who expressed views. I have sought to accommodate, in this final version of this statement, all the points that were raised with me.

I want the review panel to report on three areas in particular: first, to ensure that the Department of Enterprise, Trade and Investment and Invest NI's policies and programmes can deliver on the productivity goal contained in the Executive's Programme for Government; secondly, to identify whether new policies are necessary, having regard to the legislative powers of the Assembly; and thirdly, to identify any issues that might risk compromising the delivery of the Programme for Government's productivity goal, but which fall to other Departments.

I have established a review panel of high-calibre individuals from academia and business, which will be chaired by Professor Richard Barnett, vice-chancellor of the University of Ulster. He will be supported by Professor Brian Ashcroft of the University of Strathclyde; Dr Graham Gudgin of the University of Cambridge Centre for Business Research and Oxford Economics; Professor Michael Moore of Queen's University, Belfast, who is currently working at Harvard University; and John Wright, a former international banking director and current chairman

and non-executive director of a number of companies in the UK and overseas.

I had an initial and very useful meeting with Professor Barnett last week, and my officials will hold further meetings with him tomorrow. The aim is to work towards a full meeting of the review panel later this month. I asked Professor Barnett to discuss and agree a project plan to deliver on the review's terms of reference which will include timescales for delivery of the report. I hope to have the report early next summer, and I intend to publish it in full, with my reaction, as soon as possible after I receive it.

**The Deputy Chairperson of the Committee for Enterprise, Trade and Investment (Ms J McCann):**

Go raibh maith agat, a Cheann Comhairle. In my capacity as Deputy Chairperson of the Committee for Enterprise, Trade and Investment, I thank the Minister for her statement and for briefing the Committee this morning.

The Committee was given the opportunity to comment on the draft terms of reference for the review, and members spent considerable time discussing them before responding. One of the Committee's specific recommendations was that the review should take an all-encompassing approach to economic development. In other words, it should think outside the box, particularly to address the issues of support for subregional investment, attracting potential investors to areas of social and economic disadvantage, and funding for young enterprise and the social economy.

Speaking in my capacity as an MLA, I welcome the review. Sinn Féin has been calling for such a review for quite some time, because it does not believe that Invest NI's current policy delivers economic investment in areas of deprivation and need, nor does it have regional balance. Furthermore, it does not focus enough on the development of local businesses. In addition, there is too much emphasis on foreign direct investment, and although that is important, investment in local businesses is also important.

Given the current economic climate, does the Minister agree that there should be a focus on encouraging investment in areas of social and economic disadvantage and that banks and other financial institutions must be challenged to take steps to cut interest rates and avoid calling in credit from local businesses in order to enable those businesses to stabilise in the current economic crisis and, therefore, to develop?

**The Minister of Enterprise, Trade and Investment:**

I will begin by addressing the comments that the Member made in her capacity as the Deputy Chairperson of the Committee for Enterprise, Trade and Investment. We had a useful engagement with the Committee, and Ms McCann and the other members of the Committee will

recognise that we tried to take on board the Committee's concerns. The Committee raised three issues. First, it requested that the terms of reference be broadened to include the subregional distribution of investment and Invest NI support. The Minister for Regional Development raised that issue as well, and I have included it as an area in which the review should make recommendations.

Secondly, the Committee asked whether the review will consider initiatives such as the Start a Business programme and social economy interventions. We have ensured also that the scope of the review will be wide-ranging enough to look at those areas, and we have asked the panel to consider all aspects of economic development policies and programmes.

Thirdly, the Committee mentioned the rationale for a commitment to secure 75% of land acquisition in areas of economic disadvantage, and I provided clarification for the rationale behind that target.

Jennifer McCann also made comments in her capacity as a Sinn Féin MLA. The subcommittee that has been set up by the Executive is looking at the issues that she raised. The review that I have announced today will relate not only to the medium- to longer-term actions of Invest NI, but to the Department of Enterprise, Trade and Investment's (DETI) economic policy. It is, therefore, a wide-ranging review, which will look beyond Invest NI. The subcommittee that has been set up by the Executive will look at the more short-term measures that are required to be taken.

I am sure that the Member will join me in congratulating the Royal Bank of Scotland for its decision to delay property repossession, which it announced today. It is hoped that those actions will follow through to the Ulster Bank and that it takes the same measures.

I hope to have meetings with the banks in the near future to discuss the small firms loan guarantee scheme, and it is hoped that we will see more flexibility in that scheme to help small businesses throughout Northern Ireland.

There is, therefore, much going on with regard to the short-term economic problems that we face, but the review that I have announced will look at the medium- to longer-term situation.

**Mr Cree:** Her Majesty's Government's policy of being reliant on monetary policy as the primary tool with which to manage the economy shifted last week, with their announcement of plans for a £20 billion fiscal stimulus between now and 2010. That amount is equivalent to 1% of the UK's GDP. Will the Minister take that major change into account when undertaking the review?

**The Minister of Enterprise, Trade and Investment:**

All the economic consequences of what has happened in the past three to six months will be considered in the review. Now, when we are looking to recruit a new CEO for Invest NI and when we are facing a downturn in the economy, is a good time to undertake a review of our policies and those of Invest NI. It is important that we consider everything that is happening nationally as we examine what we can do locally in respect of our economic-policy development.

**Dr McDonnell:** I thank the Minister for her timely statement. I support her decision to have a review, because it is necessary that we review our policies often to be as near perfect as possible. We cannot predict the future, but we can try to anticipate it. The Minister hopes to have a result in about six or seven months' time. In that context, how widespread will the consultation net be thrown? If the review recommends the establishment of an Ulster business school — which I raised with the Minister previously — we could, perhaps, call it the Arlene Foster business school. It could be a partnership between our universities and our business experts. Would the Minister support a business school from which our best economic brains could help us manage the economy in the future?

**The Minister of Enterprise, Trade and Investment:**

It is hoped that the review will be as wide-ranging as possible. I am not sure about calling any business school the Arlene Foster business school, because that would mean that I would have passed on to greater things; hopefully, that will not happen too soon.

It is hoped that the review will make an open call for evidence in the same way that many reviews have done in the past. The review team will engage with the stakeholders throughout Northern Ireland and, I hope, further afield.

The Member made some useful comments the last time that I appeared before the Committee for Enterprise, Trade and Investment. I hope that the review panel will have a copy of the Hansard report of that meeting and, therefore, be able to take those comments on board.

12.15 pm

**Dr Farry:** I also welcome the Minister's statement and her initiative. In relation to the previous Member's comments, the Robinson Centre is already in existence, so a precedent has been set.

Will the Minister clarify whether some points will be taken into account within the terms of reference, given that they are not explicit in the document as it stands? For example, how will we measure the additionality of Invest Northern Ireland's work; how will Northern Ireland fit into the context of an all-island economy, and what is our position in the European Union; what potential is there to target

particular sectors — I have in mind the issue of renewables and the green economy, or the “green new deal”, as Barack Obama calls it; and how will we balance the issue of trying to target investment on a subregional basis with addressing issues about employability and labour market mobility?

**The Minister of Enterprise, Trade and Investment:**

I imagine that the Member's comments about Europe and the North/South context are covered in paragraph 8 (h) in the terms of reference:

“Consider whether any improvements could be made to DETI and Invest NI's working links within the NI Executive and on an east/west and north/south basis”.

I hope that that will be taken into account.

Dr Farry and the Members opposite pushed for the subregional distribution of inward investment to be incorporated into the terms of reference, and that is included at paragraph 8 (i):

“The sub-regional distribution of inward investment and other support measures to indigenous businesses, and the effectiveness of policy in encouraging the location of investment.”

The review concerns DETI and Invest Northern Ireland; employability falls outside the review's remit. However, I have asked the review panel to highlight any issues that it identifies as being of concern and in need of change so that I can take them to people who have responsibility for those areas.

**Mr Hamilton:** I welcome the Minister's statement and the review of economic policy that she has undertaken in her Department. She made it clear that the review relates to economic policy in the Department of Enterprise, Trade and Investment. As the Minister knows, a substantial number of the goals — and the achievement of those goals — productivity and economic development lies in the hands of other Departments. The Minister said that other Ministers and other Departments have had an input into the process. However, will she outline how she hopes that the outcome of the review will affect the work of other Departments in achieving the important goals set out in the Programme for Government?

**The Minister of Enterprise, Trade and Investment:**

The review is important because it relates to the goals set out in the Programme for Government. The review panel will examine the Programme for Government targets that are the responsibility of my Department. However, there are interlinking goals that may fall to my Department and may also be part of a strategic case for other Departments. When the review panel's report comes to me next summer, I will share it with ministerial colleagues and give them my reaction to it. My ministerial colleagues will then have a chance to have a say in the outworkings of the report.

**Mr McElduff:** Thank you, a Cheann Comhairle. I thank the Minister for her statement. I appreciate that it



is about medium- to longer-term priorities for the economy. May I focus the mind of the Minister and the review panel on the situation in Tyrone and Fermanagh — essentially west of the Bann, the Minister's constituency and mine — and the circumstances of an entire subregion that has suffered neglect and underinvestment? Will the Minister consider identifying a fourth area of review: how to overcome barriers to economic development west of the Bann, which is characterised by reliance on roads, poor broadband access and the importance of the construction industry, which is in decline? Will the Minister and the review panel be minded to have a specific, focused consideration of the particular circumstances and requirements, and achieve a greater regional balance of economic development, including areas west of the Bann? Mr Speaker, I would like your support on the matter.

**The Minister of Enterprise, Trade and Investment:** Mr Speaker, I would like your support, too.

If the Member reads the terms of reference, he will see that 8(i) mentions:

“The sub-regional distribution of inward investment and other support measures to indigenous businesses, and the effectiveness of policy in encouraging the location of investment.”

I think that that encapsulates what the Member is asking of the review panel.

The Member is right that, in the west, there is a reliance on roads. However, new technology is coming on stream, and I am very excited about the prospects that that will bring for the west. That new high-level technology has no reliance on roads, which is one of the reasons why I believe that Sir George Bain was a little short-sighted in his remarks, particularly about some areas in the west that have poor road infrastructure. Of course, we must work to address that poor infrastructure, but there are opportunities to develop information and communication technology and back-office services that do not require staff to use roads to travel to work every day.

The Member also mentioned broadband, and he knows that we are the only UK region that has 100% broadband availability. We in Northern Ireland should be very proud of that fact. I attended a recent seminar at which people from the Republic of Ireland expressed some jealousy about our 100% broadband coverage. Obviously, we must work on some small areas with satellite broadband, but we should be very proud of our broadband availability. That will be one of the key selling points that I cite when I seek to encourage investment in the Province.

**Mr Wells:** I thank the Minister for her statement, and I welcome the review. Point 8 of the terms of reference, which concerns the project brief, lists various other Departments that DETI hopes to liaise with during the review — DETI, the Department of

Finance and Personnel (DFP), and so on — but there is no mention of the Department of Environment (DOE). I would have thought that the planning system is one of the possible impediments to future inward investment. In her previous role, the Minister brought about the Strategic Planning Board. Is there any way that DOE can be brought under the terms of the review to ensure that the Planning Service effectively delivers new investment in the Province?

**The Minister of Enterprise, Trade and Investment:** I thank the Member for his comments. He is right to say that DETI intends to work with other Departments in the Northern Ireland Executive, but he will note the wording in 8(f) of the terms of reference: “particularly DEL...and DRD”. The DOE is certainly not excluded. I know for sure that the Minister of the Environment is willing to speak to us about economic development, especially in light of his new planning reform initiative, which he hopes to bring before the Executive soon. I certainly hope that he will play a role in the review.

**Mr P J Bradley:** I thank the Minister for her statement. She briefly referred to the small firms business scheme. Is she considering comparable schemes overseas, or is that an idea of her own? How does she plan to pursue that matter? The Minister also mentioned Ulster Bank. Does she have any plans to meet representatives of the bank to ensure that it falls in line with its parent company?

**The Minister of Enterprise, Trade and Investment:** The small firms loan guarantees scheme has existed for some time, but, unfortunately, the banks have not been forthcoming in taking it up — they saw it as too low risk and did not really want to get involved in that type of business. The Department is now hoping that, because of the economic downturn, they will become more enthusiastic about entering the small firms loan guarantee scheme so that it can help those small businesses that need liquidity at a time when many of them are under pressure.

As for the point that was made by the Committee's Deputy Chairperson, many firms feel under pressure from banks in respect of their loans and overdrafts. I want to discuss that matter with the banks at a meeting in the near future, as well as how to make the loan guarantee scheme available to more people. I hope that Ulster Bank representatives will attend that meeting, and we are certainly keen to speak to them. The matter does not fall directly within my remit — it relates to mortgage reposessions — but we hope that the banks will show the same flexibility towards businesses as well.

**Mr Butler:** Go raibh maith agat. I welcome the Minister's statement. She talked about the delivery of the productivity goal of the Programme for Government. The review's terms of reference mention the lower valued-added sectors here, and low productivity.



Does the Minister plan to consult with the Department for Employment and Learning (DEL) on the issue of science, technology, engineering and mathematics (STEM) subjects to raise productivity and increase the number of value-added jobs? Her Department should look at doing that to train people and give them the necessary skills to benefit our economy.

**The Minister of Enterprise, Trade and Investment:** My Department hopes that DEL will help us on that issue. In the Programme for Government, it is made clear that we want to close the productivity gap between ourselves and the rest of the UK, excluding the greater south-east of England. One way to do that is to increase the number of value-added jobs, and to do that we need people to have the right skills to apply for such jobs. Therefore, DEL is very much part of the review and, as Mr Wells mentioned, we hope that the review team engages with DEL on skills and other issues.

**Mr Neeson:** I welcome the decision to give the go-ahead to the Titanic signature project. Hopefully, the Minister will ensure that all relevant interests are considered in that development.

We all want to create joined-up Government. Will the Minister ensure that the review team ensures that there is cross-departmental consideration? Will it also take into consideration the concerns of the Committee for Enterprise, Trade and Investment about the changes to the Start a Business programme?

**The Minister of Enterprise, Trade and Investment:** The Committee's concerns about the changes to the Start a Business programme was one of three issues that it raised, and it will be considered in the review. As the Member knows, the new Start a Business programme will hopefully come on stream in the new year, and the Committee will be able to have a look at it then. However, as the new programme is only coming on stream in the new year, it may not be the best time to look at it — perhaps, we should wait and see how it develops.

Working across Government is a key issue, which is why point 8(f) mentions the identification of:

“any issues which may inhibit the delivery of the productivity goal which falls to other Departments in the NI Executive”.

Therefore, it is very important that the review team is able to engage across Government. When my Department receives the report, I will give it to the Executive — along with my views on it — after which they will take a view on it.

**Mr Newton:** I join other Members in welcoming the Minister's statement, which is particularly relevant given our economic circumstances. I especially welcome the Minister's comments that, in the first instance, the review will consider relevant DETI and Invest NI policies that relate to the manufacturing and

private-services sectors. Many of us feel that there is a greater need to encourage the production of higher-added-value products from spin-off companies from our universities. Indigenous companies must also be encouraged to make greater investments in research and development. Will the Minister provide an assurance that those needs will form part of the review?

**The Minister of Enterprise, Trade and Investment:** Yes, they will. As the Members knows, I recently received the MATRIX report, which identified some very good work between academia, business and Government, and was facilitated by Government. It is important that that continues — tremendous work is being done in our universities, and there are spin-offs in innovation and research and design.

Towards the end of last week, I released a statement, which encouraged firms not to cut down on research and development where possible. I know that these are difficult times for firms and that, after looking at their bottom lines, they probably think that they could do without research and development this year. However, if they do that, they are cutting off their future. It is important that we keep looking to future. Even though we are in an economic downturn, it is my job to look to the future in the medium to long term, so I encourage firms to continue with their research and development.

12.30 pm

I think that it was the Member for North Down who mentioned the green economy, as I believe Lord Mandelson referred to it in a speech to the Confederation of British Industry last week. There are tremendous opportunities for us in manufacturing, research and development and innovation. In fact, we could be leaders in the green economy in all those areas, and I very much hope that some of our spin-off firms from universities take up that challenge.

## EXECUTIVE COMMITTEE BUSINESS

### Health and Social Care (Reform) Bill

#### Consideration Stage

**Mr Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are four groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendments No 1, No 19 and No 35, and opposition to clauses 12 and 13 and to schedule 2, which deal with the establishment of a regional agency for public health and social well-being, elaborating on the meaning of health promotion and requiring trusts to work to reduce health inequalities.

The second debate will be on the technical amendments that are listed on my provisional grouping of amendments selected list. Those amendments deal with changing the name of one body and the abbreviated reference to another.

The third debate will be on amendments No 7, No 8, No 11, No 12, Nos 14 to 16, No 33, No 34 and No 45, which deal with relationships between bodies, their obligations to consult and take account of views received and to report where, in the case of urgency, required consultation has not been possible.

The fourth debate will be on amendment No 13, which would place a requirement on the Department to ensure that the boundaries of the local commissioning groups reflect local government districts, whether singly or grouped.

I remind Members who are intending to speak that during the debates on the four groups of amendments, they should address all the amendments in each particular group on which they wish to comment.

Once the initial debate on each group is completed, any subsequent amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendments No 19 and No 35, and opposition to clauses 12 and 13 and to schedule 2. Those deal with the establishment of a regional agency for public health and social well-being, elaborating on the meaning of health promotion and requiring trusts to work to reduce health inequalities.

#### *Clause 1 (Restructuring of administration of health and social care)*

**Mr Easton:** I beg to move amendment No 1: In page 2, line 5, leave out paragraph 1(5)(b).

*The following amendments stood on the Marshalled List:*

Clause 12: *The Members listed below give notice of their intention to oppose the Question that clause 12 stand part of the Bill.* — [Mr Easton; Mr Buchanan.]

No 19: In clause 13, page 8, line 15, after “health promotion” insert

“, including in particular enabling people in Northern Ireland to increase control over and improve their health and social well-being.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 13: *The Members listed below give notice of their intention to oppose the Question that clause 13 stand part of the Bill.* — [Mr Easton; Mr Buchanan.]

No 35: In clause 21, page 13, line 16, after “of” insert “, and reducing health inequalities between,”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Schedule 2: *The Members listed below give notice of their intention to oppose the Question that schedule 2 be agreed to.* — [Mr Easton; Mr Buchanan.]

**Mr Easton:** I also indicate my support for further associated amendments, opposing the inclusion of clauses 12 and 13 and consequently schedule 2. There are a number of other minor technical amendments from the Minister, which we are content to support.

Clauses 12 and 13 will establish a new regional public health agency. We are not convinced of the merits of that approach. Improving public health in the Province is crucial. My party has been to the fore in directing extra resources towards the promotion of good health and the prevention of illness. It has always felt that allocating funding at the earliest stages is a better use of resources than attempting to deal merely with the aftermath. Public health must be a clear and ever-increasing priority of the Health Service and the Northern Ireland Executive. The Bill’s approach is not the right way to deliver that, and we hope that the Minister will address our genuine concerns today.

A new regional body dedicated to public health appears to be a step forward; however, it will have the opposite effect. Separation of public health from the new regional health and social care board is not in the best interests of public health. Currently, a well-integrated system operates, and prising it apart is unwise. My party is opposed to isolating public health from the rest of health care. There should be no suggestion that they are separate.

My party is particularly opposed to the setting up of yet another bureaucratic body. Some argue that such a

body will provide a higher profile and greater influence for the public-health lobby. If those are the objectives, the creation of extra bureaucracies will not help to achieve them; instead, they can be achieved through leadership and prioritisation by the Department.

The DUP supports greater efficiencies, decreased bureaucracy, more streamlined decision-making and enhanced accountability. The proposed new health agency fails on every one of those grounds. It is entirely contrary to the aims of the review of public administration (RPA), which spans all sectors. The advantage of the health and social care board is that a single body would replace the other four. However, that benefit is now to be diminished and complicated by the introduction of another regional organisation. Instead of clear, straightforward decision-making, it is intended that decisions will be taken jointly between the two bodies. That is unnecessary and inadvisable.

We have to be able to hold an overall governing body to account. That cannot be done if either of the two can offload criticism onto the other. I am unaware of any example of such a convoluted arrangement of government. There does not appear to be a precedent that we can examine.

We share the concerns of Paul McBrearty of the Mental Health Commission, who wrote in evidence to the Committee for Health, Social Services and Public Safety:

“One of the major strengths of the HPSS within Northern Ireland is its integrated structure which has been the case at senior levels within the Boards for more than 35 years and is now reflected within the Trust management and operational delivery structures. The proposal to now create two separate bodies . . . . has significant potential to disrupt this integration. We can see no good reason why this proposal for separation is being made. If separate divisions are necessary to ensure that different interests are served, then so be it but this can surely be achieved while retaining staff within a single corporate entity, single senior management leadership and single point accountability.”

The concerns of the Royal College of Nursing are also worthy of mention:

“The RAPHSW creates the potential for duplication of effort and waste of resources, and is illustrative of the over complex and potentially problematic nature of the proposed governance and management relationships between the new bodies.”

A regional agency would reduce present public-health expertise and emphasis of trusts, local government and other sectors. There are no convincing arguments why two separate and costly bureaucratic systems are required. A single management tier would be more efficient. A more appropriate way to proceed would be to set up one regional body, with public health as a key priority, and with a dedicated directive or section devoted to it.

Amendment No 1 indicates our opposition to clauses 12 and 13 and to schedule 2 to the Bill.

**The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill):** Go raibh maith agat, a Cheann Comhairle. I wish to say a few words about the Committee Stage of the Bill.

The Bill passed its Second Stage on 1 July and was referred to the Committee on 2 July. As Members know, it is a major piece of legislation that contains 35 clauses and seven schedules. It deals with the restructuring and reorganisation of the health and social care system.

Prior to the introduction of the Bill, the Committee heard evidence from several key organisations that were likely to be directly affected by the proposals as they stood. Those organisations included the Health Promotion Agency (HPA) and the Mental Health Commission (MHC), both of which will cease to exist when the new structures come into operation. The Committee also heard from the Institute of Public Health in Ireland (IPH) and the Northern Ireland Local Government Association (NILGA).

Following the introduction of the Bill, a total of 30 organisations responded to the Committee's request for written evidence. The Committee considered all those written submissions and took further evidence from other key organisations. It heard from the health and social services boards and the health and social services councils, which will also cease to exist in their current format following the changes.

The Committee also took evidence from the Regulation and Quality Improvement Authority (RQIA), which will take on an extended role in the new system. The Committee listened to the views of the BMA (British Medical Association), the Royal College of Nursing (RCN) and the Allied Health Professions Federation (AHPF), whose members will have to work in the new structures and continue to deliver the services.

Having listened to the views of all those organisations, the Committee undertook, over five separate meetings, a detailed clause-by-clause consideration of the Bill. During that consideration, the Committee raised a number of proposals to change and, in places, strengthen the provisions. I am pleased that, in almost all cases, the Department has accepted those proposed changes. In the main, those are the amendments that are to be considered today. The Committee raised issues on several other clauses, but after consideration and explanation from the Department, we accepted those clauses as drafted.

I wish to put on record the Committee's gratitude to all the individuals and organisations that provided evidence, particularly those who came along and gave oral evidence to the Committee. I thank the officials who took the Committee through the detailed provisions in the Bill over a number of lengthy meetings. I also



thank the Minister for the helpful way in which he and his officials have worked with the Committee in progressing the Bill. I commend the members of the Committee for their work in considering the detail in the Bill, and I thank the staff for their work in assisting the Committee.

The first group of amendments relate to public health. The Committee was divided on the merits of having a separate regional agency for public health and social well-being. We discussed that issue in detail over a number of meetings, during which we questioned officials, including the Chief Medical Officer and the Chief Dental Officer, about the rationale for having a separate agency, as opposed to those functions being part of the remit of the proposed regional board. After consideration, the Committee voted by a majority of six to two in favour of the proposed agency.

Amendment 19, which proposes a change to clause 13, was put forward by the Committee and accepted by the Department. Clause 13 details the functions of the proposed regional agency, and I have already said that the Committee was divided on the idea of a separate public health agency. Notwithstanding that, there are important functions relating to health improvement and health protection that must be carried out by whichever body has such responsibility. The health protection functions relate to protection against communicable diseases and other wide-ranging dangers to the health and social well-being of the public.

The health improvement functions that are set out in clause 13 include the reduction of health inequalities, and health promotion. However, in its written submission to the Committee, Disability Action pointed out that the health promotion function was not explained or defined. The Committee took that point forward and raised it with the Department, which accepted the need for further elaboration of that function. The Committee, therefore, supports amendment 19, which effectively defines or elaborates on the health promotion function.

Amendment 35 proposes a change to clause 21. As Members will note, that is a short clause that places a duty on each trust to exercise its functions in such a way as to improve the health and social well-being of those for whom the trust provides care. That is an important duty from the perspective of public health. In written evidence to the Committee, the Community Development and Health Network proposed that each trust should also be required to exercise its functions with the aim of reducing health inequalities. The Committee fully supported that proposal and raised it with the Department, which accepted it and is proposing to amend the clause accordingly. The Committee, therefore, supports amendment 35.

The other amendments in the first group oppose the establishment of a separate regional public health agency. As I said earlier, the Committee was divided on that issue, but the majority of members fully endorsed the establishment of such an agency. As Deputy Chairperson, I completely support that position.

Proposing the amendments, Alex Easton argued that having a separate agency is unnecessary, that it will create another layer of bureaucracy, that it is contrary to the aim of creating more efficient structures and that its functions could be dealt with by the regional board.

12.45 pm

Contrary to that view, however, the Department, in its evidence to the Committee, argued that a new approach was needed to tackle the inequality and high mortality rates that continue to exist. It argued that public health needs a much stronger voice and a much higher profile, which would enable it to develop important partnerships with other Departments, local government and a wide range of stakeholders, in not only the public sector, but across all areas of society. The Department also pointed out that if that function were to be included in the remit of the regional board, it would take second place to the demands of acute services. That was expressed strongly and clearly by the Chief Medical Officer when he said that in a single organisation, the public-health agenda would disappear. Surely, nobody wants to see that happen.

I oppose amendment No 1, and I support amendments No 19 and No 35, clauses 12 and 13 and schedule 2. Go raibh maith agat.

**Mr McCallister:** I am extremely disappointed, but not surprised, that the DUP tabled amendment No 1. It is a deliberate piece of pageantry and opportunism that shows little genuine regard for the health and well-being of people in Northern Ireland or for the health and well-being of the Health Service itself.

The DUP's position on the issues smacks of gross hypocrisy. When the Minister presented his proposals to the Executive, DUP Ministers unanimously agreed to back the creation of a regional agency for public health. However, at Committee Stage, the DUP did a U-turn and now does not want an agency. Perhaps Mr Easton and Mr Buchanan can explain why their party has had a change of heart. I am convinced that when the public hears the DUP's arguments today, it will be equally disappointed by that party's lack of vision and its desire for confrontation with the Health Minister at any cost.

Mr Easton spoke about taking public health out of the regional board's remit. The proposal is, actually, about taking public health and health promotion to a new level, and it is very innovative. A regional agency for public health and social well-being is not only innovative but an exciting development in public-



health provision, in not just Northern Ireland, but throughout the United Kingdom and, indeed, Europe. It is, perhaps, the most innovative and proactive proposal that any Minister has made in Northern Ireland's recent devolved history, and yet, unsurprisingly, the DUP opposes it.

There are two interlinked reasons why a specific regional agency for public health and social well-being is needed. First, an agency that proactively engages in improving the health of local people has the potential greatly to improve the life chances and happiness of thousands of people throughout Northern Ireland on a yearly basis. Secondly, the future success of the health and social care system can be guaranteed only by a renewed and greater focus on prevention, improved public health and social well-being, and reduced health inequalities.

We must give people the opportunity, knowledge and facilities to look after their own health, preventing unnecessary illness. Proactively helping people with their mental and physical health is one of the best services that our Health Service can provide. That is why we need a dedicated agency for health and social well-being that places that agenda at the heart of the Health Service.

Those arguments have been supported by many experts and health professionals. The Committee heard evidence from numerous sources that supported the establishment of a regional agency. The vast majority of consultation responses were in full support of the proposals.

Dr Michael McBride, the Chief Medical Officer, gave evidence to the Committee on 9 October. I quote him at length because what he said is very important. He said:

"The challenges that we face in dealing with preventable ill-health and premature death, particularly in deprived areas, are very real and very stark. We must raise the profile of public-health challenges and increase our attention on them. ... I support the Minister's view that public health and social well-being must be at the heart of all Government policy. There are clear benefits in added value to the economy. The Wanless and Appleby reports made it clear that investment in health and well-being makes sound economic sense in Northern Ireland. It gives people better life opportunities, better employability and, ultimately, it is a good thing to do. I strongly support the Minister's outline proposals for the establishment of a separate regional agency for public health and social well-being."

I share Dr McBride's belief that the agency will, ultimately, be a good thing. However, having listened to advice from the most senior clinicians and to passionate pleas from the Chief Medical Officer and the Chief Nursing Officer, the DUP chooses to do its own thing. How can the DUP defend its position when it hears the Chief Medical Officer's sentiment? That smacks of opposition for opposition's sake.

The new agency will undertake a much wider series of functions. It will have the responsibility to improve partnership working with local government and other public-sector organisations, including educational establishments, the police and, most importantly, local communities. There is a real opportunity to put proactive health issues at the heart, not just of the Health Service, but of communities and Government in Northern Ireland. A healthier Northern Ireland is a more prosperous and happy place.

Turning to some of the specific arguments that the DUP has made today —

**Mr Easton:** Is the Member aware that his Minister, when bringing the original proposals to the Executive, said that part of the proposal was for the Health Promotion Agency to get new, enhanced powers and to be part of the new regional board, and that the plans that he has now brought to the Assembly are over and above that, and were not discussed at the Executive meeting?

**Mr McCallister:** As Mr Easton should be aware, I am not a member of the Executive, and nor is he. The Minister will be more than happy to take any points about detailed discussions at the Executive meeting.

**Mr Easton:** Answer the question.

**Mr McCallister:** You are asking me what happened at a meeting that I was not at.

**Mr Easton:** Answer the question.

**Mr McCallister:** You are asking me to answer a question about a meeting that neither of us were at.

**Mr Easton:** Answer the question.

**Mr Speaker:** Order, order. The Member has the Floor.

**Mr McCallister:** It is such a silly question to ask anyone.

The DUP has suggested that amalgamating the regional agency within the regional board would create savings and more effective structures, and reduce bureaucracy. That is a flawed and narrow-minded argument. Ensuring that public health is put first is an essential and valuable investment; as for the saving, the commitment will be met over the new structures. The commitment to save £53 million cannot be changed, no matter what the make-up of the reformed structures. Protesting about efficiency is, therefore, a false argument. In addition, three new bodies will replace eight agencies and 19 trusts.

Claiming that the agency and the board will duplicate activities is also misleading. The Minister and the Department have stated throughout the process that the agency and the board will work together in a fully integrated manner, and a framework document outlining how this process is envisaged has been

produced. Commissioning has been given much consideration, both at local and regional level. The Department is fully committed to ensuring that there is an integrated and co-ordinated approach. The pressures that the regional board will be under mean that it will seek to invest in short- and medium-term restorative measures. Social well-being and health-promotion measures will inevitably take a back seat. That is why we need an independent, separate agency.

We need a champion for local communities in order to prevent many of the illnesses that the regional board will be commissioning to treat. There is a long-overdue need for balance in the system. The DUP is again showing a tendency toward centralised bureaucracy that is far from the madding crowd. Its support for a flawed education and skills authority highlights that. However, it is right that we bring public health directly to people. It is right that we facilitate people in improving their mental and physical health.

At the previous meeting of the Health Committee, the Chairperson suggested that it carry out an inquiry into obesity in Northern Ireland. It may be hard to believe, but I support her in that. That is very much the type of issue that the new agency will address.

It is important, at all levels of the Health Service, to examine issues from obesity to alcohol and drug abuse, which have been mentioned throughout the debates that have taken place since the Assembly was restored. Those are the issues that Members, including DUP Members, have raised and called for action on, yet the DUP opposes the very agency that could take those issues to an entirely new level.

If the DUP continues in its opposition to the agency, an opportunity will be missed. Repeatedly, the DUP has brought opportunistic motions before the Assembly and is arguing now against an innovative proposal that will improve the health and the life chances of thousands of people, and of the Health Service itself.

I can find no rational reason for the DUP's continual confrontation. However, I note that at its party conference, wine was served. I wonder whether that new found liberalism is behind its rejection of the regional agency for public health and social well-being. I reject amendment No 1.

**Mrs Hanna:** As has been said, the Health Committee has spent a considerable amount of time on the Health and Social Care (Reform) Bill, and has met with and listened to many groups and organisations. The Committee has had a good working relationship with officials from the Department, and I believe that it has been listened to. Although we did not get agreement on all our concerns, we got agreement on some. I have no doubt that my colleague Tommy Gallagher will raise the concerns that I do not mention.

Setting up a separate agency for public health and social well-being was discussed at length. Although I support and encourage the focus on public health, I had concerns about the need for a separate body, and I listened to the views of bodies such as the Royal College of Nursing.

Those concerns have been allayed, in as far as they can be, and I accept that if we are to have that independent focus, we need that new body. I have been reassured that it is not about getting new staff; the body will use experienced staff from within the Health Department.

It is important that the agency has teeth; it must have real decision-making powers and be able to sign off on those decisions. The health inequalities in our society must be addressed; in particular, the difference in the mortality rate between the very poor and less-well-off areas and the more affluent areas. The challenge of changing lifestyles must be tackled, and that will be an uphill struggle, even with a new body with all that experience and expertise.

Today is World AIDS Day, and I have just come from a meeting in town on that. We must tackle the attitude that exists towards people with HIV and AIDS, and get rid of that stigma; people must come forward for testing.

Partnership working is absolutely essential and must be bottom-up as well as top-down. Those groups working on the ground in communities must be included, as only they can really change attitudes within the communities; they know the people, they know how to approach them, and they know how to get them involved. That has to happen.

I look forward to working with the new public health agency and to seeing positive results.

**Dr Farry:** I come to the debate as an outsider to the Health Committee, but, hopefully, I can provide a slightly different perspective to that of the Committee members who have spoken so far, and who are caught up in the minutiae of the Bill.

From a financial perspective, the creation of a regional agency to deal with public health and social well-being seems to be a very sensible step. I dare say that the approach the DUP is taking is a false economy.

It is a very simplistic and unsophisticated approach to efficiency savings that takes a narrow view of costs — rooting them out at source without looking at the bigger picture and assessing the real problem and true additional cost to society.

*1.00 pm*

For that reason, my party opposes the DUP's amendments in this group. The Alliance Party shares the goal with the DUP of reviewing the level of

bureaucracy in the governance of Northern Ireland in order to eliminate cost. However, that must be done with some perspective and reality, rather than by adopting a one-sided approach. For example, the problem in the health sector was not the proliferation of regional bodies; it was the proliferation of subregional bodies that were too top-heavy for a society and population size such as ours.

I am comfortable with having two different bodies at the regional level because they will have discrete functions and will sit well beside one another. We will back the DUP amendments in group 4 in relation to coterminosity and local commissioning groups because we see those as logical and not representing failed opportunities — that is a fairly one-sided and straightforward argument.

It is important to consider the context of the health budget overall. As the DUP is fond of stating in relation to the Budget from 2008 to 2011, there is a record level of investment in health. However, within that Budget, we are flatlining in comparison with the level of investment that will be required in order to keep up with trends in the rest of the United Kingdom. Therefore, by 2011, we will be £200 million short of where we need to be according to the Economic Research Institute of Northern Ireland.

The particular needs of Northern Ireland's population — the higher rate of health problems and greater morbidity levels — mean that we spend much more per capita than elsewhere in the UK on health: it is important that that is taken into account. Therefore, Northern Ireland has, proportionately, a greater call on resources that are being allocated on the basis of need. When efficiency savings and the proper use of budgets are being discussed, the issue is not about the additional small cost that may arise from having two agencies rather than one; the real prize is to reduce the levels of poor health in Northern Ireland. Success in that will ease the financial pressures on our Health Service; which, in turn, will enable the redirection of funds to address new needs or priorities or the reinvestment of money elsewhere in the system — there are acute and stressful pressures across the board.

Therefore, from a hard-nosed financial perspective, the Assembly has a real incentive to get to grips with public health, and it is important to see the proposal for a separate agency in that context.

As a lay person, I note, respect and defer to the advice from a range of health-sector practitioners, including the Chief Medical Officer. However, sufficient attention is not being paid to public health or to other areas that have been identified as important and in need of further investment. For example, in mental health, our expenditure per capita is well below the UK average. The Health Service is also under

considerable pressure to make efficiency savings. The natural reaction is for professionals to circle the wagons around perceived core and acute services, which creates the impression that services in the community are of secondary value and are more of a focus for efficiency savings.

That is a major false economy. If there is to be a proper focus on areas such as prevention and public health; potentially, a lot more will be gained in easing the pressure elsewhere in the Health Service.

My party's view is that the proposal for a separate public health and social well-being agency, which is being taken forward in legislation, is extremely sensible. My party also notes the potential that that creates for joined-up thinking on public health by various parts of Government. Public-health issues such as deprivation and social inequality are central to that thinking. The reasons why people have particular poor-health problems must be determined and tackled at source. A regional public-health body would be much better placed to do that than part of a single regional health and social care board that becomes lost in wider organisational structures, and in which the focus is not acute and priorities may, as experience has shown, lie elsewhere. I am happy to support the proposal.

**Ms S Ramsey:** Go raibh maith agat. As the Deputy Chairperson of the Committee and other Members have said, the Health and Social Care (Reform) Bill is a major piece of legislation that restructures the entire health and social care system. All Members welcome that. During many debates that have taken place in the Assembly, Health Service structures and procedures have been criticised. I for one, therefore, support major restructuring of the Health Service.

As a member of the Health Committee, I am aware of the large amount of work that has been undertaken on the Bill. I want to take the opportunity to thank the Committee staff, who have supported us throughout the Bill's Committee Stage. I also want to thank the groups and organisations that gave feedback to the Committee. It is useful, at every opportunity, for the Committee to receive feedback from people who work daily at the coalface of health and social care so that it can act as a conduit to the Department, the Minister and his officials. It is therefore important for the Committee to receive such feedback at every level.

I also want to take the opportunity to thank departmental officials, who, I am sure, are as fed up looking at us as we are at them. The Chief Medical Officer is present in the Gallery so I am sorry for that comment.

It is useful that the Committee was able to tease out certain aspects of the Bill with officials during the Committee Stage, because, sometimes — with no disrespect to those who drafted the Bill — matters can



be quite confusing. It is helpful to have matters explained.

I belong to a party that is very often at odds with the Health Minister. However, I want to commend him on the Bill and for advancing the reform of the Health Service.

The Deputy Chairperson has explained the Committee's views and outlined that it was divided on the issue of a separate regional agency. In fairness to the Committee, it worked its way through many issues with little dissent. However, it was divided on that issue by six members to two. Members tried to work out the matter prior to a vote, because we want to operate as a single unit. We agreed to postpone a vote for several weeks. It is useful that that is recorded in the Official Report. Members did not simply approach the matter with entrenched views — we put off a decision and tried to secure more detail from the Department and the Chief Medical Officer.

Other Members have also made the point that the Institute of Public Health, among other organisations, welcomes the proposed agency as a major opportunity for change and has argued that any new agency should make public health, particularly health improvement, a priority. No one can argue against that. The Chief Medical Officer, who has told the Committee that he is passionate about a new agency, said that, in a single organisation, the public-health agenda would disappear.

The Department explained that one of the driving factors that underpin current reform proposals is the need to deal with existing inequalities in morbidity and mortality. The Department also pointed out that, during the consultation period, 59% of respondents on the issue of an agency were supportive, 20% were undecided, and 21% were not supportive. That feedback from consultation with professionals, patients, and relevant groups and organisations must be taken on board. I do not believe that any Member or anyone who is involved in the health sector would disagree that health improvement must be prioritised.

If the Assembly is to bring an end to unacceptable ill-health statistics, it must reach a balance in how it invests in and tackles ill health, and in how it invests in the eradication of the social and economic causes of ill health.

On the issue of a public agency, it struck me that there must be someone fighting for the cause of public health at every opportunity. Money can easily be lost in dealing with the problems, rather than the causes, of ill-health. It was the same during Bairbre de Brún's tenure as Health Minister. She took forward Investing for Health — which was a radical and far-reaching policy at that time — to tackle the root causes of ill-health and improve the population's health in the long term. The root causes of discrimination, poverty

and social exclusion must be tackled. That will partly be the role of the public-health agency, which should fight for social housing, address the lack of leisure facilities, and so on.

Investing for Health must become a cornerstone of all our work — future generations will be condemned if it does not. Health is an area for cross-border co-operation under the Good Friday Agreement. I raise that point for Members' information, and, indeed, in response to the talk of false economies and the wasting of money. Co-operation on health matters would benefit all people on the island, and we must consider people who live in border areas. On the issue of a false economy, I say to my colleague Alex Easton that running two health services on this island costs a lot of money.

We need to get real about ensuring that money is not wasted. Why do we not take that one step further and, under the Good Friday Agreement's reference to co-operation on health, have one health service? Having two health services on the island of Ireland is the biggest false economy in health. I agree with Alex Easton that public health must be a priority, but we disagree on how that should happen. We must invest to make public health a reality. Sinn Féin opposes amendment No 1.

**Mr B McCrea:** I am not quite sure why the DUP tabled amendment No 1. Members on the DUP Benches probably wish that they had not, because they seem to be running into opposition from all other Members, and from the aggregated wisdom of the Chief Medical Officer, the Chief Nursing Officer and many other experts.

I approach this issue as a member of the Policing Board, which gives me an insight into antisocial behaviour — much of it drink-related — self harm, domestic violence and all sorts of other problems that face our society. Those problems must be tackled through the sort of focused intervention that the Minister has proposed.

History indicates that the genuinely big improvements in people's health and well-being do not come from the introduction of new drugs or other measures that grab the headlines. It is improvements in the quality of water, sanitation, housing and other forms of public intervention that increase life expectancy. The biggest challenges that face society concern lifestyle. Smoking, underage drinking, binge drinking, and obesity are some of the biggest killers.

Our society wants the Assembly and our Government to show leadership and to present a way forward. We cannot afford to carry on in the way that we are going — it is simply not sustainable. Ultimately, we will reach the stage at which we will break the bank, because the price of drugs keeps going up, as does the number of issues that people face. We must make



effective interventions to show people that there is a better way forward.

That is the principal benefit of the Minister's proposals. I simply cannot understand what the DUP thinks that it is doing by trying to remove the provision for a regional agency that, as part of a worthwhile initiative, would provide the necessary focus at an appropriate level.

*1.15 pm*

One need only look at the level of obesity in the United States of America to see the ticking time bomb that awaits people here if action is not taken. There, for the first time, the life expectancy of children is lower than that of their parents. If obesity is not tackled, that fate awaits everyone. We must send out a message on the importance of early intervention.

Today, I had the privilege of attending the launch, sponsored by Mr Paisley, of the Ulster Cancer Foundation calendar. The foundation has innovative and interesting ways of persuading men to check for symptoms. I commend to Members the calendar that uses models to send out to men the simple message that they should check their health and act early. Early intervention is crucial, and anything that encourages that should be supported. That, I hope, is what the new agency will achieve.

Why is the DUP opposing that initiative by tabling an amendment, particularly when the Committee discussed the issue several times? I can conclude only that it is opposition for opposition's sake. Many Members in the House claim to be the opposition, but, in performing the roles of both Government and opposition, the DUP appears somewhat schizophrenic. The DUP is opposing in the House matters on which the Executive have agreed. No coherent argument is coming from the DUP Benches, and no massed ranks of DUP Members are present to contribute. The DUP wants to play petty party politics with people's health. Shame on the DUP — that is not the way forward.

Members have heard the calls for parties to come together and rush through business after 150 days of doing nothing. Suddenly, however, that call for action does not apply, even though the parties have had plenty of time to discuss the subject. The simple fact is that confrontation is not the way forward. General agreement was reached on the right option. Other parts of the world closely observe what the Assembly is trying to achieve, and their expectation is for an innovative, imaginative project that will genuinely improve the health of our nation.

The new agency will save many, many lives. It is a travesty that some people's life expectancy is four to five years lower, depending on where they live. Such inequality requires specific intervention that can only be provided through a focused approach.

As a member of the Education Committee, I am struck by the DUP's different approaches to the new health agency and the new education and skills authority (ESA). Its entire argument against the ESA was that, as the second largest authority in Europe, it would be too big. The simple fact is that there are benefits in having a single regional body looking after finance and any other issue that can be dealt with regionally and that, indeed, is what is proposed.

However, other issues require a more tightly focused approach. Some Members often complain about inequalities in Tyrone, and so forth. Today, there is an opportunity to stop that from happening, so what is the DUP's problem? Surely it is better to have the best of both worlds, with a financial overarching body that provides economies of scale, an agency that provides the necessary focus, and links between the two bodies to ensure that one does not dominate the other.

I conclude with an impassioned plea to the only people to oppose the proposal, who do so for what I regard as party political gain. Please put the health of our people before party interests by supporting the Minister's proposals. I absolutely reject the DUP's amendment.

**Mr Gallagher:** I oppose the amendment. I welcome the Bill, as it will clarify future health structures. As I said previously, I believe that the regional agency should be separate from the regional board. Until now, the Department, the trusts and the Health Promotion Agency have handled public-health and health-promotion issues in various ways. That has been a disadvantage, because had we one voice, a much stronger message could have been sent. As other Members said, the Assembly must send a strong message about smoking, alcohol, diet, obesity and mental-health issues.

I believe that the agency will play an important role in intervention; for example, it will intervene in such a way that reduces referrals to the primary- and secondary-care systems. If it carries out that function successfully, the Health Service will be saved a good deal of money.

Sue Ramsey made an important point about economies of scale. However, I am unsure whether we are ready to appoint Michael McGimpsey or Mary Harney as Health Minister for all of Ireland. My neighbours along the border in Donegal, Leitrim and Sligo sometimes give me the impression that they would not mind a change now and again.

The regional agency will increase opportunities for co-operation with the public-health authority in the South, particularly on health-promotion issues. For example, there has been co-operation on road safety, and the media can ensure that such messages have a

powerful impact. I believe that the agency will be in a position to work in such a way.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I am grateful to the Members who participated in the debate, which was important and constructive. The public health and social well-being agenda is vital, and it requires a visible and separate regional agency. Such an agency must not be hidden within a giant regional board, as was planned originally. One of the Department's ongoing concerns has been to ensure that the profile of public health and social well-being is sufficiently focused and high on the agenda. It is inevitable that if the regional board were to assume responsibility for public health and social well-being, that board would be driven by its significant operational concerns and priorities. It is also inevitable that the prioritisation of funds that are targeted specifically at public health and social well-being would take second place.

The creation of the regional board was proposed in order to ensure that the public-health agenda is dealt with in a focused and meaningful manner. When I became Health Minister, the Department's plans, which were inherited from direct rule days, contained a proposal to create a giant Health Service authority that employed 2,200 staff. It was proposed that that authority would take responsibility for all health matters. In fact, DUP Members pressed me to introduce that body. However, I took time to consider the proposals, because they seemed to me to miss the point and to ignore many issues. One key area which was missing was the public-health agenda.

Another message expressed to me very firmly when I became Minister concerned the rate of obesity in Northern Ireland. More than 60% of the population here have a weight problem, which means that we were going to be overwhelmed by diabetes within 20 years if nothing is done about it. That was specifically an item for the public-health agenda. There were other messages, on issues such as sexual health — teenage pregnancy, for example — suicide, smoking, ill health, and alcohol; messages that we understand but that were not sufficiently expressed to the population.

Another important point that I have stressed repeatedly in the House is that it is not acceptable that one's life expectancy is determined by where one lives. In the 20% of the most deprived areas, including rural areas, the average life expectancy for a man is four years less — and for a woman two years less — than the Northern Ireland average. The life expectancy gap between those deprived areas and affluent areas for a man is seven years. That is not something that any civilised society can accept. People living in the most deprived areas are 40% more likely to die before the age of 75 than those who live in more affluent areas, and deaths among children under the age of one are

30% higher in deprived areas. That is the public-health agenda that I am talking about, and those are the challenges regarding preventable ill health and premature death that we face.

I have proposed the establishment of a public-health agency that will employ a maximum of 250 to 300 people. It will be embedded throughout Northern Ireland and will work closely with local government and councils, because local councils are best placed to deliver the policy, and local government is one of the key deliverers of the agenda. Another important point, and one that I have made after 15 years in Belfast City Council, is that Departments are good at writing policies and making plans, but delivery is for someone else. On public health, there is a need for a different delivery mechanism; and local government and local councils have a key role to play.

I do not plan to create extra bureaucracy. The individuals who will work in the agency are already there: they are employed in the trusts, boards, and in separate agencies. I am talking about bringing them together. I am not talking about moving them from their locations: I am talking about their answering to a different agenda and being given more support through a centrally driven public-health agency, which will address the issues that we have been discussing, particularly health inequalities, and that will deal with those in an important way.

My constituency office is in Sandy Row, which is one of the most disadvantaged areas in Northern Ireland — as are the other inner-south areas; Donegall Pass, the Village, the Markets and the lower Ormeau Road. Sandy Row is within a mile of the City Hospital and within a mile and a half of the Royal Victoria Hospital, two of our most important hospitals.

There is a clear paradox in that we are delivering health services to disadvantaged areas that are so close to the doorstep, yet, when one steps out of my office and turns right, those few hundred yards into South Belfast contain the addresses that will add years to one's life. That is the reality, but it is unacceptable, and that is why we are moving forward and working closely with local government, in a new enhanced and energised focus, providing a tangible impact on our society and the life outcomes of our people. That is the agenda that I am talking about, and it is the agenda that I believe most people in the House are concerned about.

Alex Easton raised a couple of points. The Royal College of Nursing does not hold a position of outright opposition.

It had concerns about duplication and overlap, which we sought to address in the legislation. A number of other bodies expressed support, including the Royal College of Physicians, the Royal College of Midwives, the Northern Ireland Chief Environmental Health Officers Group, the Institute of Public Health in Ireland, the British Dental Association, and the Health Protection Agency in London. As has been said, several health services in other parts of these islands and further afield are carefully studying the proposals and how they will work because they believe that they are radical and have huge potential.

1.30 pm

Another spurious point was raised about what I presented to the Executive Committee. The draft Bill that was brought before the Executive is the same Bill that we are considering today and included provisions for a separate agency. At earlier stages, I indicated that the proposed agency would build on the work being carried out by the Health Promotion Agency.

I never made any secret of my plans for a separate public health agency. I certainly made no secret of them during an Executive Committee meeting in July 2008, which, I think, was the first Executive Committee meeting that Peter Robinson attended as leader of the DUP and as First Minister. The Executive supported the proposals in the draft Bill — the same Bill that the House is considering today. I found it absolutely astonishing to hear Alex Easton giving reasons, chapter-and-verse, why he opposes the proposals. I have no doubt that others who have yet to speak will do the same.

Mr Easton's party leader supports the proposals, as do the other DUP Ministers, but he clearly thinks that Peter Robinson is talking through his hat. Given the importance of the issue, I find the attitude of some members of the Health Committee astonishing, given that, as has been indicated, the Committee was divided on the issue, and the DUP members on the Committee who opposed the proposals found themselves in a clear minority.

There is a time to oppose and there is a time to learn, and the time when those members of the DUP should have woken up to the reality of the situation has long passed. Their colleagues in organisations such as Belfast City Council have no qualms about the proposals because they work on the ground and understand the need. Also, I do not hear opposition coming from the DUP as a whole. Not only are those members a minority in the Chamber; it seems to me that they are a clear minority in their own party.

**Several Members:** Hear, hear.

**The Minister of Health, Social Services and Public Safety:** I have two other public-health group amendments to move. I bring to Members' attention the two other amendments in the group. Amendment No 19 was suggested by the Health Committee and

expands the previous wording in respect of the health-promotion function of the regional agency.

In addition, amendment No 35 will ensure that the overarching drive for improvement in the health and social well-being of people in Northern Ireland remains a priority for health and social care trusts. It places a requirement on them to exercise their functions with the aim of reducing health inequalities among those for whom they provide health and social care. That is consistent with the requirement that is being placed on the Department and other health and social care bodies.

**Mr Buchanan:** There has been a fairly healthy debate around the Chamber this morning. There is no getting away from the fact that the DUP supports the majority of the provisions in the Bill. When the Bill was debated initially in the House, the Minister and everyone else in the Chamber will recall that I raised concerns regarding the establishment of the new agency. Questions were subsequently put to the Minister, and he is well aware of the stance that we, as a party, have taken on the matter.

It is good to see the Bill before the House; an entire reform and restructuring of the Health Service has been needed for quite some time. I thank all the professionals and representatives from various bodies who made presentations to the Committee for Health, Social Services and Public Safety and participated in discussions.

It must be remembered that it was the DUP that pressed the Minister to introduce the Health and Social Care (Reform) Bill. The Minister was delaying, but the DUP put pressure on him to introduce the Bill. We are thankful that that has paid off and that the Minister eventually introduced the Bill.

**Mr B McCrea:** Will the Member give way?

**Mr Buchanan:** There is no getting away from it, it is crucial that we improve public health in the Province. Public health must be firm and must be an increasing priority for the Department of Health, Social Services and Public Safety and the rest of the Northern Ireland Executive. However —

**Mr B McCrea:** Will the Member give way?

**Mr Buchanan:** The establishment —

**Mr B McCrea:** Will the Member give way?

**Mr Buchanan:** The Member had his time.

**Mr B McCrea:** Is that a no? The Member was pressing this with —

**Mr Speaker:** Order, order. The Member has the Floor. Every Member who wanted to speak to the Bill has had the opportunity to do so.

**Mr Buchanan:** Thank you, Mr Speaker. However, the establishment of a public health agency would be



contrary to the commitments to improve efficiency, reduce bureaucracy, streamline decision-making and maximise accountability. Rather than having a clearly identifiable —

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

**Mr Buchanan:** A clearly identifiable body to hold to account —

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

**Mr Buchanan:** It is intended that the key decisions will be taken jointly, with the two —

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

**Mr Speaker:** Order, order. The Member should not persist. It is up to the Member who has the Floor to decide whether he will take an intervention.

**Mr Buchanan:** Thank you, Mr Speaker. I will not be taking interventions from Members of the Ulster Unionist Party, so perhaps those Members will now have got that message loud and clear, will sit quietly and show a little respect. I know that it is a thorny issue for them, but perhaps they can show a wee bit of courtesy on this occasion.

It is intended that key decisions will be taken jointly by the new regional public health agency and the regional board; therefore, it will not be possible to hold anyone to account. If the proposal is agreed, that is the bizarre situation in which we will find ourselves.

In proposing the amendment, Alex Easton mentioned the comments of the Mental Health Commission, which said:

“We can see no good reason why this proposal for separation is being made.”

We have been accused of not listening to health professionals; however, the Mental Health Commission comprises health professionals, and it is saying that it can see “no good reason” for the proposal being made.

Alex also mentioned the Royal College of Nursing, which has said that the proposal creates the potential for duplication of effort and the waste of resources. Perhaps the Minister will take on board those comments from professional bodies.

Over the past two weeks, I have spoken to professionals from the Western Board and the Eastern Board. Folk from those boards have expressed concern that a regional agency will create a level of bureaucracy that is not required, because the functions of the two bodies can be delivered equally effectively by one body. However, there are people who do not want to listen to some of the professionals from rural areas, and it is difficult to get them to listen to what those professionals are saying.

Michelle O'Neill mentioned the debates that took place in Committee and that it was argued that public

health needs a much stronger voice. Obviously, a stronger voice for public health is required.

The DUP does not disagree; however, a strong voice for public health can be provided by a single body. A separate agency, which would buckle under the weight of unnecessary bureaucracy and use up resources that could be used to provide front-line staff, is not required. That strong voice can be provided as effectively and as efficiently by a single body.

John McCallister was disappointed with the DUP's position — how strange is that? John did not know what had happened in the Executive meeting — John's problem is that he does not know what happens in the Health Committee either, because he is never there. Perhaps, if he were to attend more Health Committee meetings, he would know the DUP's position on this matter and he would be aware of the concerns that had been expressed at the early stages by all members of the Committee. Of course, John does not know that because he was not there. Obviously, someone from outside the Health Committee must have written John's speech.

The other issue concerning the agency —

**Mr B McCrea:** Will the Member not accept an intervention?

**Mr Buchanan:** I have made that clear to the Ulster Unionist Party; however, its members do not seem to listen.

Despite all the questions put to the Minister, he has refused to say how much the agency will cost the Department, and Members have been left waiting for his answer. Although the Minister's Department receives 48% of the block grant — which is 51% of the overall grant — he is still unhappy with the amount of money that he has got. Nevertheless, he now wishes to create a new level of bureaucracy, and he is not prepared to tell the House how much it will cost. That is a ludicrous position in which he finds himself. He has even refused to specify costs through questions for written answer, and that should set alarm bells ringing for folk around the Chamber.

Carmel Hanna spoke about the concerns that she had during the Bill's early stages in the Committee regarding setting up a new body. However, she also said that the Bill was 99% agreed by everyone on the Committee. The DUP is raising a few issues, and it has every right, and will continue to do so. The DUP is considering efficiency, so it does not agree with adding levels of bureaucracy.

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

**Mr Buchanan:** Yes.

**Mr B McCrea:** On a point of order, Mr Speaker. I am not sure whether I heard correctly, but was there



not a statement by the Member that he would not be giving way?

**Mr Speaker:** Order. The Member should, and probably does, know that that is not a point of order.

**Mr Easton:** Thank you, Mr Speaker. Does my friend agree that, under the Minister's plans for efficiency savings, he will cut thousands of jobs in the regional boards and, consequently, the new agency will have fewer staff than the existing Health Promotion Agency? Therefore, although we are attempting to improve people's health, we have a Minister who is actually cutting jobs. Does that not endanger the health of Northern Ireland's population? Indeed, we have a Minister of cuts — he is cutting 700 nursing jobs and he is closing residential and nursing homes. Is the Minister not a cutter, rather than a provider, of help for Northern Ireland people?

**Mr Buchanan:** I thank the Member for his intervention. He managed to cut to the core of the policies advocated by the Members sitting behind the Health Minister. To clarify matters for Basil McCrea — it seems that one must clarify matters for Basil three or four times — I said that I would not be giving way to members of the Ulster Unionist Party. They have nothing to say anyway. Perhaps Basil heard that message loud and clear.

1.45 pm

Sue Ramsey mentioned health provision across Northern Ireland and the Republic of Ireland. Sue may seek to continue to peddle all-Ireland status for health and other issues, but that will not be taken on board, it will not be recognised, and it will never come to the fore.

Basil McCrea's speech was full of hot air, but it lacked substance. Let me remind Basil of what the DUP has done for the Minister. The DUP made sure that the Minister had an extra £500 million in his budget. Perhaps Basil will take that on board.

**Mr Speaker:** Order. I remind the Member that he should not use Members' Christian names in the Chamber.

**Mr Buchanan:** Like Mr McCallister, Mr Basil McCrea got it wrong when he spoke about the proposal that was brought to the Executive. The proposal that was actually brought to the Executive, despite what the Minister said, was that the Health Promotion Agency would receive enhanced powers within the board; it would not be a separate agency. That was what the Executive agreed.

**Mr B McCrea:** On a point of order, Mr Speaker. I distinctly heard the Member say that the Minister has misled the Assembly. The Minister made it quite clear that the Bill is the same Bill that was brought to the Executive. He has made his position absolutely clear. I call on the Member to retract his previous comment.

**Mr Speaker:** Let me make it absolutely clear that I will read the Hansard report, and I will be happy to come back to the House or to the Member himself. The Member may carry on.

**Mr Buchanan:** Again, when we look at the proposed health agency and the points that Mr Basil McCrea made, we must remember that the DUP is not seeking to close nursing homes or to cut front-line nursing staff, yet the Minister —

**Mr Speaker:** Order. I have given Members some latitude in the debate, and quite a few have gone outside the motion and especially the amendment. I ask the Member to try to return to the amendment.

**Mr Buchanan:** I will soon be finished, Mr Speaker, but I wanted to point out that the proposals would create an extra level of bureaucracy by creating an agency while cutting front-line staff. I have made that absolutely clear.

The Minister spoke of the level of life expectancy that should be afforded to everyone, irrespective of where they live. I could not agree more; a reasonable life expectancy should be afforded to everyone, irrespective of where they live. I hope that the Minister will take that equality right across the board, not only in public health, but in acute services. He has stripped County Tyrone of every acute service to the extent that it has none. Therefore, I hope that the Minister takes that —

**Mr Speaker:** Order. Is the Member finished?  
[Laughter.] Order. I remind the Member to try, as far as possible, to stick to the amendment.

**Mr Buchanan:** Again, I ask the Minister to acknowledge that and to provide equality right across the board, for all the people of Northern Ireland. I support the amendment.

**Mr Speaker:** Members should be aware that if amendment No 1 is made, it would signal the Assembly's opposition to the establishment of the regional agency. Should amendment No 1 be made, I would, therefore, not call amendments No 12, No 14, No 15 and No 19, which refer to the role of the regional agency, nor would I call any of the technical amendments replacing the acronym "RAPHSW" with "the Regional Agency". I will put the Question on clauses 12 and 13 and on schedule 2 when we come to them in the Bill.

*Amendment No 1 negatived.*

**Mr Speaker:** We move to the second group of amendments for debate. We will debate amendment No 2, with which it will be convenient to debate the other technical amendments in this group that are listed on the provisional grouping of amendments. Those amendments deal with changing references in the Bill from the acronym "RAPHSW" to "the Regional Agency" and changing the name of the Regional Support Services

Organisation to the Regional Business Services Organisation.

I call the Minister of Health, Social Services and Public Safety to move amendment No 2 and to address the other amendments in the second group.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** I beg to move amendment No 2: In page 2, line 6, leave out “RAPHSW” and insert “the Regional Agency”.

*The following amendments stood on the Marshalled List:*

No 3: In page 2, line 7, leave out “Support” and insert “Business”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 4: In page 2, line 8, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 5: In clause 2, page 2, line 41, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 6: In clause 2, page 2, line 41, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 9: In clause 6, page 4, line 35, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 10: In clause 6, page 4, line 36, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 17: In clause 12, page 8, line 5, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 18: In clause 13, page 8, line 7, leave out “RAPHSW” and insert “The Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 20: In clause 13, page 8, line 23, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 21: In clause 13, page 8, line 27, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 22: In clause 13, page 8, line 33, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 23: In clause 13, page 8, line 34, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 24: In clause 13, page 9, line 1, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 25: In clause 13, page 9, line 3, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 26: In clause 14, page 9, line 10, leave out “Support” and insert “Business”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 27: In clause 14, page 9, line 12, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 28: In clause 15, page 9, line 14, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 29: In clause 15, page 9, line 28, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 30: In clause 15, page 9, line 35, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 31: In clause 15, page 9, line 37, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 32: In clause 17, page 11, line 6, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 36: In clause 24, page 15, line 11, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 37: In clause 26, page 15, line 39, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 38: In clause 27, page 16, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 39: In clause 27, page 16, line 34, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 40: In clause 31, page 19, line 17, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 41: In clause 31, page 19, line 19, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 42: In clause 31, page 19, line 19, leave out “Support” and insert “Business”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 43: Leave out schedule 2 and insert

“SCHEDULE 2

THE REGIONAL AGENCY FOR PUBLIC HEALTH AND SOCIAL WELL-BEING

*Status*

1.—(1) The Regional Agency shall not be regarded—

- (a) as the servant or agent of the Crown; or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of the Regional Agency shall not be regarded as property of, or held on behalf of, the Crown.

(3) Where land in which the Department has an interest is managed, used or occupied by the Regional Agency, the interest of the Department shall be treated for the purposes of any statutory provision or rule of law relating to Crown land or interests as if it were an interest held otherwise than by, or on behalf of, the Crown.

(4) The Regional Agency shall, notwithstanding that it is exercising any functions on behalf of the Department, be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Regional Agency in its own name.

(5) Subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to the Regional Agency.

*General powers*

2.—(1) Subject to any directions given by the Department, the Regional Agency may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) But the Regional Agency may not borrow money.

*Membership*

3.—(1) The Regional Agency shall consist of—

- (a) a Chair appointed by the Department;
- (b) a prescribed number of persons appointed by the Department;
- (c) the chief officer of the Regional Agency;
- (d) such other officers of the Regional Agency as may be prescribed;
- (e) not more than a prescribed number of other officers of the Regional Agency appointed by the Chair and the members specified in heads (b) and (c); and
- (f) a prescribed number of members of district councils appointed by the Department in such manner as may be prescribed.

(2) Except in so far as regulations otherwise provide, no person who is an officer of the Regional Agency may be appointed under sub-paragraph (1)(a) or (b).

(3) Regulations may provide that all or any of the persons appointed under sub-paragraph (1)(b) must fulfil prescribed conditions or hold posts of a prescribed description.

*Remuneration and allowances*

4.—(1) The Regional Agency shall pay to its members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

*Term of office*

5.—(1) The term of office of members of the Regional Agency appointed under paragraph 3(1)(a), (b), (e) or (f) shall be 4 years or such other period as may be determined by the Department at the time the appointments are made.

(2) A member of the Regional Agency specified in paragraph 3(1)(c), (d) or (e)—

- (a) who ceases to hold the qualifying office, shall cease to be a member of the Regional Agency;
- (b) who is suspended from the qualifying office, shall be suspended from membership of the Regional Agency while suspended from that office.

(3) In sub-paragraph (2) “the qualifying office” in relation to a member of the Regional Agency means the office under the Regional Agency which the member held at the time of becoming a member of the Regional Agency.

(4) A member of the Regional Agency specified in paragraph 3(1)(f) who ceases to be a member of a district council shall cease to be a member of the Regional Agency.

*Resignation and removal*

6.—(1) A member of the Regional Agency appointed under paragraph 3(1)(a), (b) or (f)—

- (a) may resign membership by serving notice on the Department;
- (b) may be removed from office by the Department.

(2) A member of the Regional Agency appointed under paragraph 3(1)(e) may be removed from office by the Chair and the members specified in paragraph 3(1)(b) and (c).

(3) Where any member of the Regional Agency—

- (a) is absent from the meetings of the Regional Agency for more than 6 months consecutively, except for an approved reason; or
- (b) is convicted of an indictable offence;

the Regional Agency shall forthwith, by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit, and thereupon the office shall become vacant.

(4) In sub-paragraph (3)(a) “approved reason” means a reason approved—

- (a) in the case of members appointed under paragraph 3(1)(e), by the Chair and the members specified in paragraph 3(1)(b) and (c);
- (b) in the case of any other member, by the Department.

(5) Where the place of a member specified in paragraph 3(1)(a), (b), (e) or (f) becomes vacant before the expiration of the member’s term of office whether by death, resignation or otherwise, the vacancy shall be filled by appointment—

- (a) in the case of a member specified in paragraph 3(1)(a) or (b), by the Department;
- (b) in the case of a member specified in paragraph 3(1)(e), by the Chair and the members specified in paragraph 3(1)(b) and (c);

(c) in the case of a member specified in paragraph 3(1)(f), by the Department in such manner as may be prescribed;

and any person so appointed shall hold office for the remainder of the term of office of the former member.

#### *Committees*

7.—(1) The Regional Agency may appoint one or more committees to which it may delegate such of its functions as it thinks fit.

(2) References in this Schedule to a committee are to a committee appointed under this paragraph.

(3) A person who is not a member of the Regional Agency shall not, except with the approval of the Department, be appointed to a committee.

(4) The Regional Agency may pay to members of its committees who are neither members nor employees of the Regional Agency such remuneration and allowances as the Regional Agency may, with the approval of the Department, determine.

(5) Every member of a committee who, at the time of appointment, was a member of the Regional Agency shall, on ceasing to be a member of the Regional Agency, also cease to be a member of the committee.

#### *Sub-committees*

8.—(1) The Regional Agency or a committee may appoint a sub-committee to consider and report to the Regional Agency or, as the case may be, the committee on any matter within the competence of the Regional Agency or the committee.

(2) References in this Schedule to a sub-committee are to a sub-committee appointed under this paragraph.

(3) A sub-committee may include persons who are not members of the Regional Agency or the committee which appoints the sub-committee.

#### *Proceedings*

9. Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954 (c. 33), the Regional Agency shall make standing orders regulating the procedure of the Regional Agency, its committees and sub-committees, including provision regulating—

- (a) the convening of meetings;
- (b) the fixing of the quorum; and
- (c) the conduct of business at meetings.

#### *Validity of proceedings*

10. The proceedings of the Regional Agency or of any committee or sub-committee are not invalidated—

- (a) by any vacancy in the membership of the Regional Agency or the committee or sub-committee;
- (b) by any defect in the appointment of any of its members; or
- (c) by any failure to comply with paragraph 9.

#### *Disclosure of pecuniary, etc., interests and related provisions*

11.—(1) Subject to sub-paragraph (2), sections 28 to 33 and 146 of the Local Government Act (Northern Ireland) 1972 (c. 9) and section 148 of that Act so far as it applies for the interpretation of

those sections, shall apply to the Regional Agency, a committee or sub-committee and to a member of the Regional Agency, a committee or sub-committee as if—

(a) in those sections—

(i) any reference to a council were a reference to the Regional Agency, a committee or sub-committee,

(ii) any reference to a councillor were a reference to a member of the Regional Agency, a committee or sub-committee,

(iii) any reference to the clerk of the council were a reference to the chief officer of the Regional Agency, and

(iv) any reference to that Act were a reference to this Act;

(b) in section 28(4) of that Act the words “or 46” were omitted and for the words from “by any local elector” onwards there were substituted the words “by any person.”.

(2) Notwithstanding anything in sub-paragraph (1), an officer of the Regional Agency who is a member of the Regional Agency may vote upon any matter which affects the interests of officers of the Regional Agency or such officers of any class (including a class to which the officer belongs), but must not vote upon any matter affecting only the officer's individual interest.

#### *The chief officer and other staff*

12.—(1) There shall be a chief officer of the Regional Agency who shall be a member of the staff of the Regional Agency and shall be responsible to the Regional Agency for the general exercise of its functions.

(2) Subject to paragraph 13—

(a) the first chief officer shall be appointed by the Department; and

(b) any subsequent chief officer shall be appointed by the Regional Agency.

13.—(1) The qualifications, remuneration and conditions of service of officers of the Regional Agency may be determined by the Department.

(2) Regulations may make provision with respect to—

(a) the method of appointment of officers of the Regional Agency;

(b) the qualifications, remuneration and conditions of service of such officers of the Regional Agency as may be prescribed;

and an officer such as is mentioned in head (b) shall not be employed otherwise than in accordance with the regulations.

(3) Determinations or regulations under sub-paragraph (1) or (2) may provide for approvals or determinations to have effect from a date specified in them.

(4) The date mentioned in sub-paragraph (3) may be before or after the date of giving the approvals or making the determinations but may not be before if it would be to the detriment of the officers to whom the approvals or determinations relate.

(5) The appointment and removal from office of such officers of the Regional Agency as may be prescribed is subject to the approval of the Department.



*Application of the seal*

14. The application of the seal of the Regional Agency shall be authenticated by the signatures of—

- (a) at least one member of the Regional Agency appointed under paragraph 3(1)(a) or (b); and
- (b) the chief officer of the Regional Agency.

*Execution of documents*

15.—(1) Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of the Regional Agency by any person generally or specially authorised by the Regional Agency for that purpose.

(2) In any legal proceedings any document purporting to have been so executed on behalf of the Regional Agency shall be deemed to be so executed until the contrary is proved.

*Finance*

16.—(1) The Department may make payments to the Regional Agency out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

(3) Subject to sub-paragraph (4), the Regional Agency must pay to the Department all sums received by it in the course of, or in connection with, the carrying out of its functions.

(4) Sub-paragraph (3) does not apply to such sums, or sums of such description, as the Department may, with the approval of the Department of Finance and Personnel, direct.

(5) Any sums received by the Department under sub-paragraph (3) shall be paid into the Consolidated Fund.

*Accounts*

17.—(1) The Regional Agency shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Regional Agency shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts received from the Regional Agency under this paragraph; and

- (b) send a copy of any such report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

*Annual report*

18.—(1) The Regional Agency shall within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed.

(2) The Department shall lay a copy of the report before the Assembly.

*Interpretation*

19. In paragraphs 17 and 18—

“Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland;

“financial year” means—

- (a) the period beginning with the day on which the Regional Agency is established and ending on the next following 31st March; and
- (b) each subsequent period of 12 months ending on 31st March.

*Information*

20.—(1) The Regional Agency shall record such information with respect to the exercise of its functions as the Department may direct.

(2) Information shall be recorded in such form, and retained for such period, as the Department may determine.

(3) The Regional Agency shall, in relation to its functions, furnish to the Department, such reports, returns and other information as the Department may require.

*Default powers of Department*

21.—(1) The powers conferred by this paragraph are exercisable by the Department if it is satisfied that the Regional Agency has without reasonable excuse failed to discharge any of its functions adequately or at all.

(2) The Department may—

- (a) make an order declaring the Regional Agency to be in default; and
- (b) direct the Regional Agency to discharge such of its functions, in such manner and within such period or periods, as may be specified in the direction.

(3) If the Regional Agency fails to comply with the Department's direction under sub-paragraph (2), the Department may—

- (a) discharge the functions to which the direction relates itself; or
- (b) make arrangements for any other person to discharge those functions on its behalf.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 44: Leave out schedule 3 and insert

“SCHEDULE 3

THE REGIONAL BUSINESS SERVICES ORGANISATION

*Status*

1.—(1) RBSO shall not be regarded—

- (a) as the servant or agent of the Crown; or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of RBSO shall not be regarded as property of, or held on behalf of, the Crown.

(3) Where land in which the Department has an interest is managed, used or occupied by RBSO, the interest of the Department shall be treated for the purposes of any statutory provision or rule of law relating to Crown land or interests as if it were an interest held otherwise than by, or on behalf of, the Crown.

(4) RBSO shall, notwithstanding that it is exercising any functions on behalf of the Department, be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against RBSO in its own name.

(5) Subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to RBSO.

#### *General powers*

2.—(1) Subject to any directions given by the Department, RBSO may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) But RBSO may not borrow money.

#### *Membership*

3.—(1) RBSO shall consist of—

- (a) a Chair appointed by the Department;
- (b) a prescribed number of members appointed by the Department;
- (c) the chief officer of RBSO; and
- (d) such other officers of RBSO as may be prescribed.

(2) Except in so far as regulations otherwise provide, no person who is an officer of RBSO may be appointed under sub-paragraph (1)(a) or (b).

(3) Regulations may provide that all or any of the persons appointed under sub-paragraph (1)(b) must fulfil prescribed conditions or hold posts of a prescribed description.

#### *Remuneration and allowances*

4.—(1) RBSO shall pay to its members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

#### *Appointment, procedure etc.*

5. Regulations may make provision as to—

- (a) the appointment of members of RBSO under paragraph 3(1)(b) and (d) (including any conditions to be fulfilled for appointment);
- (b) the tenure of office of the Chair and other members (including the circumstances in which they cease to hold office or may be removed or suspended from office);

(c) the appointment of, constitution of, and exercise of functions by, committees and sub-committees (including committees and sub-committees which consist of or include persons who are not members of RBSO);

(d) the procedure of RBSO and any committees or sub-committees (including the validation of proceedings in the event of vacancies or defects in appointment);

(e) the staff, premises and expenses of RBSO;

(f) such other matters in connection with RBSO as the Department thinks fit.

#### *The chief officer*

6.—(1) There shall be a chief officer of RBSO who shall be a member of the staff of RBSO and shall be responsible to RBSO for the general exercise of its functions.

(2) Subject to regulations made under paragraph 5(e)—

- (a) the first chief officer shall be appointed by the Department;
- (b) any subsequent chief officer shall be appointed by RBSO.

#### *Application of the seal*

7. The application of the seal of RBSO shall be authenticated by the signature—

- (a) of any member of RBSO; and
- (b) of any other person who has been authorised by RBSO (whether generally or specifically) for that purpose.

#### *Execution of documents*

8.—(1) Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of RBSO by any person generally or specially authorised by RBSO for that purpose.

(2) In any legal proceedings any document purporting to have been so executed on behalf of RBSO shall be deemed to be so executed until the contrary is proved.

#### *Finance*

9.—(1) The Department may make payments to RBSO out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

#### *Accounts*

10.—(1) RBSO shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) RBSO shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts received from RBSO under this paragraph; and
- (b) send a copy of any such report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

#### *Annual report*

11.—(1) RBSO shall within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed.

(2) RBSO shall publish any report prepared under sub-paragraph (1) in such manner as the Department may direct.

(3) The Department shall lay a copy of the report before the Assembly.

#### *Interpretation*

12. In paragraphs 10 and 11—

“Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland;

“financial year” means—

- (a) the period beginning with the day on which RBSO is established and ending on the next following 31st March; and
- (b) each subsequent period of 12 months ending on 31st March.

#### *Information*

13.—(1) RBSO shall at such times as the Department may direct—

- (a) provide the Department or a specified body with such information, and
  - (b) permit the Department or the specified body to inspect and take copies of such documents,
- relating to RBSO's functions as the Department may direct.

(2) In sub-paragraph (1) “specified body” means a body specified in directions under that sub-paragraph.

#### *Default powers of Department*

14.—(1) The powers conferred by this paragraph are exercisable by the Department if it is satisfied that RBSO has without reasonable excuse failed to discharge any of its functions adequately or at all.

(2) The Department may—

- (a) make an order declaring RBSO to be in default; and
- (b) direct RBSO to discharge such of its functions, in such manner and within such period or periods, as may be specified in the direction.

(3) If RBSO fails to comply with the Department's direction under sub-paragraph (2), the Department may—

(a) discharge the functions to which the direction relates itself; or

(b) make arrangements for any other person to discharge those functions on its behalf.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 46: In schedule 5, page 43, line 13, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 47: In schedule 6, page 44, line 2, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 48: In schedule 6, page 44, line 7, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 49: In schedule 6, page 44, line 30, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 50: In schedule 6, page 44, line 31, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 51: In schedule 6, page 45, line 19, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 52: In schedule 6, page 45, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 53: In schedule 6, page 45, line 28, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 54: In schedule 6, page 46, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 55: In schedule 6, page 46, line 25, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 56: In schedule 6, page 47, line 34, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 57: In schedule 6, page 47, line 38, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 58: In schedule 6, page 47, line 39, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 59: In schedule 6, page 48, line 41, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 60: In schedule 6, page 49, line 4, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 61: In schedule 6, page 51, line 14, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 62: In schedule 6, page 51, line 15, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 63: In schedule 6, page 51, line 20, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 64: In schedule 6, page 51, line 21, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 65 : In schedule 6, page 51, line 33, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 66: In schedule 6, page 51, line 34, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 67: In schedule 6, page 52, line 2, leave out “RAPHSW” and insert “the Regional Agency”— *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 68: In schedule 6, page 52, line 6, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 69: In schedule 6, page 52, line 7, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 70: In schedule 6, page 52, line 9, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 71: In schedule 6, page 53, line 8, leave out “Support” and insert “Business”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 72: In schedule 6, page 53, line 23, leave out “Support” and insert “Business”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 73: In schedule 6, page 53, line 38, leave out “the Regional Board or RAPHSW” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 74: In schedule 6, page 54, line 4, leave out “RAPHSW” and insert “the Regional Agency”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 75: In schedule 6, page 54, line 5, leave out “RSSO” and insert “RBSO”. — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

**The Minister of Health, Social Services and Public Safety:** It is helpful that the 75 amendments are grouped as they are. It should help to ensure a more coherent debate and to make the best use of Assembly time. All the amendments that stand in my name have

been discussed in detail and agreed with the Health Committee during its clause-by-clause scrutiny of the Bill. I am grateful to the Committee Chairperson and members for their efficiency, diligence and patience in dealing with such a substantial Bill.

Amendment No 2 and a number of others in the group propose that the acronym RAPHSW, which is used as an abbreviation for the Regional Agency for Public Health and Social Wellbeing, is unwieldy and should be changed to “the Regional Agency”. That will not change the name of the proposed agency, but the shortened version will be used for ease of reference in the text of the Bill. That change will require a number of similar changes to other clauses and schedules throughout the Bill, and the rationale for those changes remains the same.

Amendment No 3 and others propose that the name “Regional Support Services Organisation” be changed to “Regional Business Services Organisation”, as that would better reflect the functions that the organisation is expected to carry out. Likewise, it has been agreed that the acronym RSSO be changed to “RBSO”. That will require a number of similar changes to other clauses and schedules throughout the Bill, and the rationale for those changes remains the same. Furthermore, in order to avoid a further raft of amendments, which would need to be tabled as a result of such a decision, amendment No 43 proposes that schedule 2 be replaced, changing all the references to RAPHSW to read “the Regional Agency”.

During the process of redrafting schedule 2, the need for other minor alterations came to light in paragraph 7. Those amendments are included in the redrafted schedule and are intended to ensure that members of the regional agency who are district councillors would be treated in the same way as other members appointed by the Department in relation to permitting their resignation or removal from office.

The proposed changes will ensure also that in relation to the length of the period of appointment of a successor where an elected representative resigns or is removed from the post, the provisions are consistent with those in place for other appointed members.

There is a further amendment at paragraph 7 of schedule 2, which is intended to rectify a textual error. That provision covers the committees of the regional agency. The amended reference should always have referred to “the Regional Agency” and never to “the Regional Board”. Similarly, in order to avoid the tabling of further amendments as a result of the decision to rename the RBSO, amendment No 44 proposes that schedule 3 be replaced, changing all the references to the Regional Support Services Organisation to “the Regional Business Services Organisation” and all references to RSSO to “RBSO”.



Amendment No 73 in relation to schedule 6 to the Bill is intended to rectify a textural error. The agency referred to in that provision is the Central Services Agency, as it deals with the provision of information about births and deaths. Given that the work of the Central Services Agency will be carried out by RBSO, that reference should read “RBSO”.

**The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O’Neill):** A Cheann Comhairle. As the Minister said, this group of amendments to the Bill are technical amendments.

The Committee raised concerns that the abbreviation of the title of the regional agency for public health and social well-being to RAPHSW resulted in a cumbersome and unwieldy acronym. The Department agreed to use the shortened version “the Regional Agency” instead.

The other issue raised by the Committee related to the title of the new central body, which will replace the Central Services Agency and take on some additional functions. In evidence to the Committee, the Central Services Agency suggested that the title should be changed to the Regional Business Services Organisation to reflect better the business and support services that it will provide. The Committee is pleased that the Minister has accepted those changes, and that this batch of amendments will simply change those titles throughout the Bill. The Committee supports the technical amendments.

**The Minister of Health, Social Services and Public Safety:** I thank Mrs O’Neill for her comments. The amendments have been agreed with the Health Committee, and my gratitude goes to the Committee, which supported the proposed amendments during its scrutiny of the Bill.

*Amendment No 2 agreed to.*

*Amendment No 3 made:* In page 2, line 7, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 4 made:* In page 2, line 8, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 1, as amended, ordered to stand part of the Bill.*

### **Clause 2 (Department’s general duty)**

*Amendment No 5 made:* In page 2, line 41, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 6 made:* In page 2, line 41, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clause 3 ordered to stand part of the Bill.*

### **Clause 4 (Department’s priorities and objectives)**

**The Minister of Health, Social Services and Public Safety:** I beg to move amendment No 7: In page 3, line 32, leave out subsection (3) and insert

“(3) Where the Department is of the opinion that because of the urgency of the matter it is necessary to act under subsection (1) without consultation—

(a) subsection (2) does not apply; but

(b) the Department must as soon as reasonably practicable give notice to such bodies as it thinks appropriate of the grounds on which the Department formed that opinion.”

*The following amendments stood on the Marshalled List:*

No 8: In clause 5, page 4, line 27, leave out “may” and insert “must”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 11: In clause 6, page 4, line 40, leave out subsection (3) and insert

“(3) Where the Department is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the body concerned —

(a) subsection (2) does not apply; but

(b) the Department must as soon as reasonably practicable give notice to that body of the grounds on which the Department formed that opinion.

(3A) Where the Department is of the opinion that (for any reason other than the urgency of the matter) it is not reasonably practicable to comply with subsection (2) —

(a) that subsection does not apply; but

(b) the Department must as soon as reasonably practicable give notice to the body concerned of the grounds on which the Department formed that opinion.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 12: In clause 8, page 5, line 33, leave out lines 33 and 34 and insert

“(3A) The Regional Board —

(a) must, in drawing up the commissioning plan, consult the Regional Agency and have due regard to any advice or information provided by it; and

(b) must not publish a commissioning plan unless it has been approved by the Regional Agency.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 14: In clause 9, page 6, line 21, leave out “consult RAPHSW” and insert “work in collaboration with the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 15: In clause 9, page 6, line 23, leave out “other”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 16: In clause 10, page 7, line 10, leave out subsection (4) and insert

“(4) Where the Regional Board is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the HSC trust concerned —

(a) subsection (3)(a) does not apply; but

(b) the Regional Board must as soon as reasonably practicable give notice to the HSC trust concerned of the grounds on which the Regional Board formed that opinion.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 33: In clause 18, page 12, line 2, after “have” insert “due”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 34: In clause 20, page 13, line 5, after “have” insert “due”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

No 45: In schedule 5, page 41, line 38, after “of a” insert “transferor or”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

**The Minister of Health, Social Services and Public Safety:** Amendment No 7 was suggested by the Health Committee during its scrutiny of the Bill, and I am grateful to the Committee for its input. Amendment No 7 is intended to ensure that in cases where, because of the urgency of the matter, the Department does not consult with appropriate bodies or persons before determining or revising the priorities or objectives in relation to health and social care provision, it will report retrospectively to those bodies or persons, giving reasons for taking that course of action.

There is a very slight difference in the wording of the amendment with that agreed with the Health Committee. The Committee agreed that the word “practical” would be used, but the word “practicable”, which was chosen by the legislative draftsman, is consistent with other wording in the Bill and does not alter the principle or import of what was agreed with the Committee.

Similarly, amendment No 11 will ensure that in cases where the Department does not consult with the regional board, regional agency or the RBSO prior to issuing directions in relation to the exercise of their functions because of the urgency of the matter or for any other reason, the Department will report retrospectively to the appropriate body giving reasons for taking that course of action.

Again, there are some differences to the wording of amendment No 11 with that agreed by the Committee. Those differences involve the use of the word “practicable” instead of “practical”, on two occasions, and the use of the words “give directions” rather than “to act”. However, I believe that the wording chosen by the legislative draftsmen is consistent with drafting principles and does not alter the principle or import of what was agreed with the Committee.

In the same vein, amendment No 16 will now mean that in cases where the regional board does not consult with a health and social care trust before issuing a

direction because of the urgency of the matter, the regional board will report to the trust concerned retrospectively, giving reasons for taking that course of action.

2.00 pm

Amendment No 8, which was suggested by the Health Committee during its scrutiny of the Bill, is intended to clarify that the Department has to consult with other bodies and persons as it considers appropriate in preparing or revising the framework document. I must also point out that there is a slight difference to the wording of amendment No 8 with what was agreed with the Health Committee, which was that the word “may” will be replaced by “will”. However, the use of the word “must” is again consistent with drafting principles and does not alter what was agreed with the Committee because the Department still has to consult with other bodies and persons.

Amendment No. 12 relates to the requirement on the regional board to produce a commissioning plan. It is intended to emphasise the integrated and joined-up nature of the commissioning plan developed and produced by the regional board and regional agency, of which both have approval and ownership.

Amendment No 14, which was suggested by the Health Committee during its scrutiny of the Bill, is intended to emphasise the strong and cohesive working relationship that should exist between the local commissioning groups as committees of the regional board and the regional agency. Rather than simply require the groups to consult with the regional agency, the amendment requires that there be a continuous collaborative relationship.

Amendment No 15 is intended to provide logical consistency with the revision to clause 9 at amendment No 14. As the words “consult RAPHSW” are being removed by means of that amendment, it would no longer make sense to retain the word “other” before the word “consultation”.

Amendment No 33 means that health and social care bodies must have due regard to comments received from the patient and client council. In essence, that means that a sound reason must be provided for not accepting advice provided by the patient and client council. Similarly, amendment No 34 will give greater force to the requirement for health and social care bodies to have due regard to comments received in response to their consultation schemes.

Finally, amendment No 45 means that the consideration stage of grievance procedures following the transfer of staff must not involve transferor bodies, which are the bodies from which the persons are transferred. That provision was not included in the Bill, since it was thought that all such bodies would cease to be in existence after 2009. However, it is likely that transfers from one body to another under the Bill will be

possible after April 2009. Those transfers are likely to involve the phased implementation of the functions in relation to shared services, and it is therefore appropriate to include a reference to transferor bodies.

**The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill):**

The 10 amendments in this group relate mainly to the changes proposed by the Committee and taken on board by the Minister. The Minister has gone through the amendments, so I do not propose to repeat what he has said, but I want to refer to a few of the amendments.

Amendment Nos 7 and 11 to clauses 4 and 6 respectively deal with the requirement on the Department to consult before using its powers to determine priorities and issue directions. In each case, the Department is released from the requirement to consult where there is a need to act urgently. The amendments have the effect that where the Department acts without consultation because of the urgency of the situation, it will have to provide a report afterwards.

Amendment No 12 relates to clause 8, which sets out the functions of the regional board — chiefly those functions transferred to it from the existing four health and social services boards and any other function that the Department directs. The Committee also noted that the regional board will be required to draw up an annual commissioning plan, and, in doing so, it must consult the regional agency and have due regard to its views. Uncertainty about the relationship between the various bodies, and particularly the regional board and the regional agency, has been a recurring theme of the written submissions that the Committee received. The Committee accepts that, to some extent, those concerns may be addressed in a framework document to be drawn up under clause 5. However, the Committee recognises the importance of the role of the two main bodies in drawing up the commissioning plans.

Therefore, the Committee welcomes amendment No 12, which provides for the board and the agency to sign off jointly on the commissioning plan.

Amendment No 14 relates to clause 9 and, as drafted, requires local commissioning groups to consult with the new regional agency. The Committee had a concern, which the Royal College of Nursing highlighted, that a simple requirement to consult is not enough — in practice, an LCG could consult with the regional agency and, if it so decided, ignore any advice that it was given. The amendment is welcome and means that LCGs will be required to collaborate with the regional agency rather than just to consult it.

Amendments No 33 and No 34, which relate to clauses 18 and 20 respectively, impact on consultations among health and social care bodies, the new patient and client council and other consultees. In each case,

the requirement on the bodies “to have due regard to” the views of the patient and client council, and the views expressed during a consultation, is being strengthened. The Committee raised that issue, and we welcome the proposed change. The Committee supports all 10 amendments in the third group.

**Mr Gallagher:** I thank the Minister for his clarification on several points, in particular the issue of having “due regard” to consultees. There has been public concern that lip service is often paid to the consultation process, meaning that the population’s real needs are often not met. By setting out clearly how a consultation process will proceed, there is a greater chance that consideration will be given to the public requirements that are expressed in different consultations.

**Ms Lo:** I am not a member of the Health Committee, but, in Dr Deeny’s absence, on behalf of the United Community group, I support the third group of amendments.

I want to comment on amendments No 7, No 11 and No 16. Should those amendments be made, the legislation will permit the regional agency not to consult the trusts in matters of urgency. However, I hope that such cases prove to be exceptions rather than the norm.

I welcome the fact that the agency and trusts plan to strengthen public consultation, because it is important that health authorities pay attention to their stakeholders. That will improve services to the public.

**The Minister of Health, Social Services and Public Safety:**

I am grateful to the Deputy Chairperson of the Health Committee and to those Members who contributed. I also thank the Committee for its valuable input and its helpful suggestions.

The general thrust of the third group of amendments is to provide greater clarity on certain provisions in the Bill. For example, greater emphasis has been placed on the joined-up nature of the commissioning plan, which the regional board and the regional agency will develop and produce. In addition, the integrated relationship that should exist between the local commissioning groups and regional agency is now stated more explicitly in the legislation.

The amendments, with requirements to report to the appropriate health and social care bodies in urgent cases, in which action had to be taken without prior consultation, are perfectly reasonable and make good sense. The inclusion of those amendments will help to foster solid working relationships in the organisations concerned.

I say to Ms Lo that consultation on public health should be carried out at every level of health and social care. Consultations through trusts will be vital, and the public-health agency will play an important role in developing commissioning plans for the trusts to



deliver. Taking the steps to which the amendments refer will prove to be the exception.

In considering those amendments, my key criterion was always to ask whether they would improve the overall content of the Bill. It is my belief that the proposed amendments will do so.

*Amendment No 7 agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

### **Clause 5 (The framework document)**

*Amendment No 8 made:* In page 4, line 27, leave out “may” and insert “must”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 5, as amended, ordered to stand part of the Bill.*

### **Clause 6 (Power of Department to give directions to certain bodies)**

*Amendment No 9 made:* In page 4, line 35, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 10 made:* In page 4, line 36, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 11 made:* In page 4, line 40, leave out subsection (3) and insert

“(3) Where the Department is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the body concerned —

(a) subsection (2) does not apply; but

(b) the Department must as soon as reasonably practicable give notice to that body of the grounds on which the Department formed that opinion.

(3A) Where the Department is of the opinion that (for any reason other than the urgency of the matter) it is not reasonably practicable to comply with subsection (2) —

(a) that subsection does not apply; but

(b) the Department must as soon as reasonably practicable give notice to the body concerned of the grounds on which the Department formed that opinion.” [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clause 7 ordered to stand part of the Bill.*

### **Clause 8 (Functions of the Regional Board)**

*Amendment No 12 made:* In page 5, line 33, leave out lines 33 and 34 and insert

“(3A) The Regional Board —

(a) must, in drawing up the commissioning plan, consult the Regional Agency and have due regard to any advice or information provided by it; and

(b) must not publish a commissioning plan unless it has been approved by the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 8, as amended, ordered to stand part of the Bill.*

### **Clause 9 (Local Commissioning Groups)**

**Mr Speaker:** We now come to the fourth group of amendments for debate. There is only one amendment, which is amendment No 13. It deals with a requirement that the boundaries of our new local commissioning groups reflect local government boundaries.

**Mr Buchanan:** I beg to move amendment No 13: In page 6, line 11, at end insert

“( ) The area prescribed under section (2) must consist of the whole of one or more local government districts.”

The boundaries for local commissioning groups should be coterminous with those in local government and also in education. It is not too much for the public to expect that we can keep their public services organised within one framework without people being left not knowing in which area they reside and whom they should contact for assistance.

Coterminosity has been a key objective in the review of public administration to encourage agencies to collaborate, with the advantage that the provision of services would be as simple as possible for the public to understand and to negotiate.

We would not be prescriptive that every council area would have to have its own local commissioning group. If adjoining areas felt that there was an advantage in clustering, we would find that quite acceptable. As we move forward, every effort should be made to allow the relationship between local government and healthcare to develop and flourish. The extra powers that councils will have from 2011 will require them to contribute more actively to the public health agenda. Much good work has already been done by the health action zones, Healthy Cities and Investing for Health partnerships.

2.15pm

That work should not be compromised, but built upon and developed. If health trusts, rather than council districts, were to be considered as boundaries for local commissioning groups, they would not be coterminous with organisations in any other sector. We would, from the outset, be making health different from all other services and condemning people to have to fit into multiple subsets among numerous boundaries drawn across different sectors.

I refer Members to one other issue, a matter on which the DUP did not table an amendment because we were advised that it would have the potential to torpedo the entire Bill, and that is not something that we want to do as there is much in the Bill that we value. That issue is the extent of commissioning. The legislation is unclear about the extent of the commissioning powers of the local commissioning groups. The presumption must be that local commissioning groups will be responsible for commissioning services, unless there is a specific reason why they should not. There needs to be a genuine potential to effect local change. Professionals



will not use their valuable time and energies unless there is real autonomy locally.

Commissioning at local level has to be meaningful. We know only too well of the problems that arose when the forerunners of the LCGs, the local health and social care groups, were not given sufficient responsibility and general practitioners failed to participate because they did not feel it worth their while. That cannot be allowed to happen again; and, therefore, we propose this amendment, so that everyone is clear that local commissioning groups' powers will be sufficient to meet their needs.

This is not the last Stage at which the Bill can be opposed, and I want the Minister to give the House the certainty that it needs in order to allow the Bill to proceed smoothly into law from this Stage onwards. What guarantees can he give the Assembly that the powers of the local commissioning groups will be adequate, or that the Health Committee and Assembly will have the opportunity to influence the extent of those powers? I would appreciate the Minister addressing that matter specifically during his contribution.

I have pleasure in proposing amendment 13.

**The Deputy Chairperson of the Committee for Health, Social Services and Public Health (Mrs O'Neill):** This clause deals with the area to be covered by each local commissioning group. It was not the subject of any discussion in the Committee, so I am unable to provide the Committee's view on the amendment. I can say only that the Committee, in general, supported the overarching principles of the Bill and the tabling of the Bill in the Chamber today.

As an individual member of the Committee, I can say that the clause, as originally drafted, provides that the Department must make regulations setting out the boundaries of each LCG. Officials indicated to the Committee that the Department proposes five LCGs aligned to existing trust boundaries, but that that may change depending on the outcome of local government reforms. Any change could be implemented by regulations, and that would remove the need for a further Bill.

The proposed amendment provides that each LCG will have to be aligned to one or more local council areas, and there will be no room for leeway in that. It could, therefore, hold up the reform process; and it is not beneficial to anyone — least of all to staff, whose morale is low as a result of all the changes.

I oppose the amendment tabled by the DUP.

**Mr Gallagher:** I have no difficulty with the notion of coterminosity in relation to all of the new authorities. As Members know, that was the aim at the outset of the review of public administration. So far, however, it has not worked out well.

I would be happy to support the amendment, but I would like to see more detail as the process of the review

of public administration unfolds. If we stick with having LCGs coterminous with the new council boundaries, it may have implications for the boundaries of the five new trusts. I want to hear the Minister's views on that: we need more information from the Minister. It may be that his Department does not have such information available. It is worth trying to achieve that if the detail works out.

**Mr McCallister:** It has been interesting to listen to the Laurel and Hardy of the Health Committee in full swing and to hear them check up on everyone's attendance. It is strange that the one meeting of the Health Committee that Mr Buchanan claims to have missed was the most important one, given that a vote was taken on the subject of what later turned out to be his amendment. He was not even at the meeting to support his colleagues; perhaps he was too embarrassed that day.

The main point about amendment No 13 is that it does not add positively to the Bill; it is an unnecessary attempt at tidying it up. If the amendment had been considered necessary, the Minister or the Committee would have introduced it. It highlights the DUP's desire to centralise and overprescribe. The party also took that approach to local government boundaries; it seemed hell-bent on imposing boundaries from on high. It appears that, in the absence of something constructive to say on the legislation, the DUP will come up with anything. The Ulster Unionist Party opposes the amendment.

**Mr B McCrea:** Does the Member expect the proposer of the amendment to cry out for it when it is put to the vote? He does not normally do so, but I wonder whether he will do so on this occasion.

**Mr McCallister:** That was a useful intervention. Earlier today, the DUP barely voted for its own amendment. Perhaps we can encourage the Member to back up what he said with his vote. The Ulster Unionist Party opposes amendment No 13.

**Dr Farry:** I have considerable sympathy for amendment No 13, which contrasts with the shambles of the DUP's previous amendment. To be fair to the DUP, amendment No 13 is well-intentioned. It reflects the poor way in which the review of public administration has been taken forward in Northern Ireland. It has been carried out piecemeal: local government should have been the starting point around which everything else was based.

At the time, we were told that coterminosity was going to be at the heart of the new vision for public service delivery in Northern Ireland. Since then, other bodies have carried out their own reforms without considering the way in which local government boundaries were being developed. Those boundaries should be in place by May or June 2009, and there is an opportunity to align them with the provision of local commissioning groups and healthcare.

It is worth stressing that the new councils are to be the focal point for a lot of local services. In particular,

they are to be given new powers of community planning in order to identify the needs of the communities that the councils represent and the power of general well-being to advocate on behalf of those communities. In the context of the discussion on public-health issues, we should be conscious of that opportunity.

I am conscious of the dilemma facing the Assembly on the issue, and I am disappointed that more debate has not taken place on it. The dilemma is whether, given the way that trust boundaries have been set up, local commissioning groups based on councils will be plugging into one or more trusts, or whether the trusts end up talking to more than one council or to bits of councils.

Neither outcome is entirely satisfactory: inefficiencies will arise from both. However, the Alliance Party is fundamentally associated with the good of the people of Northern Ireland and with allowing their voices to be heard. Given that fact and the significance that has been placed on local councils as the vehicle for that, the overwhelming logic and more compelling argument would be to base the local commissioning groups, as far as is possible, within the same boundaries that will emerge for the new district councils.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. As a member of the Committee for Health, Social Services and Public Safety, I, in common with other Members, agree with Thomas Buchanan's intentions, which he explained when he moved amendment No 13. Other Members spoke about the view and the vision that Mr Buchanan outlined. However, I also share the concern of other Members who spoke during the debate that we do not know where we will be if we wait until the reform of local government is complete before establishing local commissioning groups.

Committee member John McCallister said that we have Laurel and Hardy in the House. However, it strikes me that, on the UUP Benches, we have either Abbott and Costello, or Zig and Zag. There are "double" double acts in the House today.

The Minister and his Department have said that the proposals on local commissioning groups are not set in stone; therefore, we need to be mature and adult about that matter. The legislation may need to be tweaked further down the line, and I will be interested to hear what the Minister has to say about that. I understand the intentions of Thomas Buchanan and Alex Easton; however, someone had to start the ball rolling, and the Minister needs to be commended for taking the lead.

**Mr Speaker:** As Question Time commences at 2.30 pm, I suggest that the House take its ease until that time. The debate will continue after Question Time, when the next Member to speak will be Mr Basil McCrea.

*The debate stood suspended.*

2.30 pm

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

## Oral Answers to Questions

### REGIONAL DEVELOPMENT

**Mr Deputy Speaker:** Question 1 has been withdrawn.

#### Non-Domestic Water Users

2. **Mr Bresland** asked the Minister for Regional Development how many churches and community organisations, which are classified as non-domestic water users, have received or will receive a bill based on the rateable value of the property in 2008-09.

(AQO 1365/09)

**The Minister for Regional Development (Mr Murphy):** Go raibh maith agat, a LeasCheann Comhairle. I have been advised by Northern Ireland Water (NIW) that a total of 1,758 churches and community organisations classified as non-domestic water users will receive a bill based on the rateable value of their property.

**Mr Bresland:** I thank the Minister for his response. I have been contacted by a number of churches in my constituency, expressing their dismay about water charges, especially churches that use little or no water and yet have received bills for hundreds of pounds. What assistance can the Minister offer to small congregations who feel unfairly treated by excessive water bills?

**The Minister for Regional Development:** From 1 April 2008, all non-domestic customers are subject to water and sewerage charges, and trade effluent charges where applicable. Non-domestic customers include farms; small, medium and large businesses; industrial users; voluntary organisations; charities; public bodies; and places of worship, as well as any property not intended for permanent household use.

Although some places of worship are not liable to pay rates, the strand two report of the Independent Water Review Panel concluded that everyone should contribute towards water and sewerage costs. Places of worship are classified as non-domestic, and NIW's policy is to roll out the installation of water meters for billing purposes on all properties that are not used exclusively for domestic purposes, including charities and other non-profit organisations, such as churches and schools. That policy has been in place for a number of years, and prior to the recent extension of non-domestic

payments, the company was already sending metered bills to some 1,200 church properties.

Although the Executive decided not to impose new water and sewerage charges in 2007-08, they agreed with the panel's recommendation that billing for water and sewerage services should be extended to all non-domestic properties from 1 April 2008. They also agreed to phase in the new non-domestic charges over a two-year period, with customers paying half of the new water and sewerage charges in 2008 and full charges in 2009-2010.

The Executive have to make more decisions about water charging following recent discussions with the Treasury, but that is the policy. Many church and community-sector properties were already paying for water through metered accounts prior to the advent of NIW and its billing system. The Executive concluded, in agreement with the Independent Water Review Panel, that all non-domestic properties should be charged, and that has been rolling out since that decision was taken.

**Mr Elliott:** There is a huge disparity between the amounts that were billed for under the capital charge and the amounts billed for after the installation of water meters. Do the Minister or the Department have any thoughts on compensating those premises, voluntary organisations or businesses for the overcharge, as I would call it, on the rateable value compared to the metered amount?

**The Minister for Regional Development:** The policy is to install meters in all non-domestic properties where possible. That has been, and will continue to be, rolled out as quickly as possible. The only other basis for assessing a bill for non-domestic customers — and that includes farms, churches, voluntary and community organisations, and small and large businesses — is on the rateable value of the property. The Member's contention is that metered customers pay less; the intention is to roll out that programme of installing water meters as quickly as we possibly can in order to reach all those affected. There will be some cases where metering will not suit, but, where applicable, metering will be rolled out as soon as possible.

**Mr Dallat:** The Minister will be aware that thousands of incorrect bills have been sent out, some too high and some too low. What steps have been taken to ensure that, in future, water bills are accurate?

**The Minister for Regional Development:** The issue that the Member has raised is a matter of concern for me as well. I have communicated that concern to Northern Ireland Water, and I know that the Regional Development Committee, on which the Member sits, has done that also. He will understand from his discussions with Northern Ireland Water that it has inherited information and databases that are not what they should be.

A lot of work has been ongoing to try to rectify that situation so that the organisation is brought up to speed and its databases are as accurate as possible.

NIW will try to address those cases where bills have been sent out erroneously. I have asked it to ensure that that does not happen in future and to take the necessary steps to make sure that its information systems provide a professional billing system for customers.

## Road Safety: Public Transport

3. **Mr Savage** asked the Minister for Regional Development what discussions he has had with the Minister of the Environment on improving the road safety of public transport, particularly in built-up urban areas. (AQO 1464/09)

**The Minister for Regional Development:** On Tuesday 25 November, following the recent fatal accident in Royal Avenue, I met with the Mayor of Belfast to discuss traffic management in Belfast city centre. I have written to the Minister for Social Development and the Minister of the Environment inviting them to meet me to discuss the cross-departmental action on traffic management for the city centre that should be considered in the near future.

I assure Members that I give a high priority to road safety, and I am committed fully to making a significant contribution towards reducing the number of casualties on the roads. To that end, on 10 July 2007 and 10 March 2008, I met with the previous Environment Minister to discuss a range of safety issues that are associated with the road-safety strategy for the North.

In addition, Roads Service officials meet with the Department of the Environment (DOE) officials regularly to review the current strategy and to exchange ideas on improving road safety. As a result, DOE is preparing a new road-safety strategy, which is due for publication in 2010. I have agreed that the Department for Regional Development (DRD) officials should participate in the development of that strategy.

When it comes to improving the road safety of public transport, I should explain that bus-operational matters are addressed by the individual bus companies, with Translink being the largest service provider. My Department works with all other statutory bodies to ensure that all statutory requirements are adhered to. Translink monitors safety on an ongoing basis and maintains a significant supervisory presence on the ground through mobile patrols and bus inspectors, who monitor services.

**Mr Savage:** I thank the Minister for his answer. Given recent events on the roads, which have resulted in the deaths of teenage girls and boys, and given the tragic accident in Belfast last month, will he commit to



reviewing, with the Department of the Environment, urban bus routes and their safety and the traffic-calming measures that were to be introduced in many villages across the Province?

Will the Minister ask his Department to install pelican crossings that will enable senior citizens and young people to cross the road in safety? Nothing stops the speed of traffic as much as pelican crossings.

**The Minister for Regional Development:** I am sure that I speak for everybody when I say that my deepest sympathies are with the family of young Ciara Park at this very difficult time. I very much regret her tragic death.

The Member will know that we roll-out traffic-calming measures across all the divisional areas. However, as with everything that Roads Service does, demand far exceeds our ability to put traffic-calming measures in place. Given that demand outstrips supply, we try to create criteria so that those areas that are most in need or that present the most danger are dealt with first. We try to apply as many resources as we can to that.

The importance of road safety has been brought home to us in the past 10 days or so through a number of tragic incidents on the roads. Although DOE takes the lead responsibility for road safety, we work very closely with that Department, with my Department coming at the issue from an engineering perspective. We try to prioritise areas in which the needs are greatest and to get resources to those areas in order to put in place traffic-calming measures, including pelican crossings.

**Mr Deputy Speaker:** I remind Members that when they are speaking, they should not allow their papers to hit the microphones; it interferes with the transmission system.

**Mr Shannon:** I thank the Minister for his comprehensive response.

Although the incident in Belfast was very tragic, there are a great many people with disabilities — for example, those who are registered blind — who are concerned about accessing public transport in urban and rural areas. They find accessibility and safety a challenge, and they need to be assured and encouraged that those issues are being addressed to their satisfaction so that they can access and use public transport in safety.

**The Minister for Regional Development:** The Member is correct. There are many issues. It is not simple and straightforward: get all vehicles out of an urban centre and everybody is safe. There are people who need access. In squeezing cars out of Belfast city and other urban centres, we must be conscious that there are blue badge holders — people with disabilities — who must be able to access town and city centres.

In respect of Belfast, plans have been developed over the years, such as the metropolitan transport plan. Those plans involve several Departments, including those with responsibility for streetscape and road safety. What is needed — and I have written to the Minister for Social Development and the Minister of the Environment to arrange it — is an early discussion about how to accommodate an increase in pedestrian traffic that is welcome for Belfast city centre, but which must be managed in conjunction with public and private transport requirements. There is quite a balance to be struck. It is not a simple, black-and-white solution of removing public transport in order to safeguard pedestrians.

However, I support the general drift of making pedestrians, rather than transport services, the dominant users of public spaces in urban centres. That presents challenges not only to my Department, through public transport and roads, but to all other Departments. Therefore, it is necessary to follow my discussion with the Mayor of Belfast with an early meeting with officials from other Departments in order to form a plan that addresses all stakeholders' concerns.

**Dr McDonnell:** In the context of road safety, I understand that £3.4 million that was budgeted for road-safety signage on school buses was not drawn down and used last year. Is the Minister aware of any plans to use that budget this year for safety signage on school buses?

**The Minister for Regional Development:** Safety signage on school buses is more the responsibility of other Departments than mine. However, DRD is a high-spending Department and very rarely returns money that it is not able to spend. If there is a particular issue that prevented the installation of signage on school buses last year, I will want to look at that.

My Department is dealing with the Department of the Environment and the Department of Education about the overall safety of school buses. That includes signage inside the buses and externally, because we want to make school buses more visible to the travelling public. Perhaps that matter was put back for a broader discussion on school buses and other measures, but I assure the Member that road safety is a priority, particularly around school buses, and the tragic accident that we had this year brought that home even more starkly.

I intend to ensure that whatever money is available to my Department for safety measures will be spent. If that money was not spent because it was cross-cutting with other Departments and co-ordination was a problem, I will ensure that an effort is made to spend it this year.



## Road Signage: Playgroups

4. **Mr Lunn** asked the Minister for Regional Development what plans he has to provide road signage outside playgroups which are not funded by the Department of Education. (AQO 1444/09)

**The Minister for Regional Development:** My Department's Roads Service assesses the need for road signage in accordance with the national guidelines, namely the traffic signs manual. Those guidelines have been developed in order to ensure that the correct signs are provided where needed, and in a consistent manner. The traffic signs manual is specific in its guidance. It provides for signs to be erected to warn of the likelihood of encountering children on the road ahead near schools or playgrounds.

The Member has written to me about a playgroup near Upper Ballinderry. Unfortunately, playgroups are not provided for in the traffic signs manual. Playgroups are for children below school age who are expected to be accompanied by adults and would not, therefore, be on the road without close supervision.

The source of funding, from the Department of Education or elsewhere, is not taken into account when deciding what signs might be appropriate in a given situation. It is not proposed to extend the provision of road signage beyond present guidelines.

**Mr Lunn:** I thank the Minister for his response and his emphasis on road safety in his previous answer. However, since playgroups and pre-school groups fulfil the same function, whether funded privately or publicly, and the danger to children is similar in each case, should the same road-safety considerations in relation to warning signage not apply? I am well aware of the regulations, but I am querying them.

2.45 pm

**The Minister for Regional Development:** I sympathise with and understand the Member's point. One problem is that there is no generally accepted definition of a playgroup. As I said in my previous answer, playgroups are deemed to be for children who are younger than school age. As a result, it is not expected that a playgroup's gates would be opened at a certain time and that children would go onto the road to make their own way home. Those children are expected to be accompanied by adults at all times and to not leave the premises unless they are picked up by adults. Therefore, playgroups are considered differently to primary schools and playgrounds.

I sympathise with the Member's point. If there are specific road-safety issues at a particular playgroup, I will certainly investigate them. However, as regards general provision, there are differences between playgroups, primary schools and playgrounds.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. The points that I wished to raise have been well covered. Therefore, there is no need for me to ask a supplementary question.

**Mr Beggs:** Will the Minister accept that playgroups provide an essential community service by supporting children's early-years development? The manual to which he refers may predate the emergence of playgroups, nurseries and other early-years education. Will he accept that there may be a need to review that guidance in light of new educational provision? Will he ensure that he will instruct his officers to do so, so that directional and warning signage is erected where appropriate?

**The Minister for Regional Development:** As I explained in my previous answer, the difference between playgroups and primary schools is that it is considered unlikely that children would emerge from playgroups and have to make their own way home. Those cases are considered differently, but policies are not set in stone. Certainly, if there are developments in the provision of playgroups or pre-school activity — particularly that which is offered by independent providers, as current provision is found mainly on existing primary-schools' premises — I am happy to re-examine the matter. However, I reiterate the point that playgroups are a different type of educational provision to primary schools, where it is generally accepted that children are not released unless they are accompanied by adults and that, therefore, the likelihood that they will go onto the road unaccompanied or unsupervised should be non-existent.

## Off-Vehicle Ticketing

5. **Mr Cree** asked the Minister for Regional Development what plans he has to introduce off-vehicle ticketing for Metro bus services. (AQO 1465/09)

**The Minister for Regional Development:** Translink has advised me that, at present, more than 40% of ticket sales are made off buses. That is achieved through the Smartlink system that is available in more than 100 outlets in Belfast. Recently, sales of Smartlink top-ups have been made available online. I understand that Translink is examining the feasibility and practicality of introducing ticket-vending machines at selected sites. A working group has been established to identify a suitable pilot.

**Mr Cree:** I thank the Minister for his answer. Will he accept that off-vehicle ticketing would increase the Metro service's efficiency and punctuality? In light of the fact that the Minister has made a commitment to provide off-vehicle ticketing for the new rapid-transport system, will he consider it to be a good opportunity to create a co-ordinated, interlinked ticketing service across Translink services?

**The Minister for Regional Development:** I agree with the Member's point that the service's efficiency and punctuality would be improved; obviously, if passengers already have their tickets when they get on a bus, no time is wasted on financial transactions with the driver. I understand that Translink intends to introduce integrated bus and rail tickets in a pilot project in greater Belfast in early 2009. I am keen to achieve maximum integration in public transport and, consequently, in public-transport ticketing, so that passengers can readily move from one form of transport to another. As the Member said, that will be particularly important when the pilot rapid-transport network is introduced in Belfast.

### Flashing Warning Lights

6. **Mr Craig** asked the Minister for Regional Development how many road safety schemes with flashing warning lights have been completed for primary schools in (i) Lisburn City; and (ii) Dromore. (AQO 1405/09)

**The Minister for Regional Development:** My Department's Roads Service is committed to installing road-safety facilities outside schools as part of the Travelwise Safer Routes to Schools initiative. Typically, that involves the installation of flashing school warning signs and enhanced road-safety features near schools. Locations are prioritised by taking into account the history of collisions that have resulted in personal injury and the volume and speeds of vehicles on the road in question. Other factors, such as existing road-safety features near the school, are also taken into account.

I can advise the Member that, under that initiative, Roads Service has provided flashing school warning signs at seven schools in the Lisburn City Council area, namely Moira Primary School; Oakwood Integrated Primary School in Dunmurry; Derriaghy Primary School; Carr Primary School; Lower Ballinderry Primary School; Ballymacward Primary School; and Riverdale Primary School in Legacurry.

Although Roads Service has provided flashing warning signs at a number of schools in the Banbridge Council area, of which Dromore is a part, it has not received any request to provide such signs in the Dromore area. Therefore, none has been provided in that area.

**Mr Craig:** I thank the Minister for his detailed answer, and I appreciate what he has said. All boards' adoption of the policy of withdrawing crossing patrols at schools makes it increasingly difficult to address road safety at schools. As a general policy, will the Minister consider providing flashing lights at all schools, particularly at primary schools where road safety seems to be a huge issue?

**The Minister for Regional Development:** Requests for flashing signs have to be assessed. As with the traffic-calming measures to which Mr Savage alluded, demand for such signs often outstrips the Department's ability to supply them. Therefore, criteria have to be examined and areas prioritised. The safety of kids in and around schools is an increasing concern for parents. Several Departments have responsibilities in that regard. However, we are keen to play our part, and we will consider any requests for additional traffic measures at schools as sympathetically as the constraints of our budget allow.

**Mr Butler:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his reply. Will he outline how many schools in Lisburn, both primary and post-primary, have benefited from the Safer Routes to Schools initiative in the past three years?

**The Minister for Regional Development:** Since 2005-06, 174 schools have participated in Safer Routes to Schools projects.

**Mr Kennedy:** In Lisburn?

**The Minister for Regional Development:** No; 174 is the total number of schools that have participated. Mr Kennedy should know that, because one of those schools is on Convent Hill in Bessbrook, with which he is quite familiar. *[Laughter.]* Success has many fathers, and failure is an orphan.

This year, approximately 40 schools will participate in the programme. Individual schools may self-nominate to participate. Although Roads Service funds are finite, an average of £600,000 per year is set aside for work on the Safer Routes to Schools initiative. Assessing the cycle and pedestrian infrastructure, and the potential for improvement, is part of the consideration process in the development of any safer-routes-to-school project.

Representatives of Sustrans, who work closely with several Departments on the Safer Routes to Schools initiative, are in room 21 of the Building explaining what they do. It would be valuable for any Member who has an interest in this matter to go to room 21 — after I have finished speaking, of course — *[Laughter]* — to get information about the valuable work that Sustrans has undertaken.

**Mrs M Bradley:** Will the Minister outline his proposals for road-safety measures at all primary and post-primary schools in Northern Ireland?

**The Minister for Regional Development:** The requirement for safety measures outside primary schools varies from school to school. Some schools are in urban areas, some are on roads that have speed limits, and some are on roads on which the national speed limit applies.

The Member will be aware of a couple of 20 mph signage pilot schemes outside schools — including one

in the north-west. Driver behaviour dictates that permanent signs tend to become less noticed and less adhered to. In those pilot schemes, signs are activated only when the schools need them, which may have more bearing on driver behaviour. The results of the pilot schemes will be very interesting.

Almost every primary school has a different set of circumstances. A large number of schemes have been rolled out at primary schools, and that will continue. I look forward to the results of the pilot schemes; and I think that if they prove fruitful, the scheme can be rolled out across the North.

### Rebranding the Enterprise Rail Service

**7. Mr G Robinson** asked the Minister for Regional Development to give a timescale for the rebranding of the Enterprise rail service. (AQO 1448/09)

**The Minister for Regional Development:** Translink informed me that there are no plans to rebrand the Enterprise rail service. The service is operated by NIR (Northern Ireland Railways) and Iarnród Éireann. Those two rail companies view the Enterprise to be a well-established brand in the minds of consumers. However, the companies are in regular contact in order to explore ways of improving the Enterprise service.

**Mr G Robinson:** What consideration have the Minister, Translink and their Southern counterparts given to extending the rebranded Enterprise service to Londonderry to remove the current requirement for passengers to change trains at Belfast?

**The Minister for Regional Development:** The Enterprise service is jointly operated by the two rail companies, but whether they would operate together on a service from Belfast to Derry is a separate question.

Since taking up office, my priority has been to upgrade the line to Derry. I want to remove the investment ban on the line between Coleraine and Derry. As the Member will be aware, work is ongoing to upgrade the line in the Ballymoney area, but I want a substantial upgrade further along the line between Coleraine and Derry. I want to provide a passing loop and additional train sets for the line when it is complete, and that will facilitate passengers' arrival in Derry by 9.00 am — the first time that that has been possible.

Beyond that, I will assess how the rail service operates on that line and whether there is a need for that service to have its own brand. In the first instance, however, I want to improve the track and provide a better service on the line between Belfast and Derry.

**Mr Kennedy:** I thank the Minister for his earlier response. Does he accept that a rebranding of the Enterprise service will not alter the fact that it needs substantial investment? What recent discussions has

the Minister had with his counterpart in the Republic of Ireland about long-term investment? What impact will the recent economic downturn have on the long-term plans for the service?

**The Minister for Regional Development:** As I said in response to the earlier question, I have no plans to rebrand the Enterprise, and the description of the service will not change. The service can, of course, be improved, and I took the opportunity to discuss the Enterprise service several weeks ago, when I met my counterpart, Noel Dempsey TD, the Minister for Transport.

The Member may be aware that NIR and Iarnród Éireann developed a long-term initiative called Vision 2020 that includes a reduction in the timetabled travel between Belfast and Dublin. The full range of options to deliver that reduction in travel time has not yet been given a full economic appraisal. To achieve the objective, resources must be secured and an economic case made.

Provisional figures suggest that the capital cost of Vision 2020 could be between £500 million and £700 million, mainly for the required upgrades to the infrastructure and track. That amount does not take into account the potential revenue consequences for the two companies. Therefore, I have no plans in the foreseeable future to announce a reduction in timetabled travel between Belfast and Dublin.

A substantial amount of public money would be required to upgrade the line. I am in discussion with both rail companies, and I look forward to a more formal meeting of the transport sector of the North/South Ministerial Council to discuss such issues. My most recent discussion was at an informal meeting with my counterpart in the South.

When looking ahead to the future transport requirements, there is a strong case for advancing the project, but Members must bear in mind the substantial costs associated with it.

### Belfast to Dublin Train Delays

**8. Mr Simpson** asked the Minister for Regional Development what action he has taken to reduce the number of occasions on which the Belfast to Dublin train has been delayed. (AQO 1351/09)

**The Minister for Regional Development:** According to the monitor of Translink's passenger's charter, punctuality on the line is at an acceptable level. The charter's punctuality target for the Dublin, Derry and Portrush lines is that 90% of trains should arrive no more than 10 minutes late. Performance against that target is independently monitored twice a year, most recently in spring 2008, when 99% of trains arrived no more than 10 minutes late.



A significant number of delays are caused by factors beyond Translink's control. Adverse weather conditions and security issues have been responsible for many delays. To minimise delays outside its control, NIR works closely with Iarnród Éireann, security personnel and others.

NIR remains committed to delivering a level of punctuality and reliability that exceeds the targets in the passenger's charter. Some delays are caused by locomotive failures, and options are being explored to deal with those.

Recently, I met the Minister for Transport, Noel Dempsey, to discuss related issues, and we asked the two rail companies to firm up proposals for a limited capital investment in the existing trains to improve their reliability.

3.00 pm

## ENVIRONMENT

### Protection of Coastline and Surrounding Waters

1. **Mr P J Bradley** asked the Minister of the Environment what discussions he has had with the UK Government over concerns about protecting the coastline and surrounding waters from nuclear power plants in Great Britain. (AQO 1393/09)

**The Minister of the Environment (Mr S Wilson):** Since the 1970s, the Department has operated a comprehensive monitoring programme to assess the impact of discharges from nuclear power plants into the Irish Sea along the Northern Ireland coastline.

To date, results indicate that contamination levels and the radiological impact on the population are negligible. I have not had any discussions with my counterparts in the UK Government on that issue. However, my officials have been working closely with their counterparts in GB to develop a UK strategy for radioactive discharges for 2006-2030, which aims to reduce aerial and liquid discharges from nuclear and non-nuclear industries.

**Mr P J Bradley:** I thank the Minister for his answer, which has covered part of my supplementary question. Will the Minister outline his views on nuclear energy, regardless of consequence?

**The Minister of the Environment:** As I said, the impact of existing nuclear power plants has been negligible. That is an excepted matter and, therefore, this Administration cannot make a decision on nuclear power plants.

I refer the Member to a report that was released today by the Committee on Climate Change. Given that the Assembly is hugely interested in climate change, I am sure that Members will want to avidly read that report before they go to bed tonight. It states that nuclear power is cost-competitive with conventional fossil fuel generation. Indeed, if we are to meet targets for reducing CO2 emissions — an issue that is dear to the heart of many Members — we must consider nuclear power. That would ensure cost-competitive power for the people of the United Kingdom and, therefore, have an impact on fuel poverty.

**Mr Ross:** I thank the Minister for his answer. How often does his Department monitor radiation levels in the Irish Sea? Given that nuclear power may not be as dangerous as some Members would have us believe, does he agree that its use as an energy resource must be considered?

**The Minister of the Environment:** The Department monitors radiation levels in the Irish Sea annually. Furthermore, one-off monitoring is permitted when necessary. We take measurements at 50 points along the coastline. As a result, the Member will be pleased to know that the figures indicate that people in Northern Ireland are 500 times more likely to be exposed to radiation from appliances and radon in the home than from effects of nuclear discharges into the Irish Sea.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. I want to question the Minister on his favourite topic — North/South co-operation. What discussions has he had with his counterpart in Dublin on combating pollution in shared waterways such as Carlingford Lough and Lough Foyle? Go raibh maith agat.

**The Minister of the Environment:** Unfortunately, I have had no opportunity to have such discussions with my counterpart in the Irish Republic because the party opposite has denied us the possibility of holding North/South Ministerial Council meetings.

I volunteered to meet him. However, given that he is a member of the Green Party, I thought that he would be concerned about the carbon footprint created by my travelling to Dublin or by his travelling here. I offered to meet him by video conference, but he did not think that that was appropriate.

### Illegal Dumping

2. **Mrs D Kelly** asked the Minister of the Environment to provide an update on his Department's actions against illegal dumping. (AQO 1392/09)

**The Minister of the Environment:** I have been very encouraged by what the Northern Ireland Environment Agency has achieved this year. To date, it has overseen 66 successful prosecutions, and an associated £120,850



in fines, against illegal waste offenders. Those have included individual fines of £75,000 — with associated ongoing confiscation proceedings — £17,000, £6,500, and £6,000.

**Mrs D Kelly:** Unfortunately, I do not share the Minister's enthusiasm for such high targets, because they represent only the tip of the iceberg — or, as we are talking about illegal dumping, the tip of the pile. Any Member could take the Minister to his or her constituencies and draw his attention to more than 66 illegal landfill sites. What assurances can the Minister give that farmers and other landowners will not be liable for clearing waste that has been illegally dumped on their land by a third party?

**The Minister of the Environment:** I listened to what the Member said, and noted it very carefully. She said that any Member of the Assembly could take me to their own constituency and identify 66 illegal dumping sites. All I can say is that I have not received 66 letters from the Member who asked the question, let alone any other Member. If the Member is going to make such a claim, and if there are 66 illegal dumping sites in her constituency, I should have thought that her first duty would be to write to me, so that I could ask my officials to investigate — and I can assure the Member that they would have done so.

I think that I have probably got a reputation for refusing to defend my Department when it is in the wrong. Some people have said that perhaps I should have gone native and been more defensive of my Department. However, the record shows — and I have given that record to the Member — that, when we have the opportunity, we will pursue those who dump illegally. The Department will prepare cases — it has improved its capacity to do so — will pass those cases on to the Public Prosecution Service, and will go to court to defend the decision that it has made. The figures that I have given indicate that the Department does that job, and does it rigorously.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. With regard to the Minister's offer to go native, perhaps we should leave that for this week; he can do it in his own privacy. Can he outline how many enforcement officers are currently in place, and indicate whether he feels that that number is adequate, and also whether he intends to reimburse any council that clears up any illegal dumping?

**The Minister of the Environment:** I have a book of answers here, but it does not include the exact number of enforcement officers. I will, however, write to the Member and let him know. What I can say is that the number of officers has been increased fairly substantially.

As for reimbursing councils for cleaning up waste sites, until 2006 — I will have to check the date — councils were responsible for the clearing of sites of

illegal dumping, some of that illegal dumping carried out by councils themselves. I do not think that the Member would expect that, due to the inactivity of councils prior to that date, and to some of the dumping activities that were tolerated by councils prior to that date, the Department of the Environment should now take responsibility for clearing those sites. Where it was the councils' responsibility to clear those sites, they are expected to do so.

However, when illegal dumping occurs as a result of council waste or other waste from the Irish Republic, we pursue the councils and the relevant Department in the Republic so that they bear the costs of removing the waste from illegal sites in Northern Ireland and transferring it to authorised sites.

**Mr McClarty:** I am still trying to get over the vision of the Minister going native. *[Laughter.]*

Does the Minister agree that action to combat illegal dumping would be greatly assisted if we adopted the type of measures that are included in the Clean Neighbourhoods and Environment Act 2005, which applies in England and Wales? Now that the Executive are up and running again, will he give a commitment that the clean neighbourhoods agenda will be progressed by way of legislation as a matter of priority?

**The Minister of the Environment:** The clean neighbourhoods agenda covers a whole range of activities, including illegal dumping, for which councils should have responsibility. However, between now and 2011, the Member will be aware that councils will do considerable work on the basis of simply preparing for the new council structure.

In respect of time thresholds, it is much more appropriate to make those new powers available to the new councils when they are established, rather than at a time when considerable work will already be taking place. Many councils make representations to me about the time demands that will be placed on their officers and councillors in the run-up to the implementation of the review of public administration. It is much better that those additional powers be given to councils when they are most capable of effectively using them.

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

## Flood-Mapping System

4. **Mr K Robinson** asked the Minister of the Environment how the new flood-mapping system will be integrated into the planning system. (AQO 1439/09)

**The Minister of the Environment:** The strategic flood map will be used to inform the planning process about managing development — including the zoning of land for development — and decisions on planning applications. As far as is practical, the map will ensure

that new developments are not exposed to the direct threat of flooding and that they will not increase flood risk elsewhere.

My Department will also use other sources of information to inform planning decisions, such as local evidence and detailed study maps, where available. The information that is contained in the strategic flood map will be transferred to the internal computer system of the Planning Service, which will highlight all of the areas that are subject to flood risk. The data transfer is now almost complete.

Advice and guidance is in the process of being finalised and will be provided for planning staff so that they can interpret and assess the strategic flood map in the context of planning policy statement 15 on planning and flood risk.

**Mr K Robinson:** I thank the Minister for his very detailed response on this extremely important issue. We have waited a long time for the flood map to come along.

Will the flood map become an essential and effective stage in the planning process so that all Departments — particularly the Department of Agriculture and Rural Development and its Rivers Agency — are able to provide their input on any potential flooding problems that may arise?

**The Minister of the Environment:** The whole point of the flood map — now that the various layers have been provided — is to do exactly what the Member said. As I stated in a previous answer to him, a risk assessment should immediately be available to the Planning Office when it considers a planning application. The flood maps show historical data and predictive data, although it must be remembered that the predictive data is subject to all of the imperfections that are present in any such model.

The Planning Service will also study other local information if it is available. Flood maps show coastal and river flooding, but local flooding may also occur due to inadequate drainage facilities. The Member's constituency has suffered from that type of flooding in the past. Local information from public representatives or objectors will be useful in arriving at a final decision.

3.15 pm

**Mr Wells:** As the Minister may be aware, 63,000 houses in Northern Ireland are at risk from flooding. Despite that, Planning Service officials in the Newcastle area continue to blindly give planning approval for developments that they know will either lead to further flooding or will be prone to flooding. At Monday night's Down District Council meeting, an application for 99 houses on the Dundrum Road was recommended for refusal, even though residents were able to show photographs of that site under 3 ft of water on 16 August this year. There must have been a breakdown

in communications between the Rivers Agency and the planners on that issue. We must ensure that we do not inflict potential flooding on any future residents of that area who buy new homes.

**The Minister of the Environment:** I assume that the Member meant to say that the application was recommended for approval rather than refusal.

**Mr Wells:** Yes; I did — sorry.

**The Minister of the Environment:** I must first make it clear that just because an area is located on a flood map where it is indicated that flooding is likely, that does not mean that planning permission will automatically be refused — a number of issues must be taken into consideration. When the flood maps were published, both I and the Minister of Agriculture and Rural Development made it clear that development would not be excluded on sites that have already been developed; otherwise, it would not be possible to rebuild a lot of town centres and they would have to be left as they are.

Secondly, there will be occasions when a developer can show that action can be taken to ensure that the flood risk is reduced or removed. That can be achieved either by raising the properties or by taking some other kind of measures that would adapt the site to ensure that flooding does not occur.

My third point is that, as I have pointed out, some flooding situations may be caused by deficiencies in local infrastructure. Therefore, if plans are in place to improve that infrastructure, which would, in turn, reduce or remove the risk of flooding, it would be totally inappropriate to refuse permission on such sites.

I am not familiar with the particular case that the Member mentioned; therefore, I cannot say which of those categories that application would fall into. However, the Department has an obligation under PPS 15, which states that if there is a risk of flooding on a site, that site must be examined very closely before any decision to grant permission is made.

**Ms Purvis:** Other than what he has already outlined, will the Minister outline how his Department is working with Northern Ireland Water and the Rivers Agency to address the issues of flooding? Will the Minister also state when those who have been affected by flooding can hope to see measures introduced to deal with that problem in the short term?

**The Minister of the Environment:** I know that there has been continual flooding in a number of areas in the Member's constituency, and that it would seem that remedial action could have been taken some time ago but has not been taken.

The next step in the strategic flood plan is to consider what investment is required to reduce the risk of flooding in areas that have been developed already and where there has been continual flooding. That support will

come in the form of capital programmes and capital schemes. The one thing that my Department can do is ensure that we work with the Department for Regional Development and all the other agencies, so that when it comes to deciding on capital spending priorities, we have identified the areas that are at risk and make the effort that is required to reduce the risk of further flooding.

## UN Association United Kingdom Conference on Climate Change

5. **Mr Savage** asked the Minister of the Environment if his Department was represented at the UN Association United Kingdom Conference on Climate Change, held in Belfast on 6 November 2008. (AQO 1446/09)

**The Minister of the Environment:** My Department was represented at the UN Association United Kingdom conference on climate change, which was held in Belfast on 6 November.

**Mr Savage:** Does the Minister seek advice on the issue of climate change from officials from his own Department or experts from the United Nations, or does he still prefer to get his guidance from individuals from so-called think tanks such as the Heartland Institute — which he has quoted many times in the House — that are funded largely by oil companies such as Exxon Mobil? Has the Minister ever considered asking the Department of Agriculture and Rural Development for its assessment of the issue of climate change?

**The Minister of the Environment:** I consult widely, and, given the Member's question, I suspect that I probably read more widely about climate change than he does. In fact, given that the report from the Committee on Climate Change was published today — to which I have already referred — it is appropriate that the Member should raise the subject. Although I will avidly read that report in order to inform myself — as I always do — the summary that I have read so far indicates several interesting facts about which I am sure Members would like to know.

First, by 2050, reducing CO<sub>2</sub> emissions will cost 2% of GDP, which is equivalent to spending approximately 16% of GDP today. Secondly, the Member might be interested to hear that the climate-change measures that are being contemplated would result in an increased number of households falling into fuel poverty. Furthermore, given that the Member grows a large herd of cows on his farm, he will be particularly interested to hear that —

**Mr Elliott:** One does not grow cows. *[Laughter.]*

**The Minister of the Environment:** I do not know about growing them — I eat them. The Member might be interested to hear that the Committee on Climate Change is concerned about farming activities and,

indeed, it wishes us all to eat less meat, drink less milk and, probably, eat grass instead. Therefore, if the Member wishes to inform himself, he should read the report and, as a result, he might become a little less enthusiastic about the matters that he raised.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. The Minister's efforts to inform the debate with comments about growing cows reflect, perhaps, his window-box attitude to farming. Nevertheless, the Minister has been articulate in making the case against measures to alleviate the consequences of climate change, and I have listened. However, is he aware that most experts accept the reality of climate change and predict that, in coming years, it will lead to the displacement of 300 million people worldwide, with huge increases in poverty, and major economic and environmental implications for the world?

**The Minister of the Environment:** Although I have raised this matter before in the House, I must say that, when I was at school, the same figures were quoted by some of the same scientists, who claimed that hundreds of millions of people would be displaced and would starve as a result of the planet cooling. That was in 1975, but now the same figures are used in the opposite direction.

The Member's alarmist comments are in keeping with those of people who wish to promote the scare stories. This is what a leading climate-change scientist, Dr Stephen Schneider — whose opinions fall on the same side as the Member's — said:

"we have to offer up scary scenarios, make simplified, dramatic statements, and make little mention of any doubts that we might have... the right balance is between being effective and being honest."

That is exactly the type of debate that I want to move away from — away from the alarmism and towards the facts. If we can do that, we might be able to have a proper debate.

**Dr Farry:** Is the Minister prepared to adjust his head-in-the-sand attitude to climate change? Furthermore, although he talks about the costs of dealing with the effects of climate change, does he recognise the huge opportunities that could come about from choosing to re-orientate our economy to address the new necessities, such as renewable energy and energy efficiency? We should follow the example of the United States, where the Obama Administration is about to introduce the "green new deal".

**The Minister of the Environment:** I don't know what Dr Farry is a doctor of, but I do not believe that he is a doctor of economics. Let us look at the logic of his statement. He tells us to think of the economic opportunities of changing from the existing power sources to renewables. That would mean closing down our existing infrastructure and introducing a new one. That is supposed to make us richer, according to the Member.



That is a bit like saying that, if one broke all the windows in one's house and spent money replacing them, there would be some sort of net benefit to the economy, because one would have bought all that glass. One would be no better off; one would still have window panes but would have spent money on them. That is the sort of voodoo economics that the Member for North Down is proposing. I would love to have an economic debate with him on the issue, because he is as rubbish on the economics of the issue as he is on the science of it.

**Some Members:** Hear, hear.

### Meeting with Republic of Ireland Counterpart

6. **Mr W Clarke** asked the Minister of the Environment when he will next meet with his counterpart in the Republic of Ireland; and to detail the items on the agenda for that meeting. (AQO 1429/09)

**The Minister of the Environment:** As I said earlier, I have no plans to meet my counterpart in the Irish Republic in the near future. Unfortunately, in the — however many — months that I have been Minister, I have had no opportunity to meet him due to the activities of the Members on the opposite Benches.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer, even though it did not consist of a whole lot.

A feasibility study is under way for a plan to create the first geopark to span the border. The proposed park would stretch from the Mourne Mountains, taking in Carlingford Lough and the Cooley Mountains, to Slieve Gullion in County Armagh, and include several forests, including Ravensdale.

The Minister has not yet met his counterpart in the Dublin Government, but will he do so in the near future?

**The Minister of the Environment:** The timing of any such meeting will depend on the arrangements that will be made between the Executive and the Government in the Republic. I have made it clear that, if meetings are to be held, I will attend them. I will talk to the Minister about the issues that are mandated for discussion at those meetings. However, I wish to give the Member a commitment that, should there be other cross-border issues that I believe to be important for Northern Ireland and the Irish Republic and that are not within the mandated structure of the North/South Ministerial Council meetings, I will hold bilateral meetings with my counterpart, and my officials will hold bilateral meetings with officials in the Republic.

**Mr Weir:** Has the Minister made any arrangements to meet Minister Gormley or any environment Ministers

from the British Isles at a British-Irish Council environment sectoral meeting?

**The Minister of the Environment:** A British-Irish Council meeting is due to be held in April 2009, in Jersey. I might actually go to that one; I have never been to Jersey. *[Laughter.]* I hope that it has nothing to do with Jersey cows. The agenda for that meeting has not been settled; its planning is still at an early stage.

**Mr A Maginness:** It is to be regretted that the Minister has not met his counterpart, because there are serious issues to discuss, such as cross-border co-operation on road safety, which are pertinent and quite pressing, given the tragedies that have taken place on the roads, both North and South. Will the Minister tell the House whether any contact has been made with the Department in the South on that matter?

**The Minister of the Environment:** I am glad to see the Member; I did not recognise him without his moustache. He looks well; in fact, I think that he looks much younger without it. Will the voters recognise him when it comes to the election next year? *[Laughter.]*

One of my first meetings, Minister to Minister, was with the Minister with responsibility for road safety in the Irish Republic, and we examined a range of issues.

We discussed ways of ensuring how people who were banned from driving in the Republic could be banned from doing so in Northern Ireland, and vice versa. Those discussions are coming to fruition, and it is hoped that regulations will be in place fairly soon. There is an important road-safety issue at play. The Member is right: there are a number of cross-border approaches to road safety in which we can engage. I have made representations to the Irish Government about lorries that come from the Republic, and those contacts have proved useful. Many of the lorries are not in a good condition, and that contributes to problems on the roads in Northern Ireland.

3.30 pm

## FINANCE AND PERSONNEL

### Small Business Rates Relief Scheme

1. **Mr Hamilton** asked the Minister of Finance and Personnel what consideration he is giving to a small business rates relief scheme. (AQO 1368/09)

**The Minister of Finance and Personnel (Mr Dodds):** I am considering a number of options, including more targeted schemes, which address wider social needs, such as sustaining services for local communities. I am attracted to elements of the Welsh scheme, but before I decide on anything and bring it to the Assembly, I need



to be satisfied that it is necessary, effective and affordable. New legislation will be required, and that will take over a year to work through. I hope to make an announcement shortly.

**Mr Hamilton:** I thank the Minister for his response on the important issue of a possible small business rates-relief scheme. The Minister will know that a large section of all rates bills goes to local councils. Will the Minister comment on recent reports that rates arrears of up to £124 million, which are being managed by Land and Property Services, have created financial difficulty for district councils across Northern Ireland?

**The Minister of Finance and Personnel:** I am grateful to the Member for his question, because it allows me to clarify the position. It is important that rates arrears are followed up by Land and Property Services, because it is only fair to all ratepayers that everyone pays their rates on time.

It is important to highlight that the figure of central rate debt managed by Land and Property Services does not impact directly on district councils. The income due to each council is paid over each month, regardless of the amount of debt outstanding. I assure the House that Land and Property Services pursues all debts until all prospect of recovering the money has gone, and only then will debt be written off. When that happens, the amount written off is charged in appropriate shares to the regional rate and the district rate.

Some of the press speculation and statements that have been made about the £124 million debt and its impact on councils is nonsense.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. In the context of addressing the challenges facing the small- and medium-sized enterprises, will the Minister consider reviewing the public procurement policy so as to enable local SMEs to tender for elements of the major capital projects?

**The Minister of Finance and Personnel:** That question is far removed from the subject of the original question about small business rates-relief, but I accept the Member's comments. There are already a number of processes in the procurement system, which are designed to ensure that local companies get a fair crack of the whip. I am always prepared to look at other ways in which that can be done, and I will bear in mind his comments when I discuss the issue with officials in due course.

**Mr McNarry:** I appreciate the Minister's mood of caution in answering the original question. Nevertheless, his response on rates relief is disappointing. May I provoke the Minister and ask him whether he has any suggestions as to how the cash flow of small business might be strengthened. Has he considered asking for a reduced differential rate of corporation tax for small-

and medium-sized businesses, for instance, that will reflect their immediate needs during the recession, or will he consider doing so?

**The Minister of Finance and Personnel:** The Member will be aware that the study into the small business rates-relief scheme that was undertaken by the Economic Research Institute of Northern Ireland (ERINI) concluded that there was not a strong economic case for such a scheme and that it would prove ineffective.

However, I have decided to have another look at the issue. The report stated that a more targeted scheme might be justified on wider social grounds, and the Committee for Finance and Personnel also recommended that the matter should be looked at further. I want to lift the Member's mood of pessimism by saying that the Department will look at ways in which it can have a more targeted scheme. However, we must ensure that it is necessary, affordable and effective.

As regards what we can do to help small businesses; corporation tax, which is within the gift of the national Government, is important, and we have pressed them on that and on other issues. However, ultimately, it is a matter for them, and there will always be difficulties when it comes to having different tax rates within the UK. Nevertheless, we have taken measures to help businesses, and I will give the Member four examples. First, the decision was made to freeze the level of industrial rating at 30%. Under direct rule, rating liability this year would have been 50% and 75% next year. Secondly, we have ensured that empty property rate relief of 50% will be retained here, unlike the rest of the UK where it is 100%. Thirdly, freight transport relief has also been retained, and that is important for our ports and harbours, as they will be able to pass on those savings to Northern Ireland businesses. Fourthly, last year's Budget stated that the non-domestic regional rate would not increase in real terms.

Those four specific, substantive measures that we have introduced under devolution mean real help and assistance to small and medium-sized enterprises in Northern Ireland, and they would not have happened under direct rule. We must remind ourselves and the community that as well as doing more — and we need to do more and look at ways of doing more — a considerable amount of work has already been done.

Nevertheless, we face challenging times. The pre-Budget report announced by the Chancellor on Monday also contained measures to help small companies: deferment of the 1% corporation tax rise; giving them longer periods of time to pay, and enabling them to offset corporation tax liability by offsetting the three years' prior losses. All of those measures provide substantial help for our small and medium-sized enterprises.

## Corporation Tax

**2. Dr McDonnell** asked the Minister of Finance and Personnel what action he has taken to advance the case for a 12·5% rate for corporation tax, since taking up office. (AQO 1375/09)

**The Minister of Finance and Personnel:** On 8 May, in his response to the second Varney Review, the Prime Minister confirmed that fiscal dispensations, including a reduction in corporation tax, would not be granted to Northern Ireland. I still believe that a lower rate of corporation tax would be beneficial for our local economy. In recent weeks, I have had several discussions with the Prime Minister, the Chancellor and other Treasury Ministers on a range of other financial matters that are critical to the Executive and the Assembly, securing material improvements in our finances rather than just focusing on issues such as corporation tax.

**Dr McDonnell:** Will the Minister share his thoughts on the progress made or the progress he might be able to report, since May 2007, in relation to our level of economic activity generally, as regards taxation? Are we moving up or down, or are we standing still?

**The Minister of Finance and Personnel:** I take it that the Member is looking for a fairly general economic update. He will know that taxation is a matter for the Westminster Government, and I have set out the position on corporation tax. As regards the general position, it is fair to say that a number of major difficulties and challenges confront us — not just here in Northern Ireland, but elsewhere across the world. However, it is important to note that the local manufacturing sector expanded by 4% over the year to the second quarter of 2008.

It is also important to bear in mind that we have the lowest recorded rate of unemployment of any UK region. As regards the current downturn, it is also important to note that our 60% level of GVA in the public sector helps us in comparison with some other regions of the UK. Employment levels, at 788,000, is an increase of 6·4% over the corresponding period in 2007. The investment strategy has a substantial amount of money — £5 billion — to roll out over the next five years.

When one considers that in 2003-04 that figure was £670 million, and the figure for this year is over £1·2 million, one realises that the increase is substantial. Thus, there are positive aspects, including the Euro exchange rate and the reduction in VAT that was announced by the Chancellor in his pre-Budget report, which is helping to bolster our retail sector. Anyone who travels through any of our border towns knows that only too well.

There are also negative factors to consider. For instance, there are very real concerns about the impact

of the present economic situation on house-building and the construction industry — about which we will talk more shortly — our local banking sector, the liquidity squeeze, and so on. The Assembly and the Executive have a limited number of tools at our disposal, but we are determined to do what we can in the circumstances to help people in small businesses and the construction industry through the worst of a very difficult situation.

**Mr Simpson:** Can the Minister give an assessment of the likely impact of the Chancellor's pre-Budget report on small businesses in Northern Ireland?

**The Minister of Finance and Personnel:** I have already mentioned some of the highlights of the pre-Budget report. VAT will be reduced by 2·5%, at a time when the Irish Republic is implementing a 0·5% increase in VAT. Although one may argue and debate the nature of a fiscal stimulus and the appropriate approach to take, that kind of fiscal stimulus is welcomed by most sensible people.

The pre-Budget report also defers the 1% increase in the rate of corporation tax for small companies. The rate will now stay at 21% during the next financial year. Businesses can now reduce corporation tax liability by offsetting three years' prior losses against any corporation tax liability — previously, it was only one year's losses. A new business payment support service will allow businesses that find themselves in temporary financial difficulty to pay their tax bills according to a timetable that they can afford. There is also a new small business finance scheme to support bank lending. Those measures are in the pre-Budget report, but it should be borne in mind that the Assembly, too, has introduced significant measures to help small businesses.

**Mr Neeson:** Has the Minister, in his current or previous portfolio, met economists such as Sir George Quigley or the Economic Research Institute to discuss fiscal incentives that could assist the economy here?

**The Minister of Finance and Personnel:** In my previous incarnation as Minister of Enterprise, Trade and Investment, corporation tax and the Varney Review were major parts of my work. Of course, the Department talked to many people involved in that area to see what could be done to help us, what responsibilities we could be given in those areas and what might be the best way forward. We should not overlook the fact that, at the moment, without tax-varying powers, public expenditure is not related to the amount of money recouped here in Northern Ireland. With tax-varying powers, that would become an issue — we should be cognizant of that fact, given the £7 billion subvention from the UK Exchequer. We must also be cognizant of the fact that a reduced rate of corporation tax is likely to cost the Northern Ireland block grant some £300 million per annum. We must

bear those issues in mind. Nevertheless, everyone in the Assembly and Executive was persuaded that a reduction in corporation tax should be pursued — that remains a desirable outcome. However, we have not sat back, put all our eggs in one basket and waited for the Government to do something. We have pursued our own measures to try to help small- and medium-sized businesses, as well as urged the Government to adopt measures apart from corporation tax reductions.

### **Northern Ireland Water: Treasury Reclassification**

3. **Mr Dallat** asked the Minister of Finance and Personnel if, as a result of the Treasury reclassification of Northern Ireland Water from a public corporation to being within central government, there is effectively a new charge on the Northern Ireland block this year of £130 million; and what action he is taking to address this. (AQO 1394/09)

**The Minister of Finance and Personnel:** In light of the increased costs of living faced by households in Northern Ireland in the past year, the Executive, as the House will know, decided to defer the introduction of domestic charges for water and sewerage services beyond 2009-10.

3.45 pm

In considering the case for a further deferral, the Department for Regional Development identified a potential capital expenditure pressure of approximately £130 million for this financial year due to the reclassification of Northern Ireland Water. That figure is a worst-case scenario. Although it will be for the Department for Regional Development to address that pressure in the first instance, the latest assessment is that most of the additional capital costs are not expected to materialise in this financial year.

In addition to the capital expenditure implications of the reclassification, there was also a potential pressure of over £400 million per annum in non-cash costs. However, as part of the financial support package that was negotiated with the Prime Minister and the Treasury last month, the UK Government has agreed to meet those costs for 2008-09 and 2009-2010.

**Mr Dallat:** I thank the Minister for his comprehensive answer. Am I to assume from it that the reclassification of Northern Ireland Water will not appear in the 2009-2010 Budget?

**The Minister of Finance and Personnel:** As the Member and the House know, the Budget for those years has already been set, because it is part of a three-year Budget. In-year pressures will always emerge — issues like the reclassification of Northern Ireland Water, unequal pay, or a legal liability that arises through the

courts. It is important that, through careful and proper management of the financial position, we offset those pressures with easements and reduced requirements. I assure the honourable gentleman that if and when the issue emerges, it will be dealt with as part of the in-year monitoring process.

**Mr McQuillan:** Will the Minister give his assessment of how Northern Ireland compares with the rest of the UK in relation to average household and Government expenditure on water supply?

**The Minister of Finance and Personnel:** I thank the honourable Member for his question. The average level of household expenditure on water supply in Northern Ireland compared with other parts of the UK is important and raised its head in our negotiations with the Treasury. From the latest figures, the average level of household expenditure on water supply is £7.40 in England, £6.90 in Wales, £6.40 in Scotland and 40p in Northern Ireland. Public expenditure on water supply in Northern Ireland was £325 million in 2006-07, compared with £7 million in England.

**Mr McClarty:** In his recent monitoring statement, the Minister said that he had only £130 million of capital available. Has he put any pressure on Departments to underspend in the current fiscal year so that he can balance the books?

**The Minister of Finance and Personnel:** I have been bringing pressure to bear on Departments not to underspend, and I recently wrote to my ministerial colleagues on that issue. It is essential that there not be substantial underspends in Government expenditure at the end of the fiscal year, not least because such underspends, in capital and resource, go back to Her Majesty's Treasury and have to be bid for again — they do not automatically roll into subsequent years.

The Chancellor has made it clear that it will be extremely difficult to bid for such resources, not just for the Northern Ireland block grant but across all Whitehall Departments. Therefore, in order to get the best value for money from the Northern Ireland block grant, it is imperative that there not be underspends. To ensure that that happens, Ministers in every Department must keep a tight focus on the delivery of Programme for Government objectives, ensure that the money is spent and, if it is likely that it will not be spent, declare it as a reduced requirement as quickly as possible so that we are able to spend it in other areas of Government.

It would be catastrophic if any Minister withheld underspend money and, at the end of the year, told the Department of Finance and Personnel, the Executive, the Assembly and the public that he or she was unable to use it.

Therefore, it is imperative that every last penny of that money be used for the good of the people of Northern Ireland so that the objectives and goals of the



Programme for Government are achieved and, at the same time, our hard-pressed construction industry can secure the benefits of public expenditure.

### Construction Industry

4. **Mr McKay** asked the Minister of Finance and Personnel for his assessment of the problems that face the construction industry. (AQO 1407/09)

**The Minister of Finance and Personnel:** The construction industry makes an important contribution to the Northern Ireland economy. Its output in 2007 was a record £3.4 billion to £3.5 billion. However, we recognise that the downturn in the housing sector has placed particular difficulties on the construction industry. The Northern Ireland construction bulletin, which was published by NISRA in November, shows that output for the second quarter of 2008 for the private housing sector declined by some 20% compared with the same period in 2007. However, expenditure on infrastructure increased by 15% over the same period.

Government spending on construction has been increasingly significant in recent years, and it now represents around 40% of the industry's total turnover. That high level of public-sector expenditure is set to continue with the roll-out of the investment strategy. Planned expenditure for the initial three-year period is approximately £5 billion.

A significant number of public-sector work projects are already under way. Work has just commenced on the £30 million Public Record Office headquarters at Titanic Quarter. Other projects include the RVH critical care unit development, which will cost £113 million, the A1 road in Newry, which will cost £180 million, and the waste-water treatment projects, which will cost £90 million.

I continue to meet with a range of key industry stakeholders to hear their concerns at first hand. All Departments have a responsibility for the delivery of the strategy, and I will continue to work with ministerial colleagues to ensure that the Government work in partnership with the construction industry to deliver the investment strategy effectively.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Many Members will be aware of the effect that the downturn is having on our communities. Small contractors, in particular, play a massive role in the construction industry, and representatives of the respective trades have told us that work is drying up.

Will the Minister introduce any measures that will assist the smaller contractors, who do not have substantial capital to fall back on and who are, therefore, more vulnerable to pressure from financial institutions?

**The Minister of Finance and Personnel:** I appreciate what the Member has said. There is no doubt that, anecdotally as well as factually, the construction industry, and particularly the house-building sector, is in a very difficult position.

It should be noted that, between 2003-04 and 2006-07, there was a sharp rise in output. The output in the private sector during that period rose from under £1.4 billion to a peak of nearly £2.1 billion, which represents an increase of 50% in only three years. We have seen a fallback to around £1.9 billion in 2007-08, and that is likely to fall further this year.

In 2003-04, the output in the public sector was £900 million. In 2007-08, that rose to £1.4 billion, which represents a two-thirds increase. That is the difference between the private sector and the public sector. Therefore, the public sector is providing some comfort or insulation against the worst effects of the downturn in the construction industry. Nevertheless, as the Member said, there are real concerns about the current situation, particularly in the house-building sector.

It is absolutely essential that we consider small and medium-sized enterprises in particular. Centres of procurement expertise recognise the importance of SMEs to the Northern Ireland economy, and they encourage such enterprises that join together as consortia to bid for contracts and to look for opportunities in the supply chain. The Northern Ireland sustainable development action plan includes a provision that construction contracts include a requirement that main contractors publish opportunities in their supply chain on their website and in the local press, and it requires Departments to have sustainable development action plans in place by the end of this year.

**Mr Newton:** I welcome the Minister's outline of expenditure.

I believe that all Members are glad that the investment strategy is rolling out, and the impact that that makes, particularly on the construction industry, is significant. As the strategy is rolled out, what steps are being taken to monitor the delivery and success of the various projects?

**The Minister of Finance and Personnel:** The Member is right to point to the scale of the delivery through the investment strategy, and that is good news. However, it needs to become reality, and effective monitoring is important. To that end, the Strategic Investment Board, with input from the Central Procurement Directorate, is introducing a delivery tracking system that will capture the status of all major capital procurements, and Departments are entering all the details into that system. That work is scheduled to be completed soon, and it will allow us to have an efficient, up-to-date, day-by-day handle on the progress that Departments and public bodies are making on delivering major projects and programmes of investment.



**Mr K Robinson:** I thank the Minister for a comprehensive response to those important questions. The Minister will recall that, prior to 1972, the former Northern Ireland Government advanced money and built factories so that when the economic upturn came, we were in a position to take maximum advantage of it. Will the Minister encourage the Executive to make further major infrastructure programmes available, so that the money that he mentioned earlier might be used?

**The Minister for Finance and Personnel:** I thank the Member for his question and he is right to point to the lesson of history. The Northern Ireland Government took a wise decision then; and in the debate between those who want to provide a stimulus and build for the future, and those who say do nothing, the Member is on the right side of the argument. Most economists and most Governments are on that side — with, unfortunately, one or two notable exceptions.

The capital Budget for each year in Northern Ireland is a limited, fixed amount. However, we now have, though the pre-Budget report, a degree of flexibility to accelerate some £86.5 million of capital investment in the local economy over the next two years. We will be looking at that carefully. Most large construction projects have a large lead-in time, and it is not always easy to bring them forward. However, the Strategic Investment Board, Departments and I are working hard to identify specific infrastructure projects that can be brought forward in the current climate.

### Civil Service: Equal Pay Costs

5. **Mr Durkan** ask the Minister of Finance and Personnel what is his current estimate of the cost of the equal pay issue in the Civil Service (i) in this financial year; and (ii) in each of the next two financial years.  
(AQO 1399/09)

**The Minister for Finance and Personnel:** Resolution of the equal pay claim could have a significant implication for the Northern Ireland Civil Service pay bill. The extent of the financial implications will, ultimately, depend on the outcome of discussions between officials and the trade unions and on the approach approved by the Executive. Details of any potential settlement will be progressed over the coming period, and exact figures will not be available until that process has concluded, as I am sure the Member understands. However, as I made clear in the September monitoring statement, the one-off payment to staff could cost in excess of £100 million, although Members will appreciate that that figure will depend on a broad range of factors that we are in the process of considering.

**Mr Durkan:** I thank the Minister for his answer. I appreciate that, in circumstances where negotiations with the unions are ongoing — and, I assume, ongoing

negotiations at another level with the Treasury — his answer must be a limited one.

However, prior to devolution, some of us asked the civil servants who were briefing the Committee on the Preparation of Government whether there were public pay issues or public-sector pension issues that might hit the Executive over the head and of which we needed to be aware. We were told that there was nothing there. It seems, however, that that issue was apparent to the Civil Service at the time and should have been flagged up. It was known about in the early days of devolution, but it was not addressed in January's Budget statement to this House.

Is that not one of a number of issues that highlight the need for a proper Budget statement for last year, because the figures that were approved earlier this year will, clearly, not form the basis of the Budget that will see us through next year?

**The Minister for Finance and Personnel:** As I said earlier, there is a Budget for next year and it has been discussed and agreed by the Assembly and Executive. Issues will emerge, as I have explained, in-year and over a period of years. The strategic stocktake, which we are undertaking, will look at issues over the next year, 18 months and two years.

The Member is right to point to the difficulties with trying to quantify the equal pay claim, but he is wrong to say that it should have been addressed back in January. The issue was not in a position to be crystallised, and there was no indication that it would be crystallised during this financial year. It appears to have been brought to a head by the decision of the unions to seek some kind of legal redress to the issue. Negotiations were taking place, but the situation has moved on considerably since then.

4.00 pm

Given the fact that the Member was part of the previous Executive, he will be aware that, during previous periods of devolution, the Executive took measures to try to address the issue. That stopped when direct rule returned, so the equal pay claim is a legacy issue of direct rule. I am pleased that, in the recent discussions with the Prime Minister and the Chancellor, we managed to obtain some financial cover for that issue and for several other issues. We are making progress in seeking to address the issue, and it is my desire to bring it to completion as quickly as possible.

**Mr Deputy Speaker:** That ends Question Time. Members may take their ease for a few moments before we return to the debate on the Health and Social Care (Reform) Bill.

*(Mr Speaker in the Chair)*

## EXECUTIVE COMMITTEE BUSINESS

### Health and Social Care (Reform) Bill

#### Consideration Stage

*Debate resumed:*

**Mr B McCrea:** When we left the debate, we had just heard about Laurel and Hardy and Abbott and Costello. I thank French and Saunders for their intervention, and, later on, we shall see who Mr Blobby is. As it is germane, I am happy to take interventions, not only from my party but from any party, including the Alliance Party, which tried to intervene earlier. I am confident in my ability to answer any questions.

**Mr McCallister:** I thank my honourable friend for giving way. In the earlier part of the debate, attention was drawn to attendances at the Health Committee. It was questioned whether my attendance record was up to the standard of that of Mr Buchanan and whether that qualified me to speak.

**Mr Easton:** On a point of order, Mr Speaker. Is it in order for Members to get involved in a discussion that has nothing to do with the Bill?

**Mr Speaker:** Earlier in the debate, I warned Members to try, as far as possible, to stay within the remit of the Bill. The issue to which Mr McCallister referred was already raised earlier in the debate.

**Mr McCallister:** I am grateful to Mr Easton, because, if he had been more patient, I would have linked his comments to the debate. Does my honourable friend Mr McCrea believe that attendance at Committee meetings gives people more or less right to speak on the matter? Does he have any knowledge of the figures for attendance of the relevant members of the Health Committee?

**Mr B McCrea:** The point that my colleague Mr McCallister raised earlier was important and germane.

I am happy to note that Mr McCallister attended 25 of out of a possible 32 Committee meetings. I note that Mr Buchanan also attended 25 of those Committee meetings. That is a useful piece of information.

**Dr Farry:** A score draw.

**Mr B McCrea:** Absolutely; it was a score draw.

**Mr Easton:** Is the Member aware that his colleague arrived late to every single one of those meetings and that he always leaves by 4.00 pm?

**Mr B McCrea:** I am grateful to my friend for his intervention. Of course, Mr Easton will be aware that, since those figures were released, the Committee has held 11 subsequent meetings, of which Mr McCallister attended 10. He missed one meeting to attend a

wedding. However, his Committee colleague Mr Buchanan attended only eight of those subsequent meetings. The point, of course, is that —

**Mr McCallister:** Is it possible that Mr Buchanan will apologise to the House on his return to the Chamber? Mr Buchanan's lecturing Members on attendance is a bit rich when he is not here to make his point himself — instead relying on his colleague do it for him.

**Mr Speaker:** Order. I must insist that Members address the business that is presently before the House. I have allowed some latitude, but it has come to the point where some Members are discussing issues outside the Bill.

**Mr B McCrea:** Thank you, Mr Speaker. The matter that we are here to discuss is extremely important. There has been some discussion about coterminosity, and how that will affect matters. Obviously, coterminosity is the ideal; the problem, however, is that we cannot afford to wait to find out exactly what the Boundaries Commissioner will say on the matter. As a member of the Policing Board, I am aware of some difficulty with the PSNI having moved almost too early. How do those ideals line up?

**Dr Farry:** Far be it from me to take on the task of arguing in favour of the DUP's amendment, but I think that someone needs to. Does Mr McCrea accept that, under a legal process set in train by the House, the boundaries of the new councils will be legally in place, at the very latest, by 30 June 2009? Does he agree that, consequently, there will be a lead-in time during which we can establish the local commissioning groups and, therefore, that we have the opportunity to create certainty?

**Mr B McCrea:** I thank the Member for his point. He need not fear because Mr Buchanan has now arrived in the Chamber, so he can no doubt support the amendment. I am quite sure that the Minister will address the very important issues that the Member raised — he knows where the parties stand on that.

We are pleased that a Minister is taking an imaginative process through to its conclusion. We want to see action, and I am sure that the Minister supports that view. The Minister is to be congratulated for his efforts. I thank all Members of the House for their contributions. I am sure that Mr Buchanan will apologise to Mr McCallister in due course.

#### **The Minister of Health, Social Services and**

**Public Safety:** I thank all the Members who spoke during the debate. That has added value to the process. I firmly believe that effective commissioning is the link between policy and delivery. Strong devolved commissioning will play a leading role in the delivery of health and social care across Northern Ireland. To that end, I have increased and altered the membership of the commissioning groups from that which was originally proposed. I have listened carefully to

representatives of voluntary and community groups, as well as to others involved in health and social care.

A key measure that I took was to include local elected representatives on the commissioning groups. As Members may remember, under the original proposals — made during the old days of the direct rule — there were to be no elected representatives involved anywhere in those structures. I have tried to include elected representatives throughout the new structures and on each commissioning group. Four locally elected representatives will sit on each commissioning group. Confident, locally elected representatives will provide strength to the commissioning groups and will ensure that commissioning groups are not and will not be ignored.

The creation of the local commissioning groups and the regional board brings together the innovation and expertise of local health and social care professionals, as well as local government and lay representatives, to identify and address the needs of their communities, planning services in partnership with the voluntary and community sectors, and with other key stakeholders.

I have decided to proceed with the existing degree of coterminosity offered by creating five local commissioning groups aligned with the five health and social care trusts, and the proposed local offices of the patient and client council, as well as subordinate legislation that I will bring forward to reflect that. Since the areas covered by the new trusts are made up of clusters of local government areas, the object of the proposed amendment will be achieved by the line that I propose to take. Furthermore, when I addressed Members during the debate on the Second Stage of the Bill on 1 July, I went on record as saying that I would give further consideration to the matter when the local government boundaries were finalised. I am prepared to restate the commitment that, on completion of local government reform, the boundaries of the local commissioning groups will be reviewed in order to ensure appropriate coterminosity.

Stephen Farry mentioned the target time frame for reforming the local government boundaries; I hope that we will meet that target. There are also issues around education and policing boundaries, so there are a lot of different pieces to the jigsaw. I have said to the House and the Executive, and I will say again, that wherever local government boundaries fit — wherever they are — the Health Service can and will easily accommodate them.

Nobody is more committed to the importance of co-operative working with local councils than I am, and local government will play a key role with the regional agency in my plan. It is wise for me to keep my options open and not be too restrictive on the face of the Bill. Therefore, I do not support the proposed amendment. Although I understand the reasons for it,

and have sympathy with the thrust behind it, I will require a degree of flexibility until these matters are finally settled. In the meantime, I expect a high degree of engagement and partnership among the new health and social care bodies and district councils within the present local government arrangements, and in line with agreed transitional arrangements.

**Mr Easton:** Local commissioning groups will be vital, and need to have a strong voice. They need to be very effective, and I believe that a lot of what the Minister has said shows that he is trying to achieve that. However, my concerns are that there will be no coterminosity between the different councils and the local commissioning groups, which will lead to ineffective local commissioning groups. It will lead to confusion and disruption, and there will be overlaps between the different bodies, between the local commissioning groups and councils. That will leave them extremely weakened.

It was good that in this debate — which was slightly more civilised — most of the political parties were quite supportive of the amendment. My colleague Thomas Buchanan said that coterminosity was the aim of the RPA, that good work had been done and should not be compromised by commissioning groups' not having those strong powers, and that those powers had to be coterminous.

Michelle O'Neill thought that the amendment might hold up the entire process, but I do not think that that is the case in the slightest. Tommy Gallagher was happy with the amendment but wanted more information from the Minister — sadly, Tommy is not here. Mr McCallister has stated that the amendment would not do anything for the Bill, and it is sad that his party wants to see confusion within the local commissioning groups, which would disrupt their initiation. It is sad that he supports that.

Stephen Farry had sympathy with the amendment, and wanted coterminosity to be at the heart of local government. He hoped that that coterminosity would lead to efficiencies. It is good to know that he supports efficiencies, especially when he voted against them in the Bill.

*4.15 pm*

Sue Ramsey agreed with the DUP on this issue, which is good. Mr Basil McCrea is an expert on absolutely everything, including health; but if his expertise on office costs allowance is anything to go by, his constituents are in for a hard time on health issues.

The Minister said that he has altered the make-up of local commissioning groups by adding elected representatives; however, if those groups are not coterminous, different councils will be fighting for the four positions. That will lead to complete confusion and to councillors



battling one another to get onto the local commissioning groups.

I am disappointed that the Minister will not accept the amendment, even though he said that a review will take place; however, a review does not mean that the result will be coterminous. If the Minister really supports coterminosity, he should put it in the Bill. I support the amendment.

*Question put, That the amendment be made.*

*The Assembly divided: Ayes 30; Noes 38.*

#### AYES

*Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Easton, Dr Farry, Mr Ford, Mr Hamilton, Mr Hilditch, Ms Lo, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Paisley Jnr, Rev Dr Ian Paisley, Mr Poots, Mr G Robinson, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson.*

*Tellers for the Ayes: Mr Buchanan and Mr Easton.*

#### NOES

*Mr Adams, Mr Attwood, Mr Beggs, Mr Boylan, Mr Brady, Mr Brolly, Mr Butler, Mr W Clarke, Mr Cobain, Mr Cree, Mr Durkan, Mr Elliott, Mr Gallagher, Mrs Hanna, Mr G Kelly, Mr Kennedy, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McClarty, Mr B McCrea, Dr McDonnell, Mrs McGill, Mr McGimpsey, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Molloy, Ms Ni Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms S Ramsey, Mr K Robinson.*

*Tellers for the Noes: Mr McCallister and Mr B McCrea.*

*Question accordingly negatived.*

*Amendment No 14 made:* In page 6, line 21, leave out “consult RAPHSW” and insert “work in collaboration with the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 15 made:* In page 6, line 23, leave out “other”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 9, as amended, ordered to stand part of the Bill.*

#### **Clause 10 (Power of Regional Board to give directions and guidance to HSC trusts)**

*Amendment No 16 made:* In page 7, line 10, leave out subsection (4) and insert

“(4) Where the Regional Board is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the HSC trust concerned—

(a) subsection (3)(a) does not apply; but

(b) the Regional Board must as soon as reasonably practicable give notice to the HSC trust concerned of the grounds on which the Regional Board formed that opinion.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clause 11 ordered to stand part of the Bill.*

#### **Clause 12 (The Regional Agency for Public Health and Social Well-being)**

*Amendment No 17 made:* In page 8, line 5, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

**Mr Speaker:** Opposition to clause 12 has already been debated as part of the public-health debate.

*Clause 12, as amended, ordered to stand part of the Bill.*

#### **Clause 13 (Functions of RAPHSW)**

*Amendment No 18 made:* In page 8, line 7, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 19 made:* In page 8, line 15, after “health promotion” insert

“, including in particular enabling people in Northern Ireland to increase control over and improve their health and social well-being.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 20 made:* In page 8, line 23, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 21 made:* In page 8, line 27, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 22 made:* In page 8, line 33, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 23 made:* In page 8, line 34, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 24 made:* In page 9, line 1, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 25 made:* In page 9, line 3, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

**Mr Speaker:** Opposition to clause 13 has already been debated as part of the public-health debate.

*Clause 13, as amended, ordered to stand part of the Bill.*

#### **Clause 14 (The Regional Support Services Organisation)**



*Amendment No 26 made:* In page 9, line 10, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 27 made:* In page 9, line 12, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 14, as amended, ordered to stand part of the Bill.*

**Clause 15 (Functions of RSSO)**

*Amendment No 28 made:* In page 9, line 14, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 29 made:* In page 9, line 28, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 30 made:* In page 9, line 35, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 31 made:* In page 9, line 37, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 15, as amended, ordered to stand part of the Bill.*

*Clause 16 ordered to stand part of the Bill.*

**Clause 17 (Functions of the Patient and Client Council)**

*Amendment No 32 made:* In page 11, line 6, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 17, as amended, ordered to stand part of the Bill.*

**Clause 18 (Duty to co-operate with the Patient and Client Council)**

*Amendment No 33 made:* In page 12, line 2, after “have” insert “due”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 18, as amended, ordered to stand part of the Bill.*

*Clause 19 ordered to stand part of the Bill.*

**Clause 20 (Public involvement: consultation schemes)**

*Amendment No 34 made:* In page 13, line 5, after “have” insert “due”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 20, as amended, ordered to stand part of the Bill.*

**Clause 21 (Duty on HSC trusts in relation to improvement of health and social well-being)**

*Amendment No 35 made:* In page 13, line 16, after “of” insert “, and reducing health inequalities between,”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 21, as amended, ordered to stand part of the Bill.*

*Clauses 22 and 23 ordered to stand part of the Bill.*

**Clause 24 (Transfer of functions of Health and Social Services Boards)**

*Amendment No 36 made:* In page 15, line 11, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 24, as amended, ordered to stand part of the Bill.*

*Clause 25 ordered to stand part of the Bill.*

**Clause 26 (Transfer of functions of the Mental Health Commission)**

*Amendment No 37 made:* In page 15, line 39, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 26, as amended, ordered to stand part of the Bill.*

**Clause 27 (Amendment of statutory and other references to dissolved bodies, etc)**

*Amendment No 38 made:* In page 16, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 39 made:* In page 16, line 34, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 27, as amended, ordered to stand part of the Bill.*

*Clauses 28 to 30 ordered to stand part of the Bill.*

**Clause 31 (Interpretation)**

*Amendment No 40 made:* In page 19, line 17, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 41 made:* In page 19, line 19, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 42 made:* In page 19, line 19, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Clause 31, as amended, ordered to stand part of the Bill.*

*Clauses 32 to 35 ordered to stand part of the Bill.*

*Schedule 1 agreed to.*

**Schedule 2 (The Regional Agency for Public Health and Social Well-being)**

*Amendment No 43 made:* Leave out schedule 2 and insert

## “SCHEDULE 2

THE REGIONAL AGENCY FOR PUBLIC  
HEALTH AND SOCIAL WELL-BEING*Status*

1.—(1) The Regional Agency shall not be regarded—

- (a) as the servant or agent of the Crown; or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of the Regional Agency shall not be regarded as property of, or held on behalf of, the Crown.

(3) Where land in which the Department has an interest is managed, used or occupied by the Regional Agency, the interest of the Department shall be treated for the purposes of any statutory provision or rule of law relating to Crown land or interests as if it were an interest held otherwise than by, or on behalf of, the Crown.

(4) The Regional Agency shall, notwithstanding that it is exercising any functions on behalf of the Department, be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Regional Agency in its own name.

(5) Subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to the Regional Agency.

*General powers*

2.—(1) Subject to any directions given by the Department, the Regional Agency may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) But the Regional Agency may not borrow money.

*Membership*

3.—(1) The Regional Agency shall consist of—

- (a) a Chair appointed by the Department;
- (b) a prescribed number of persons appointed by the Department;

- (c) the chief officer of the Regional Agency;
- (d) such other officers of the Regional Agency as may be prescribed;

(e) not more than a prescribed number of other officers of the Regional Agency appointed by the Chair and the members specified in heads (b) and (c); and

(f) a prescribed number of members of district councils appointed by the Department in such manner as may be prescribed.

(2) Except in so far as regulations otherwise provide, no person who is an officer of the Regional Agency may be appointed under sub-paragraph (1)(a) or (b).

(3) Regulations may provide that all or any of the persons appointed under sub-paragraph (1)(b) must fulfil prescribed conditions or hold posts of a prescribed description.

*Remuneration and allowances*

4.—(1) The Regional Agency shall pay to its members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

*Term of office*

5.—(1) The term of office of members of the Regional Agency appointed under paragraph 3(1)(a), (b), (e) or (f) shall be 4 years or such other period as may be determined by the Department at the time the appointments are made.

(2) A member of the Regional Agency specified in paragraph 3(1)(c), (d) or (e)—

(a) who ceases to hold the qualifying office, shall cease to be a member of the Regional Agency;

(b) who is suspended from the qualifying office, shall be suspended from membership of the Regional Agency while suspended from that office.

(3) In sub-paragraph (2) “the qualifying office” in relation to a member of the Regional Agency means the office under the Regional Agency which the member held at the time of becoming a member of the Regional Agency.

(4) A member of the Regional Agency specified in paragraph 3(1)(f) who ceases to be a member of a district council shall cease to be a member of the Regional Agency.

*Resignation and removal*

6.—(1) A member of the Regional Agency appointed under paragraph 3(1)(a), (b) or (f)—

(a) may resign membership by serving notice on the Department;

(b) may be removed from office by the Department.

(2) A member of the Regional Agency appointed under paragraph 3(1)(e) may be removed from office by the Chair and the members specified in paragraph 3(1)(b) and (c).

(3) Where any member of the Regional Agency—

(a) is absent from the meetings of the Regional Agency for more than 6 months consecutively, except for an approved reason; or

(b) is convicted of an indictable offence;

the Regional Agency shall forthwith, by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit, and thereupon the office shall become vacant.

(4) In sub-paragraph (3)(a) “approved reason” means a reason approved—

(a) in the case of members appointed under paragraph 3(1)(e), by the Chair and the members specified in paragraph 3(1)(b) and (c);

(b) in the case of any other member, by the Department.

(5) Where the place of a member specified in paragraph 3(1)(a), (b), (e) or (f) becomes vacant before the expiration of the member’s term of office whether by death, resignation or otherwise, the vacancy shall be filled by appointment—

(a) in the case of a member specified in paragraph 3(1)(a) or (b), by the Department;

(b) in the case of a member specified in paragraph 3(1)(e), by the Chair and the members specified in paragraph 3(1)(b) and (c);

(c) in the case of a member specified in paragraph 3(1)(f), by the Department in such manner as may be prescribed;

and any person so appointed shall hold office for the remainder of the term of office of the former member.

#### *Committees*

7.—(1) The Regional Agency may appoint one or more committees to which it may delegate such of its functions as it thinks fit.

(2) References in this Schedule to a committee are to a committee appointed under this paragraph.

(3) A person who is not a member of the Regional Agency shall not, except with the approval of the Department, be appointed to a committee.

(4) The Regional Agency may pay to members of its committees who are neither members nor employees

of the Regional Agency such remuneration and allowances as the Regional Agency may, with the approval of the Department, determine.

(5) Every member of a committee who, at the time of appointment, was a member of the Regional Agency shall, on ceasing to be a member of the Regional Agency, also cease to be a member of the committee.

#### *Sub-committees*

8.—(1) The Regional Agency or a committee may appoint a sub-committee to consider and report to the Regional Agency or, as the case may be, the committee on any matter within the competence of the Regional Agency or the committee.

(2) References in this Schedule to a sub-committee are to a sub-committee appointed under this paragraph.

(3) A sub-committee may include persons who are not members of the Regional Agency or the committee which appoints the sub-committee.

#### *Proceedings*

9. Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954 (c. 33), the Regional Agency shall make standing orders regulating the procedure of the Regional Agency, its committees and sub-committees, including provision regulating—

(a) the convening of meetings;

(b) the fixing of the quorum; and

(c) the conduct of business at meetings.

#### *Validity of proceedings*

10. The proceedings of the Regional Agency or of any committee or sub-committee are not invalidated—

(a) by any vacancy in the membership of the Regional Agency or the committee or sub-committee;

(b) by any defect in the appointment of any of its members; or

(c) by any failure to comply with paragraph 9.

#### *Disclosure of pecuniary, etc., interests and related provisions*

11.—(1) Subject to sub-paragraph (2), sections 28 to 33 and 146 of the Local Government Act (Northern Ireland) 1972 (c. 9) and section 148 of that Act so far as it applies for the interpretation of those sections, shall apply to the Regional Agency, a committee or sub-committee and to a member of the Regional Agency, a committee or sub-committee as if—

(a) in those sections—

(i) any reference to a council were a reference to the Regional Agency, a committee or sub-committee,

(ii) any reference to a councillor were a reference to a member of the Regional Agency, a committee or sub-committee,

(iii) any reference to the clerk of the council were a reference to the chief officer of the Regional Agency, and

(iv) any reference to that Act were a reference to this Act;

(b) in section 28(4) of that Act the words “or 46” were omitted and for the words from “by any local elector” onwards there were substituted the words “by any person.”.

(2) Notwithstanding anything in sub-paragraph (1), an officer of the Regional Agency who is a member of the Regional Agency may vote upon any matter which affects the interests of officers of the Regional Agency or such officers of any class (including a class to which the officer belongs), but must not vote upon any matter affecting only the officer’s individual interest.

#### *The chief officer and other staff*

12.—(1) There shall be a chief officer of the Regional Agency who shall be a member of the staff of the Regional Agency and shall be responsible to the Regional Agency for the general exercise of its functions.

(2) Subject to paragraph 13—

(a) the first chief officer shall be appointed by the Department; and

(b) any subsequent chief officer shall be appointed by the Regional Agency.

13.—(1) The qualifications, remuneration and conditions of service of officers of the Regional Agency may be determined by the Department.

(2) Regulations may make provision with respect to—

(a) the method of appointment of officers of the Regional Agency;

(b) the qualifications, remuneration and conditions of service of such officers of the Regional Agency as may be prescribed;

and an officer such as is mentioned in head (b) shall not be employed otherwise than in accordance with the regulations.

(3) Determinations or regulations under sub-paragraph (1) or (2) may provide for approvals or determinations to have effect from a date specified in them.

(4) The date mentioned in sub-paragraph (3) may be before or after the date of giving the approvals or making the determinations but may not be before if it

would be to the detriment of the officers to whom the approvals or determinations relate.

(5) The appointment and removal from office of such officers of the Regional Agency as may be prescribed is subject to the approval of the Department.

#### *Application of the seal*

14. The application of the seal of the Regional Agency shall be authenticated by the signatures of—

(a) at least one member of the Regional Agency appointed under paragraph 3(1)(a) or (b); and

(b) the chief officer of the Regional Agency.

#### *Execution of documents*

15.—(1) Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of the Regional Agency by any person generally or specially authorised by the Regional Agency for that purpose.

(2) In any legal proceedings any document purporting to have been so executed on behalf of the Regional Agency shall be deemed to be so executed until the contrary is proved.

#### *Finance*

16.—(1) The Department may make payments to the Regional Agency out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

(3) Subject to sub-paragraph (4), the Regional Agency must pay to the Department all sums received by it in the course of, or in connection with, the carrying out of its functions.

(4) Sub-paragraph (3) does not apply to such sums, or sums of such description, as the Department may, with the approval of the Department of Finance and Personnel, direct.

(5) Any sums received by the Department under sub-paragraph (3) shall be paid into the Consolidated Fund.

#### *Accounts*

17.—(1) The Regional Agency shall—

(a) keep proper accounts and proper records in relation to the accounts; and

(b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

(a) be in such form; and

(b) contain such information,



as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Regional Agency shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

(a) examine, certify and report on every statement of accounts received from the Regional Agency under this paragraph; and

(b) send a copy of any such report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

#### *Annual report*

18.—(1) The Regional Agency shall within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed.

(2) The Department shall lay a copy of the report before the Assembly.

#### *Interpretation*

19. In paragraphs 17 and 18—

“Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland;

“financial year” means—

- (a) the period beginning with the day on which the Regional Agency is established and ending on the next following 31st March; and
- (b) each subsequent period of 12 months ending on 31st March.

#### *Information*

20.—(1) The Regional Agency shall record such information with respect to the exercise of its functions as the Department may direct.

(2) Information shall be recorded in such form, and retained for such period, as the Department may determine.

(3) The Regional Agency shall, in relation to its functions, furnish to the Department, such reports, returns and other information as the Department may require.

#### *Default powers of Department*

21.—(1) The powers conferred by this paragraph are exercisable by the Department if it is satisfied that the Regional Agency has without reasonable excuse failed to discharge any of its functions adequately or at all.

(2) The Department may—

(a) make an order declaring the Regional Agency to be in default; and

(b) direct the Regional Agency to discharge such of its functions, in such manner and within such period or periods, as may be specified in the direction.

(3) If the Regional Agency fails to comply with the Department's direction under sub-paragraph (2), the Department may—

(a) discharge the functions to which the direction relates itself; or

(b) make arrangements for any other person to discharge those functions on its behalf.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

**Mr Speaker:** Opposition to schedule 2 has already been debated as part of the public-health debate.

*Schedule 2, as amended, agreed to.*

#### ***Schedule 3 (The Regional Support Services Organisation)***

*Amendment No 44 made:* Leave out schedule 3 and insert

#### “SCHEDULE 3

#### THE REGIONAL BUSINESS SERVICES ORGANISATION

##### *Status*

1.—(1) RBSO shall not be regarded—

- (a) as the servant or agent of the Crown; or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of RBSO shall not be regarded as property of, or held on behalf of, the Crown.

(3) Where land in which the Department has an interest is managed, used or occupied by RBSO, the interest of the Department shall be treated for the purposes of any statutory provision or rule of law relating to Crown land or interests as if it were an interest held otherwise than by, or on behalf of, the Crown.

(4) RBSO shall, notwithstanding that it is exercising any functions on behalf of the Department, be entitled to enforce any rights acquired and shall be liable in

respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against RBSO in its own name.

(5) Subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to RBSO.

#### *General powers*

2.—(1) Subject to any directions given by the Department, RBSO may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) But RBSO may not borrow money.

#### *Membership*

3.—(1) RBSO shall consist of—

- (a) a Chair appointed by the Department;
- (b) a prescribed number of members appointed by the Department;
- (c) the chief officer of RBSO; and
- (d) such other officers of RBSO as may be prescribed.

(2) Except in so far as regulations otherwise provide, no person who is an officer of RBSO may be appointed under sub-paragraph (1)(a) or (b).

(3) Regulations may provide that all or any of the persons appointed under sub-paragraph (1)(b) must fulfil prescribed conditions or hold posts of a prescribed description.

#### *Remuneration and allowances*

4.—(1) RBSO shall pay to its members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

#### *Appointment, procedure etc.*

5. Regulations may make provision as to—

- (a) the appointment of members of RBSO under paragraph 3(1)(b) and (d) (including any conditions to be fulfilled for appointment);
- (b) the tenure of office of the Chair and other members (including the circumstances in which they cease to hold office or may be removed or suspended from office);
- (c) the appointment of, constitution of, and exercise of functions by, committees and sub-committees (including committees and sub-

committees which consist of or include persons who are not members of RBSO);

(d) the procedure of RBSO and any committees or sub-committees (including the validation of proceedings in the event of vacancies or defects in appointment);

(e) the staff, premises and expenses of RBSO;

(f) such other matters in connection with RBSO as the Department thinks fit.

#### *The chief officer*

6.—(1) There shall be a chief officer of RBSO who shall be a member of the staff of RBSO and shall be responsible to RBSO for the general exercise of its functions.

(2) Subject to regulations made under paragraph 5(e)—

- (a) the first chief officer shall be appointed by the Department;
- (b) any subsequent chief officer shall be appointed by RBSO.

#### *Application of the seal*

7. The application of the seal of RBSO shall be authenticated by the signature—

- (a) of any member of RBSO; and
- (b) of any other person who has been authorised by RBSO (whether generally or specifically) for that purpose.

#### *Execution of documents*

8.—(1) Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of RBSO by any person generally or specially authorised by RBSO for that purpose.

(2) In any legal proceedings any document purporting to have been so executed on behalf of RBSO shall be deemed to be so executed until the contrary is proved.

#### *Finance*

9.—(1) The Department may make payments to RBSO out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

#### *Accounts*

10.—(1) RBSO shall—

- (a) keep proper accounts and proper records in relation to the accounts; and

(b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) RBSO shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts received from RBSO under this paragraph; and
- (b) send a copy of any such report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

#### *Annual report*

11.—(1) RBSO shall within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed.

(2) RBSO shall publish any report prepared under sub-paragraph (1) in such manner as the Department may direct.

(3) The Department shall lay a copy of the report before the Assembly.

#### *Interpretation*

12. In paragraphs 10 and 11—

“Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland;

“financial year” means—

- (a) the period beginning with the day on which RBSO is established and ending on the next following 31st March; and
- (b) each subsequent period of 12 months ending on 31st March.

#### *Information*

13.—(1) RBSO shall at such times as the Department may direct—

(a) provide the Department or a specified body with such information, and

(b) permit the Department or the specified body to inspect and take copies of such documents,

relating to RBSO's functions as the Department may direct.

(2) In sub-paragraph (1) “specified body” means a body specified in directions under that sub-paragraph.

#### *Default powers of Department*

14.—(1) The powers conferred by this paragraph are exercisable by the Department if it is satisfied that RBSO has without reasonable excuse failed to discharge any of its functions adequately or at all.

(2) The Department may—

(a) make an order declaring RBSO to be in default; and

(b) direct RBSO to discharge such of its functions, in such manner and within such period or periods, as may be specified in the direction.

(3) If RBSO fails to comply with the Department's direction under sub-paragraph (2), the Department may—

(a) discharge the functions to which the direction relates itself; or

(b) make arrangements for any other person to discharge those functions on its behalf.” — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Schedule 3, as amended, agreed to.*

*Schedule 4 agreed to.*

#### ***Schedule 5 (Transfer of assets, etc)***

*Amendment No 45 made:* In page 41, line 38, after “of a” insert “transferor or”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 46 made:* In page 43, line 13, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Schedule 5, as amended, agreed to.*

#### ***Schedule 6 (Minor and consequential amendments)***

*Amendment No 47 made:* In page 44, line 2, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 48 made:* In page 44, line 7, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 49 made:* In page 44, line 30, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 50 made:* In page 44, line 31, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 51 made:* In page 45, line 19, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 52 made:* In page 45, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 53 made:* In page 45, line 28, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 54 made:* In page 46, line 24, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 55 made:* In page 46, line 25, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 56 made:* In page 47, line 34, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 57 made:* In page 47, line 38, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 58 made:* In page 47, line 39, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 59 made:* In page 48, line 41, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 60 made:* In page 49, line 4, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 61 made:* In page 51, line 14, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 62 made:* In page 51, line 15, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 63 made:* In page 51, line 20, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 64 made:* In page 51, line 21, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 65 made:* In page 51, line 33, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 66 made:* In page 51, line 34, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 67 made:* In page 52, line 2, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 68 made:* In page 52, line 6, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 69 made:* In page 52, line 7, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 70 made:* In page 52, line 9, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 71 made:* In page 53, line 8, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 72 made:* In page 53, line 23, leave out “Support” and insert “Business”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 73 made:* In page 53, line 38, leave out “the Regional Board or RAPHSW” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 74 made:* In page 54, line 4, leave out “RAPHSW” and insert “the Regional Agency”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Amendment No 75 made:* In page 54, line 5, leave out “RSSO” and insert “RBSO”. — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

*Schedule 6, as amended, agreed to.*

*Schedule 7 agreed to.*

*Long title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Health and Social Care (Reform) Bill. The Bill stands referred to the Speaker.



4.45 pm

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

## PRIVATE MEMBERS' BUSINESS

### Health Service Vacancies

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

**Mr Easton:** I beg to move

That this Assembly notes with concern the current number of vacancies in the Health Service; and calls on the Minister of Health, Social Services and Public Safety to review, as a matter of urgency, how his Department recruits staff and to look at more efficient and effective processes for the recruitment and retention of staff.

My party will be accepting the amendment.

When the House addresses vacancies in the Health Service, it is dealing with a matter that affects each and every one of us. We have all benefited from the excellence that is the National Health Service at some stage in our lives, and in the lives of our family circles. Therefore, given the critical importance of the Health Service, which touches our lives, it is entirely right and proper that we look at methods through which we can continually improve that service.

Vacancies in the Health Service is an issue that should distress the minds of all Members. Jobs in the Health Service are identified after a process of rigorous evaluation and are deemed necessary to the task of providing the Health Service that we all require. Accordingly, when a vacancy arises, it opens a gap in that service, and that places a burden on other staff, who must try to close that gap. Gaps can be plugged temporarily but not indefinitely. Let no one doubt that vacancies in the Health Service present a real danger to the continued effective working of the Health Service. In order to allow the Health Service — so dependent on the skills and expertise of our health professionals, who consider their employment to be a vocation — to function well, we need to tackle radically the current vacancies that exist.

It would be nice to inform the House that there is, more or less, an adequate staffing complement in the health and social care organisations and that, across the programme of care, good cover is provided for the jobs

that the public correctly expect to be performed. However, the reality is somewhat different. The number of vacancies that currently exists is a matter of deep concern, and a matter that cannot, and must not, be ignored. The Health Minister really must step up to the plate and take note of the current number of vacancies, which is, rightly so, disturbing Members.

One thing that I know will unite all Members is the high value in which we hold our Health Service staff. Therefore, it is essential that the Minister address, by means of reassessment, the numbers of staff that are enlisted into the Health Service, and also how we can retain of their skills and expertise for the benefit of the patient and the client.

Disraeli referred to statistics in his famous adage:

“There are three kinds of lies: lies, damned lies, and statistics.”

Although I acknowledge that sentiment, I also acknowledge that statistics provide the evidence base for which today we, rightly, highlight the need for action.

Time does not allow for a comprehensive repetition of the statistics that detail all vacancies across the programme of care. However, given the importance of the evidence base, I direct Members to the key-facts workforce bulletin for the quarter ending September 2008 for factual numerical analysis of the vacancies that are causing Members so much angst. I do not consider it productive to highlight individual situations, such as the 447 vacancies in nursing and health-visiting staff at March 2008, or — more worrying still — the 127 long-term vacancies in nursing, midwifery and health-visiting staff as at 31 March 2008.

That said, it is my duty to highlight that there are a staggering 295 nursing vacancies, 20 of which are, as of March 2008, in my South Eastern Health and Social Care Trust area. More worrying still, some 74 long-term nursing vacancies — unoccupied posts that have been vacant for three months or more — have existed since March 2008. Are we not staggered that 74 nursing posts have been vacant since 31 December 2007? Surely that is an intolerable situation, which requires urgent redress.

I value all our social-services staff, from medical and dental, professional and technical, through ancillary and general, to ambulance, administrative and clerical staff. Every job in the Health Service is vital to the strategic delivery of high-quality services. Vacancies must be addressed. Where there are high numbers of vacancies, the calls for review must target and prioritise delivering an end to those vacancies.

It must be remembered that all our services are under stress. Although time does not allow for detailed analysis across the board, it is valuable to consider a specific example, such as family and childcare social-work staff. Although I acknowledge the increase in

numbers of social-work students, let us not underestimate the skills and the knowledge base that are required to provide child-protection services, or the stresses that are inherent in doing so.

We all recoiled in horror at the unspeakable deeds that were perpetrated on Baby P. That case left us with feelings of revulsion and deep shock. It must be remembered that social-work staff encounter child-protection matters daily. Therefore, vacancies that place additional stress on that service should be tackled urgently.

I put on record my appreciation of those agency staff who, at short notice, come and work in areas of high importance in our Health Service. Equally, however, I place on record my belief that agency staff are an inadequate substitute for highly motivated and trained permanent staff. That is not only my view; it is the message from occupational-psychology research, as well as that of distinguished organisations such as the Royal College of Nursing.

I have previously spoken about the matter, but I again stress that I find it unacceptable that some £40 million was spent on agency staff in 2008. We can, and must, do better. There should be no cuts in our front-line services. I warn the Minister that his plans that suggest that 3,000 Health Service jobs are at risk in order to save £130 million will be scrutinised robustly. Our front-line-service staff will have not only my support but that of all right-thinking Members.

Effective recruitment and retention processes — including human-resources policies that are dedicated to acting as model employers, and using the skills-escalator model to motivate and encourage staff into developing and enhancing existing skills — are vital if we are to support a workforce on which we all rely.

Nobody should underestimate the magnitude of the task. Departmental figures reveal that, from 1995 to December 2005, the Health Service workforce was increased by 23,000, with an NHS training budget of £4 billion and a corresponding social-care figure of £0.5 billion. However, we should rise to the challenge locally by ensuring that local staff are equipped to deliver high-quality, patient-centred social care. The substance of the motion allows us to make that a reality.

If the Minister takes on board the constructive advice that is offered in the motion, we will have gone some way towards delivering for clients and patients not only the high-quality outcomes that patients deserve but a high-quality patient experience. We will have achieved that with Health Service staff who are professional and patient-centred, and who have the adequate knowledge and skills base to meet the changing demands and demographic of the twenty-first century. That will be a challenge, but it is undoubtedly one for which it is worth striving. Therefore, I have no hesitation in commending the motion to the House.

**Mr McCarthy:** I beg to move the following amendment: Leave out “his Department recruits” and insert

“health and social care organisations recruit”.

I thank Mr Easton for accepting our amendment.

It is difficult to understand the reason that there are so many vacancies across the Health Service at a time when there is so much demand in every department for services to patients. As I understand it, there are around 1,400 vacancies in the health and social services, covering a wide range of work that includes administrative, professional and technical duties. Such vacancies have arisen at a time when, as a result of a forced 3% efficiency drive, some 700 front-line nursing staff are being targeted for layoffs. It seems to me that one side of the business does not know what the needs of the other side are.

The motion and the amendment simply call on the Health Minister to, at the earliest possible time, examine ways and means of recruiting enough suitable staff right across the Health Service and, more importantly, to retain a good body of staff as that will, inevitably, result in our community getting a good service. I believe that a good body of staff, working in good conditions and being rewarded fairly, will want to stay in that working environment. The end result of that will, most certainly, be beneficial to patients and to the Department of Health, Social Services and Public Safety.

I was alarmed to hear recently of the Health Service's huge dependence on agency staff. I am quite sure that nursing professionals and other Health Service workers who have been recruited through outside agencies perform their duties to the highest possible standards; however, I am not sure that that is the most cost-effective way to fill vacant posts in the Health Service. The Alliance Party amendment seeks to ensure that all health and social care organisations in the Health Service use the best and most effective ways of recruiting staff. The Department spent between £30 million and £50 million on agency staff over a three-year period. That seems to be a lot of money that could have gone a long way towards improving front-line services, while recruitment could have been carried out by the Health Service's human resources department.

The information pack provided by the Assembly's Research Services shows that the Department relies on the workforce planning unit. That group recognises the importance of workforce planning in identifying appropriate staffing levels and structures. However, information on that unit states that:

“Local staffing arrangements are the responsibility of individual HPSS employers, taking into account factors such as service needs and available resources. The Department has a role in ensuring that sufficient suitably qualified staff are available to meet the needs of the service overall.”

Perhaps that area ought to be examined if improvements are to be made.

The information from Research Services also shows that both the BMA and the RCN are greatly concerned at the lack of workforce planning. The chairman of the BMA called recently for the reinstatement of more effective planning strategies to avoid wasting millions of pounds of public money. He said:

“Workforce planning is difficult at the best of times but becomes virtually impossible in the context of the rapid implementation of so many NHS reforms. We are concerned that cash strapped trusts will look to save money by not replacing consultant posts or looking for cheaper options, with obvious results.”

Our community values the work of the National Health Service highly. We look forward to receiving nothing but the best of treatment from all our health professionals when we need it. Now that there is a local Assembly in Northern Ireland, we expect that our Health Minister will ensure that the level of staff vacancies throughout the Health Service will be kept to the very minimum. With a determined workforce planning unit in place, that problem could be overcome, and that would be beneficial for all our community. I support the motion and the amendment.

5.00 pm

**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. Given the subject of the previous debate, this debate is timely. I commend Mr Buchanan and Mr Easton for tabling the motion. Sinn Féin supports both the motion and the amendment.

The motion expresses concern about the number of vacancies in the Health Service, and when one considers the statistics one cannot help but be concerned. Mr Easton mentioned some of the statistics but was reluctant to quote more. However, in this instance, I believe that it is important to quote more statistics. I will focus particularly on vacancies in programmes of care for the elderly, people with mental-health disabilities, and those with learning disabilities. Although we are talking about jobs, I am thinking about the impact that those vacancies would have on families and patients in relation to programmes of care. We are not just talking about a skilled workforce; we are talking about a gap in provision that needs to be addressed.

As far as the provision of services for the elderly is concerned, there are: 12 administration and clerical staff vacancies; 70 ancillary and general staff vacancies; 28 nursing, midwifery and health visitor vacancies; 115 social services staff vacancies, which has a big impact on the elderly; and 33 professional and technical staff vacancies. Although this is not all about figures, totting them up provides a graphic illustration of the problem.

The number of vacancies in the mental-health sector is greater than those for the others. There are: nine administration and clerical staff vacancies; 24 ancillary

and general staff vacancies; 24 nursing, midwifery and health visitor vacancies; 10 social services staff vacancies and 16 professional and technical staff vacancies.

In addition, the figures for those with a learning disability are as follows: eight administration and clerical staff vacancies; 88 ancillary and general staff vacancies; 74 nursing, midwifery and health visitor staff vacancies; 10 social services staff vacancies and 15 professional and technical staff vacancies.

Those three groups —

**Mr Easton:** The Minister, in reply to my question for written answer, informed me that there are 82 vacancies in the Province for doctors. The fact that so many vacancies are not filled is an extremely serious problem for Northern Ireland.

**Mrs McGill:** I thank the Member for his intervention. Although he is correct about the large number of vacancies for doctors, I chose not to quote every statistic. The elderly, and people with mental-health or learning disabilities are the most vulnerable groups in the community, and we repeatedly say that we care about them. Therefore, I selected those groups, and the vacancy statistics illustrate graphically that their situation is particularly marked and acute. Although the debate is about highlighting vacancies and encouraging the recruitment and retention of well-qualified staff, we must consider the people for whom the Health Service is providing.

Mr Easton referred to the number of agency staff in the Health Service, and I was shocked to see that on 6 August 2008 the ‘Belfast Telegraph’ stated that £30 million had been spent by three trusts over three years on providing agency staff. The article went on to say that when the figures for the other two trusts are known the costs might be considerably higher — perhaps £50 million. Why are the trusts so keen to employ agency staff?

I very much welcome this debate. It is timely that there should be a review of Health Service recruitment. Although I read that reviews take place every three years, I am not sure whether that practice continues. I support the motion; it is important that we look at the situation. Go raibh maith agat..

**Mr Deputy Speaker:** I advise Members that there is electrical interference on the sound system, and I remind them that all mobile phones should be switched off and not simply put on standby.

**Mr McCallister:** As other Members have said, it is important to note that recruitment and retention issues are matters for individual health and social care trusts. The trusts’ commitment to recruitment cannot be questioned; it is evident in the provision of a one-stop shop for all potential employees through the online point of advertisement for health and social care jobs.



The Department, in conjunction with the trusts, promotes Health Service careers generally through recruitment fairs and departmental and trust websites. It is obviously in each trust's interests to recruit the best people to fill as many vacancies as possible.

At present, more than 60,000 individuals are employed in the Health Service. That is a substantial number, and the Health Service is the single biggest employer in Northern Ireland. Each of the 60,260 individuals has a vital role to play in providing help when people need it most. Whether they are in the background, providing administrative support, or in more visible roles, such as doctors and nurses, every person who is employed by the Health Service is invaluable.

The Health Department has already recognised how important workforce planning is in identifying appropriate staffing levels and structures. The workforce planning unit has implemented a programme of comprehensive workforce-planning reviews to be carried out at regional level across the main professions and a number of supporting groups in the Department of Health, Social Services and Public Safety (DHSSPS).

The workforce-planning cycle comprises a major review of each group every three years, which is supported by annual updates. The main aims of the reviews are to establish information on supply-and-demand dynamics in order that the Department makes appropriate decisions on the number of training places to be commissioned and to develop an understanding of issues that impact on the recruitment, retention and career progression of those employed. The Minister and the trusts have been taking action, and will continue to do so, because it is in their own best interests.

Where the Department of Health has noticed significant shortfalls in particular sectors, the Minister has not simply sat back and watched as the crisis unfolds. To the contrary, he and his Department have been proactive in recruitment. For example, in November 2007, the Minister launched a nursing recruitment campaign in response to the recognised shortage of mental-health and learning-disability nurses in Northern Ireland. That campaign was designed to encourage individuals who were setting out on their careers, or seeking a change in direction, to consider mental-health and learning-disability nursing. That is innovative recruitment, but we cannot force people to make those decisions.

Many Health Service positions require years of dedicated academic study and training. Recruitment is a constant effort, and it requires persistent innovative thinking and review. The increase in private practice has also had a serious impact. However, the Minister is fully aware of the issues and is working closely with the Minister for Employment and Learning to address strategically recruitment in relevant areas that require specialised study. Ensuring that an adequate number of

trained people come through the system is the only way to ensure a sustainable Health Service. However, it is not an exact science, and we cannot predict every eventuality or change in service-provision requirements.

Every regional health service in the UK faces the same recruitment problem. At present, vacancies in Northern Ireland amount to only 2% of the workforce. Although we must constantly work on and review the situation, there is no sense in blowing the issue out of proportion.

I am sure that the Minister will have no problem in reviewing the current recruitment and retention process; however, I remind Members that they can compete strongly with comparable regions in the United Kingdom. There is always room for improvement, but the Health Minister and the trusts are always looking for ways of making improvements because it is in the interests of everyone that they do so.

**Mrs Hanna:** The staff of the National Health Service are still our best asset, and that is demonstrated day in, day out by all healthcare and ancillary staff. They require job security, proper support, effective management and adequate resources if they are to fulfil their duties to the best of their ability.

The DHSSPS requirement to achieve efficiency savings challenges the desired provision of good service. I hope that we do not lose front-line jobs, and I know that the Minister is concerned that that does not happen, but if we do, it will put the remaining staff under more pressure than ever.

I am also worried about the effects of using redundancies, the possible freezing of recruitment and reducing staff numbers as a means of balancing a budget, which always fell short of the mark. That is why the SDLP voted against the draft Budget and the draft Programme for Government: they relied far too heavily on efficiency savings.

All parties agree that there must be investment in training and recruitment if the Health Service is to be improved. As has been said, it is worrying that there is still a shortage of psychiatric nurses, nurses for people with learning disabilities, midwives and theatre nurses, amongst others. Although I recognise that the use of agency staff is, at times, unavoidable, trusts should not rely so heavily on those staff when permanent staff would provide better continuity of care and better long-term efficiency. I understand that short-term contracts are long gone. Perhaps the Minister will comment on that.

I would have appreciated from Alex Easton stronger statistics, firmer facts and figures and benchmarks comparing the numbers of vacancies against total employment. Claire McGill provided some figures, but it would be interesting to know to where exactly in Northern Ireland they apply.



It is important also that we examine the skills match. Perhaps there are vacancies in some areas because appropriately trained people are not available. It would be helpful if the Department and the Minister responded on whether they could be more proactive on that.

The Department, rightly, concentrates on policy and strategy, and the trusts deal with operational matters. However, I assume that the Minister is confident that the Department has the people with the appropriate management expertise to tackle that and to review continually the recruitment process.

For the NHS to recruit and retain staff, it needs to be a good employer who provides the correct support, training and investment. The skills of the staff should be maximised, and opportunities for promotion will help to maintain staff morale. The delivery of a high-quality service is no easy task for staff, but organisation and leadership from DHSSPS is crucial, and I am sure that it exists.

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion and the amendment and commend the proposers for securing today's debate. It is an important and timely debate, as Claire McGill said, but it is important that Departments' recruitment of the public-sector workforce is kept under review at all times. Furthermore, it is important that the recruitment processes are examined for efficiency and effectiveness.

I welcome the Minister to the debate; it is nice to see him again. I know that he has been here all day, but so have we all — and we will be here all day tomorrow as well. I thank the Research Services for the information pack on the debate that it provided for Members. I know that it provides an information pack for all debates, but this one was particularly useful, because it contained many of the necessary figures that Carmel Hanna mentioned. The figures in the research pack are useful to Members.

5.15 pm

Members who spoke previously highlighted the number of staff employed, the amount of vacancies in the health sector, and the amount of money paid out to agency staff. It is useful to know that we are dealing not only with employment issues, but with vacancies and the agency staff who are brought in to deal with those vacancies.

Claire McGill said that earlier this year the 'Belfast Telegraph' reported that more than £30 million was paid out across the North over a three-year period for agency workers in the Health Service, including nurses, domiciliary and medical staff. However, those figures did not include the Belfast Health and Social Care Trust or the South Eastern Health and Social Care Trust. The report suggested that when those figures were added, the total could reach more than £50 million — a startling figure. It may seem like a drop in the ocean compared

to the health sector budget; however, if the Minister is fighting daily for additional money, the £50 million paid out to agency staff is startling.

We must look at how we deliver services at every level. No one in the Assembly is criticising, or will criticise, trusts or the Department for employing staff to deliver services. However, we must look at how those staff are put in place and how agency staff are brought in. The bill for staff could be reduced if those staff were made permanent.

Alex Eason referred to a report in 'The Irish News' that stated that there is a possibility that more than 3,000 jobs could be at risk in a bid to hit the savings target of £130 million. No one is arguing — especially in relation to the previous debate — against the need to spend public money wisely. However, that should not be at the expense of cutting front-line services and care to our community.

'The Irish News' stated that the focus of those cuts would be nurses, ancillary workers and general staff. A radical overhaul of the Health Service is needed so that we can find out how the £50 million was spent on agency staff. There is also a need to review the proposal to cut jobs in front-line services.

We hear daily about the problems that patients and staff in the health sector face, including waiting lists and the shortage of care packages; we also hear about hospital infections, which have been to the fore over the past couple of weeks.

The Minister may not have the answer with him, but it would be useful to know how much money was paid to agency staff and how much was paid to the agencies that employ them. That would give us a better idea of where the money goes.

We hear about the state of hospitals and about what the Department, the trusts and the Minister will do; we also hear about reviews, strategies, outputs and inputs. However, if we propose to cut staff and front-line care in our hospitals, how will we ensure that patients get the best high-standard care? How will cuts to front-line staff in our hospitals help us to defeat infections in them?

We are talking about efficiencies and streamlining services, but we should not attack the very people who have been at the forefront of delivering those services with a lack of resources and money. We must commend and congratulate the staff who have provided that service during such difficult times — including agency staff, because they are stepping up to the mark. However, we must continue to ask trusts why they continue to pay for agency staff. The trusts are looking for the easy way out. Go raibh maith agat.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** This is an important debate on an important matter. I want to outline the level of

vacancies across our Health Service and what action is taken on the recruitment and retention of staff. I want to set out how my Department monitors workforce levels, and I want to put in context how any large organisation performs with a number of vacancies at any one time. I also intend to remind Members of the position on staffing.

We are all aware of the efficiency savings that must be made as part of the comprehensive spending review. There is no doubt that achieving a 3% efficiency target will be challenging and will, in some cases, mean that difficult decisions will have to be made.

Every party signed up to that target at the Executive meetings. The target is not my idea; it comes with the territory. If anyone has a better idea about how to find 3% savings, I am listening. Likewise, if anyone wants to vote me the £700 million that I need in order to avoid the efficiencies over the next three years, I am listening. However, no one is doing that. I am more than happy to listen to criticisms, but I expect them to be constructive. I expect to hear alternative proposals rather than simply criticisms. I must tell Members that the staff take those comments to heart, because they sound like a criticism of the service.

My position remains the same: there will no cuts in front-line services. There will, however, be changes to the way in which services are currently delivered. All those resources released by the Department through greater efficiency will be reinvested in health and social care. If efficiency savings are not achieved, all the planned investments in existing commitments and new services cannot happen. Examples of those new services are the introduction of bowel cancer screening, improved ambulance response times, hundreds of extra cardiac procedures, a reduction in the number of children in care and the resettlement into the community of more patients with mental-health problems and learning disabilities. Those are just a few of the important service developments that will happen across the comprehensive spending review period, but only if the efficiencies are achieved.

I want to set straight what the core issue is in the debate. The issue is not simply about percentage levels of turnover or the technicalities of examining in detail the movement in workforce trends. Those are tools that my Department uses to manage and plan workforce levels. The real issue today is the level of service provided to the people of Northern Ireland. Every one of us will have used, or will someday need to use, our local Health Service. We all want the same things from our Health Service for our families and for ourselves. We want to be seen promptly and to be diagnosed accurately. We want first-class treatment and care in clean, pleasant, modern surroundings, and we want it to be administered by staff who will help to maintain our dignity and give us respect.

I rely on the staff in our Health Service — highly professional and dedicated teams of clinicians, managers and support staff — to deliver on those expectations. As the Health Minister for Northern Ireland, I also have a responsibility to ensure that our Health Service is staffed appropriately. I must ensure that it has the resources that it needs to deliver high-quality health and social care, hence the debate that we had on the draft Budget. I correct Tom Buchanan on an earlier comment: I was not given half a billion pounds by the DUP. No way was I given that amount or, indeed, anything by the DUP.

At this time, there are fears that staffing levels will not deliver on those expectations. I want to address those concerns. My Department takes a leading role in managing our workforce. Demand and supply in the local labour market is monitored continually. Vacancies across the Health Service are monitored on a six-monthly basis. Those figures are analysed and form part of a rigorous workforce planning process. When it is necessary and appropriate, my Department takes action to balance workforce supply and demand.

Before I outline the vacancy position, let me take a few moments to ensure that we are clear about the definition of a vacancy. A vacant post is one that the organisation is actively trying to fill. Figures for vacant posts are gathered through the Northern Ireland Health and Social Care Workforce Vacancy Survey. It collects information on current and long-term vacancies by grade, organisation and programme of care. Once a post has been vacant for more than three months, it becomes known as a long-term vacancy. Vacancies are normally expressed as a vacancy rate.

Without getting too technical, I want to put our vacancy situation into context. First, we have the largest workforce of any organisation in Northern Ireland, with about 70,000 employees. Members will also be well aware that health and social care staff work in highly complex and sophisticated organisations. Our health and social care service is dispersed on sites and patients' homes across the Province, and its workforce comprises a wide range of posts from porters and cleaners to surgeons and managers. Secondly, in March 2008, there were 1,266 whole-time equivalent vacancies across all occupational groups.

That is 1,266 vacancies from about 52,000 whole-time equivalent posts. The vacancy rate is 2.4%, but in March 2005 it was 4.2% — it has almost halved in the past three years. Over the same period in England, the turnover rate has remained steady at about 10%.

Thirdly, much has been made recently of the effect of vacancies on our Health Service. There have been headlines in the local media announcing that millions have been spent on agency staff; I want to set the record straight. Spend on agency staff will never be

zero. Trusts must be able to respond to fluctuations in demand and staff availability, and the use of temporary staff forms a key part of that flexibility. For example, if the sister of a team working in an operating theatre takes ill, the whole team is out of action until that post is filled. Therefore, a temporary worker is called in, because otherwise the whole team is out of action, which means that all the patients jack up in a row.

The use of temporary staff forms a key part of flexibility for trusts, and we will never get the spend on their services down to zero. Reasons for such vacancies include sick absences, maternity leave or short-term absence. Those are critical services — operating theatres cannot function safely if they are not properly staffed. A certain level of vacant posts must be covered to deliver the service that we all expect.

The spend on agency nursing staff locally is about £13 million each year, which accounts for about 2·4% of the pay bill for nursing. That compares favourably with the Health Service in England, which, at the time of the last audit report, was spending more than 9% of total nursing expenditure on agency staff.

However, that should not be interpreted as my giving trusts a green light to call on agency staff at any opportunity — I am the first to acknowledge that agency staff must be scrutinised, and we must ensure that patient satisfaction is high. I have asked trusts to reduce their reliance on agency workers. Steps have been taken: staff banks have been established in trusts and staff absence is being managed in a better way.

A question uppermost in minds is what is being done to fill the vacancies. I can confirm that trusts are actively recruiting into vacant posts. In any organisation at any one time, about 3% of its workforce is not in the workplace due to staff turnover and long-term sickness absence. In addition, staff turnover rate is normally about 5% or 6%. As I said, the vacancy rate in the Health Service is 2·4%, which shows that recruitment policies and procedures are operating effectively and efficiently.

That is further reflected in the proactive approach that trusts have always taken to attract a high-quality workforce. Trusts attend local nursing-recruitment fairs, create links with communities to attract support staff, and they make the process of applying for jobs as efficient and economical as possible by providing an online application service at [Hpssjobs.com](http://Hpssjobs.com). I reiterate that our local trusts are successful in recruiting and retaining high-quality, professional, dedicated individuals. Our turnover rate of about 5% to 6% also indicates that retention of staff is strong and compares favourably with the 10% rate for the Health Service in England.

I stress that my Department is working in partnership with the Health Service trades unions on all matters regarding staff. I attend the Department's partnership

forum to discuss the effect of proposals and strategies with staff representatives. There will be those who remain critical and demand to know how a quality service can be provided if the proposals to change services are implemented. Members will be aware of the efficiency savings demanded by the comprehensive spending review, and I will outline my position on the effect of those efficiencies on staffing.

5.30 pm

The comprehensive spending review (CSR) is the current driver for change, but change is a necessary element in any successful organisation. Our Health Service needs to change to respond to the changing health requirements of our local population. We know that people do not like staying in hospital for an unnecessary period, and people with chronic conditions want to remain independent in their own homes for as long as possible. We need to take action in relation to lifestyle challenges around obesity, smoking-related deaths, binge drinking, teenage pregnancy and tragic deaths from suicide. I am determined that we will meet all those challenges head on, but service development requires funding.

I have asked the trusts to bring forward their plans for efficiency savings. Key proposals for the delivery of services in a new and innovative way are out for consultation. I have said that efficiencies will be reinvested, and the resources that will be made available will result in extra spending power. I want to maintain existing services, meet inescapable commitments, but, importantly, I want to fund service developments to meet the challenges that face us now.

The Health Service will reform. It will change to deliver more efficient and streamlined services that are focused directly on meeting patient and client needs. Standards of treatment and care will remain high. We are tackling cleanliness and infection control, and I want to ensure that staff and patients are part of a twenty-first century service that is fit for purpose.

The proposed reforms will bring changes for staff. Service change or reconfiguring impacts on the skills required to deliver a new service, which means that some posts may move to another area of the same service, some posts may no longer be needed, and some staff may be redeployed and retrained to work in other parts of the service. I want to stress that it is the service need and demand for skills in a particular area that drives the need for trained staff. Posts in trusts that are being proposed as part of the efficiency measures are those that will no longer be required to deliver a particular service. It follows, therefore, that if a service has changed, the staffing required to deliver that service may also change.

I have said that I want to avoid compulsory redundancies. If the efficiency proposals are accepted,



I will be able to avoid those redundancies. Staff turnover is such that around 2,500 people leave the Health Service every year. Severance arrangements are also being considered for staff who may wish to retire early or take voluntary redundancy. However, I want to stress that we will not add to our vacancy levels. The re-engineering of services will require fewer staff; in other words, a more efficient way of working. Next year, I do not expect much fluctuation from the current vacancy rate of around 2·4%.

Finally, I am confident that the work that we are doing to monitor workforce supply and demand can monitor vacancies, and recruit and retrain staff. Investing in the redesign of the services will result in a more efficient Health Service that has patients and clients at the centre of everything that it does.

**Mr Ford:** I welcome this afternoon's debate — short though it was — and I congratulate Alex Easton and Tom Buchanan for securing it. I also thank them for accepting our amendment.

In opening the debate, Alex Easton highlighted some statistics relating to the issue, but he would have occupied his entire allotted time had he gone through all the statistics. He undoubtedly showed the depth of the problem, although the Minister did his best to argue otherwise later on.

In proposing our amendment, Kieran McCarthy reminded us all of the dependence that we have as a society on the services provided by the NHS, the dangers of an excessive dependency on agency staff and the further threats that occur to that service by the proposed efficiency cuts if they were to translate into the loss of full-time jobs.

Claire McGill expanded in an interesting way on some of the relevant statistics. She highlighted for all of us that the Cinderella services have the worst statistics for staff employment.

It is great when Members stand up and pay lip service to the Bamford report and the need for it to be carried through, but we need to be reminded of the everyday effect that that would have. Bamford proposed an improvement of services, not only for those with mental-health and learning-disability problems who are in the greatest need in our society, but for those who cannot get any decent services because of the restrictions that exist. That was a welcome point.

John McCallister reminded us of the role of workforce planning. Sometimes I wonder whether a once-every-three-years process is adequate. He reminded us of the importance of each and every member of staff in maintaining necessary services and the overall momentum of the NHS.

Carmel Hanna added to that by pointing out the need for good support and management of staff, and she asked

whether efficiency services are already impacting on quality or will do so in the future. She also asked whether the skills match that we have at the moment is good enough.

Sue Ramsey referred to the jobs that are at risk from the efficiency savings. She revisited the statistics, and highlighted infection control, which sometimes gets missed out in the overall debate.

When we speak of recruitment and retention, we mean much more than training staff and putting them into posts. There are huge issues; we must ensure decent working conditions and decent career progression for all staff. I welcome the fact that, in recent years, many of the trusts have taken back in-house some basic services, such as catering and cleaning, so that people can feel part of the hospital team, rather than have to report to managers elsewhere. That is part of providing decent conditions for all staff. Provision of career progression for a range of the professions allied to medicine — as well as nursing and medicine — is another part.

The Minister hinted at, but did not go far into, how we provide decent conditions for professional staff. That is, for some people, an unpalatable issue. We can do that by ensuring that professional staff work in teams in which they are comfortable, and that provide decent learning opportunities, decent on-call rotas and a quality of care that some of our older units are incapable of providing. When Members talk of preserving services and, in particular, units in their constituencies, they may lose sight of the overall picture.

Last week, I had the opportunity to visit Antrim Area Hospital alongside the chairperson of the trust on one of his infection-control visits. I was impressed by the work being done. The two wards that we visited were close to full staff complement, and their teams managed to operate with a degree of assurance. Nursing and medical staff had some security in those wards and knew where they stood. However, no one could have said that their working conditions were too good; they were less than good. When a consultant psychiatrist must use a ward computer at 8.00 am because that is his only opportunity to do some basic administration, it suggests that the staff do not get everything that they might have.

The Minister outlined some of the successes and targets of the CSR period, and we wish him well with that; however, he acknowledged the need to scrutinise agency use. He also acknowledged that we still have a 2·5% vacancy rate. I agree with him that change is necessary to respond to the needs of the community, but that change must ensure not only that we provide the top service to patients and clients in the short term, but that we provide the long-term conditions that benefit staff so that they continue in the service.



**Mr Buchanan:** I thank the Minister for being in his place again today for this important motion.

The people who work in the Health Service are at the heart of delivering high-quality personalised care to our patients. The quality of experienced staff — their knowledge, skills and commitment — are some of the great strengths of the Health Service, and we need to ensure that they continue in the future. Employers must enable staff to deliver high-quality services through progressive employment practices, while encouraging them to further develop their skills through innovative training programmes.

Planning today for tomorrow's workforce is an essential part of delivering a state-of-the-art Health Service. Sadly, however, the Health Department is paying millions of pounds for agency workers while proposing to cut front-line staff to the tune of, among others, 722 nursing posts in the next three years. It is a staggering fact that in the past three years up to £50 million could have been spent by cash-strapped health chiefs on nurses and on domestic and medical staff to plug massive gaps in the workforce.

The figures show that between 2005 and 2008, the Western Health and Social Care Trust spent £12.5 million, the Northern Health and Social Care Trust spent more than £11 million, and the Southern Health and Social Care Trust spent almost £6.5 million on agency staff. Is it any wonder that that prompted the Royal College of Nursing to call for an improvement in the training, recruitment and retention of permanent nursing staff? The Minister must address that matter urgently.

Previously, the Minister made it clear that front-line staff would not be affected by any efficiency savings. However, I fear that efficiency savings are being used by the Minister as a smokescreen to cut front-line staff. When Tony Blair introduced efficiency savings, he said that the intention was to reduce bureaucracy and to reinvest money into front-line services. The DUP agrees that efficiency savings, to which all Departments have signed up, are the way forward. However, I call on the Minister to ensure that he is true to his commitment that although efficiency savings are made, they come from the overly bureaucratic section of his Department and not from front-line services.

Using the smokescreen of efficiency savings to cut front-line staff will not wash with Members because we will see through it; it will not wash with the people on the streets or with nurses and medical professionals because they will see through it. Efficiency savings should be used to cut the overly bureaucratic sections of the Department and put them into, rather than take them out of, front-line services. Those are not just my words; the Health Committee also heard the fear that 722 nursing posts would be lost in the next three years. Rather than using efficiency savings to take away front-

line services, let us blow away the smokescreen and get down to reality.

That concern has been echoed across the House during the debate. When proposing the motion, Alex Easton said that the matter affects everyone in the House. Indeed, it affects everyone on the street also. The concern about the vacant posts in the Health Service is not being addressed. I ask the Minister to take that on board and to address those vacancies properly.

Kieran McCarthy said that more effective and efficient measures of recruiting and retaining staff must be considered. Staff retention is a big issue. Part of the reason why health trusts find it difficult to retain staff is that people who have been in temporary posts for years have not been made permanent. That would discourage anyone, and it must be addressed. Rather than the Minister leaving individual trusts to do their own thing, he should be in touch with each trust to ensure that they are following a direct line in order to ensure that staff are encouraged to stay in the Department.

I share Claire McGill's concerns about the serious effects that the job losses and cuts will have on elderly people, people with mental-health problems and people with learning disabilities. That must be considered seriously.

5.45 pm

John McCallister spoke of the service that more than 60,000 staff who are already employed in the Health Service deliver and provide. They must be commended for that work. However, I am worried about the severe lack of workforce planning. Much more must be done to recruit staff in particular areas. I know that the Western Health and Social Care Trust has been unable to recruit staff for advertised jobs. Therefore, more innovative ways in which to recruit staff in some trust areas must be examined. The issue comes down to workforce planning, and the Minister must take that on board.

Carmel Hanna spoke of the requirement for adequate resources so that the Health Service can continue to provide excellent services. She also said that permanent staff rather than agency staff provide more continuity of service, and I could not agree more. We really need permanent staff rather than agency staff. We should not, though, put-down agency staff, because they do a good job. However, for far too long, the trusts have depended far too much on agency staff, causing them to go way over budget. That is why we must ensure that more permanent staff than agency staff are employed in the Health Service.

Sue Ramsey also spoke about the huge amounts of money that have been spent employing agency staff over the past number of years. Members across the House referred to that point, and it is an issue that must be seriously addressed.

One issue that caused me grave concern was that the Western Health and Social Care Trust said that it may not be possible to deliver £36 million worth of efficiency savings without cutting front-line staff. The Minister said that each party had signed up to efficiency savings, and he is absolutely correct. However, let us use efficiency savings as they should be used and not as a smokescreen to cut other services.

**Mr Easton:** I thank the Member for giving way. Does the Member agree that the Minister is failing to examine areas in which efficiency savings can be made, and that he seems to be going for the cut approach? In my constituency, residents of nursing homes and residential homes have been told that there are going to be cuts. Those are cuts, not efficiency savings.

Does the Member also agree that when the Minister presented his efficiency plans to the Health Committee, he failed to look at ways to cut the bill such as reducing the number of agency staff? Does he also agree that the Minister failed to examine medical negligence claims, which cost the Health Service £75 million; top-heavy levels of major management in the service; the independent sector providers that use extra money; and the issue of increasing productivity? The Minister is failing to examine many areas. Does the Member agree that —

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

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

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

*Resolved:*

That this Assembly notes with concern the current number of vacancies in the Health Service; and calls on the Minister of Health, Social Services and Public Safety to review, as a matter of urgency, how health and social care organisations recruit staff and to look at more efficient and effective processes for the recruitment and retention of staff.

*Motion made:*

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

## ADJOURNMENT

### Primary School Education in East Belfast

**Mr Deputy Speaker:** I remind Members that the proposer of the topic for debate will have 15 minutes in which to speak. All other Members will have approximately 10 minutes.

**Mr Newton:** I welcome the Minister of Education to the debate, although I do not think that I will say anything that she has not heard before. This problem is not unique to East Belfast, but the situation is so serious, particularly in the inner-east area of the city, that action must be taken.

I have three areas of concern: funding, parental involvement in education and primary-education strategy in East Belfast. Education funding has dominated the headlines over the past months, and only slow progress is being made. Primary-school education is the most important period of learning for children, when they develop many of the skills that they will use later in life. However, there are strong feelings that many children are being failed at primary level, at least in part due to the lack of funding for teaching activities.

Northern Ireland has one of the greatest disparities of funding between primary and post-primary education. The Minister promised to reduce that funding disparity; however, that is not seen to be the case. In the academic year 2007-08, the disparity of funding was £1,244.29 per pupil; in the academic year 2008-09, that disparity stands at £1,258.34. That confirms that the funding disparity is increasing, even though, on 21 April 2008, the Minister promised the House that she wanted social justice, fairness and equality for all children. How can there be equality for all children when those in primary education are not receiving enough funding to ensure appropriate levels of education? Perhaps the Minister will enlighten us about how she plans to deal with that issue.

I recently met representatives from the East Belfast Principals' Group, who raised issues that confirmed how far they had to stretch their budgets in an attempt to meet the education standards required for our children. One issue is some schools' inability to employ an IT technician to maintain computers, with schools having to share a technician to spread the cost, and the disadvantage that that brings. In today's society, where the ability to use a computer effectively is essential, that situation is unacceptable.

The principals' group is concerned about insufficient funding being made available for special needs education.

That support is essential for children suffering from learning difficulties in order to prepare them to lead a successful life in the future. However, 10 primary schools in East Belfast have reduced their special needs budget; two primary-schools' budgets remained the same; and a further two primary schools had no budget for special needs education. Educational disparity matters, and the Assembly wants, and needs, to place greater importance on pupils who are underachieving in our education system in order to improve their social mobility.

Additional money may be allocated to all or some schools under a specific initiative such as extended schools funding. In that case, the allocation of money is ring-fenced and is non-transferable to other expenditures associated with the running of the school. Principals, therefore, as managers of their schools, are not permitted the choice of allocating funding to what they consider to be a priority. In principle, head teachers are not opposed to ring-fencing resources for particular purposes, but they are deeply concerned when core funding is inadequate or reduced because of the sums allocated for specific purposes from the overall education budget. Principals are frustrated by the distinct lack of understanding on the part of civil servants and others who contrive such schemes and yet are apparently unaware of the key issues that face schools today.

More delegated funding, via the common funding formula calculation, would give principals the luxury of making professional judgements about issues such as class size and support teachers for people with special educational needs. That will ultimately affect standards in literacy and numeracy, as well as pupils' self-esteem, and it will reap benefits far beyond the enjoyment that is gained from attending an after-schools club. Action is required on those issues, or children's education at primary level will continue to suffer.

Children spend a relatively small amount of their overall time at school. Family background, cultural factors and material needs have the most significant impact on educational outcomes. Many underachieving children spend a lot less time at school than is the norm, often opting out at an early age. Opting out does not just mean that a child is not in attendance; it can mean that a child does not want to learn, or is not in a position to learn.

The Department has progressively viewed schools as a driving force for social cohesion, with teachers becoming an emergency service for the extensive problems in society. That top-down tactic has forced schools to be held responsible for a growing variety of social activities in the wider community. That has diluted the accountability of parents, and their participation in their child's learning. Aspiring principals and teachers who have strong leadership qualities and who can make a difference in the lives of children are demotivated.

Policies are needed that place a high value on the important role of families and communities, and that give them a stake in the education of children. We need to lend a hand; parents can take more responsibility and should be supported in participating in their children's education. They must be allowed, in partnership with teachers, to help meet their children's educational needs. A cultural change must be encouraged within the educational system and society to bring long-term benefits to children from disadvantaged backgrounds, and to those who find it difficult to learn. That cannot be achieved without the necessary investment in primary education.

Teachers are not only teaching children; they are acting as surrogate parents to a minority of children, and that results in the education of the majority of a class suffering. That means that teachers have no non-teaching time in which to sort out issues in respect of the classroom. That points to a need not only to get parents more involved in the education of their children, but for further investment in pastoral care in schools.

Pastoral care is an important part of the education of children. However, primary schools in East Belfast do not have the money in their budgets to afford the luxury of employing a pastoral care worker. Primary education is the foundation; it is the building block that future educational success is built on. Holistic funding is necessary to ensure that education standards can be met by teachers, and that parental support and involvement can be achieved in school and in the home.

Children who are in primary education are being failed due to inadequate funding packages for the primary sector. I do not want to paint the picture that every school in East Belfast has major problems, but there are such schools. The strategy for primary education in the east of the city needs to be agreed with the principals and implemented.

There are problems, and the number of pupils who attend a school is an important factor in keeping it open. However, there cannot be a repeat of the Mersey Street Primary School closure, whereby that school, right in the heart of the constituency, was closed as the result of a one-off decision, and without an overall strategy for the constituency in place. In saying that, I am conscious that Belfast Education and Library Board is working on a strategy that must be agreed with principals and implemented.

*6.00 pm*

In closing, I will quote from a letter that I received from the principal of an East Belfast school who is dedicated to her leadership role and concerned about the future of her charges — the pupils — whom she wants to have every possible opportunity. That principal asks:



“Why should a school be placed in the position of planning to make a teacher redundant for next year because of reduced pupil numbers and therefore reduced delegated funding, whilst simultaneously worrying how they can spend £25,000 (paid in a drip feed system) before the end of the financial year on what are essentially non-essential extras such as are required by Extended Schools Funding? This is the real world occupied by many principals who are weary of the incredibly large work load placed upon them.”

The situation that I have outlined, and the comments of a dedicated principal who wants to provide the necessary leadership for her charges, is symptomatic of schools throughout East Belfast. There is a frustration and a desire to do better, but Belfast Education and Library Board must provide a strategy. There is also a need for funding, and a way to secure greater parental involvement in children's education.

**Lord Browne:** Most Members would agree that schools are great because 150 years ago someone had the idea to give children a break at Easter and in the summer in order that they could go planting and harvesting. Today, however, a typical lesson plan is organised in the same way as it was in a church service in 1850: children dress up for the occasion, come in, sit down, become silent, face the front, and in comes the vicar — or, in this case, the teacher — who tells them how it is, and their success or failure depends on how well they can repeat what they have been told or shown.

The education system was designed for an economy that no longer exists. The trouble is that local, national and international economies keep changing. Unfortunately, our education system is too inflexible to change at the same pace. The major need is not to tell children how things are done, but to give them the skills that enable them to work things out for themselves.

A modern classroom, set up for a teacher to tell 30 or more children how to work, must be supplemented with other spaces and other systems that enable children to explore in order to discover their own solutions.

I make no apology for providing the example of Rulang, where Singapore primary-school children aged as young as eight are building robots in special robotic studios. They are given a problem: they are told that Singapore is an island and has the second largest oil refinery in the world, and that terrorists have planted a bomb on a tanker that is berthed in port.

The children are challenged to design a robot that can find its way around that tanker, recognise the bomb and defuse it. They are then asked to design another robot that can clean up any oil slick. After that, the children are asked to design a website that will inform the population. They may also develop a business plan to market and develop that technology, and all through the use of Lego mind storms that enable them to construct the robots.

If that is achievable by primary-school children in Singapore, there is no reason why children, particularly

in East Belfast, should not have the opportunity to develop similar skills. We must start to explore new, innovative ways to teach and develop children.

Closer to home, in the United Kingdom, more than 200 children in a school in a deprived area of Bristol have created an interactive fountain. The project has already improved the children's classroom performance. Recently, it featured in an exhibition at the House of Lords at Westminster. It is an example of education innovation. A speaker at that conference pointed out that a huge amount of work has been done to improve existing schools as much as possible. Unconventional approaches to bring about improvement must be considered seriously.

Another example of that is 'Notschool.net' — a school that is entirely online and without any physical location. It is exclusively for children who have been expelled and who do not perform in conventional schools. Normally, only 1% of expelled pupils achieve five GCSE passes. At 'Notschool.net', the pass rate is over 50%. That cost-effective method has improved the pass rate by a factor of 50. When one considers that the Government have increased the pass rate by only 5%, at an average cost of £3 billion each year, it is not difficult to argue which method is the most efficient and effective.

It is obvious that children who come from the same environment have different skills. Surely, all children should be given the choice to achieve their full potential. It is interesting to note that a child from a working-class background is seven times less likely to go to university than one from a middle-class background. The amazing fact is that there is no genetic explanation for that whatsoever. Enrolment in working-class areas in East Belfast is falling. I am sure that the trend is similar in many other areas. That has led to discussion, particularly in inner East Belfast, about schools possibly having to merge.

There is absolutely no evidence that 28 or 30 pupils per class are effective numbers for the best teaching methods. I suggest that the only reason to organise children into classes of that size is pure financial convenience. If class numbers were to drop to 20, costs to schools would be minimal, particularly when one considers the educational benefits that that would afford children.

The question is not why some children in primary education are being failed, but what the Assembly can do to allow those children a better opportunity in life. My colleague Robin Newton has already explained some of the conventional methods of improving standards. More finance is needed. However, conventional methods will work for some pupils, but not for all. A variety of approaches and significant progress in thinking are needed.



I want to record my admiration for the teachers involved in primary education in East Belfast. I thank them for their commitment and dedication. There are certain fields of education in East Belfast, and, indeed, throughout Northern Ireland, that require specialists from other professions to get involved. I urge the Minister to consider how best to bring in specialists to work alongside teachers.

In conclusion, I believe firmly that implementation of innovative methods to accompany the conventional methods that Robin Newton has already discussed must be considered in order to enable every child to enjoy learning and, particularly, to develop skills that will afford him or her the best opportunity in life. I trust that the Minister will examine ways and means to find the money that is needed to implement new methods, particularly in East Belfast and in those schools with a high proportion of pupils from working-class backgrounds.

**Mr Deputy Speaker:** I remind Members that the subject of the Adjournment debate is primary-school education in East Belfast. The last speech was four-and-a-half minutes old before there was any reference to East Belfast. I have given a great deal of latitude, but that is where my latitude ends.

**Ms Purvis:** Mr Deputy Speaker, you can rest assured that my speech will refer entirely to primary-school education in East Belfast. I thank my colleague from East Belfast for bringing the debate to the House.

Primary schools in Northern Ireland — and particularly in East Belfast — do extraordinary work in very challenging circumstances. For years, they have not received the level of funding that they need to do the job asked of them. Primary education is key to the long-term achievement and well-being of our children, and we expect primary schools to deliver a multitude of services: a solid, core education that can be built on for life; strong numeracy and literacy skills; social skills; pastoral care; needs-based attention for children with learning difficulties and special needs; a modern, welcome and stimulating learning environment; IT facilities; physical education; and nutritional meals.

Primary schools are at the heart of the community in East Belfast, and they play a vital role in influencing children's attitudes at a young age. Those demands are tremendous by any measure. We have created high expectations for primary schools, but, critically, we are not giving them sufficient funding to deliver the services. Teachers and principals are regularly being forced to make cuts and compromises that do not make anyone happy. Primary schools in East Belfast face particular challenges; statistics show that 14 of Northern Ireland's 20 most-deprived areas are in Belfast. Four of the wards are in inner East Belfast and are among the 10% most-deprived areas.

East Belfast was once a great centre of manufacturing and industry, but jobs have waned in recent decades. Unfortunately, the focus on industry and its associated jobs has not been replaced by a focus on education. Due to the loss of jobs and lower levels of educational achievement in deprived areas, parents often have to deal with pressing problems at home. Therefore, some parents are unable to fully support their children in school or are unclear about how best to do so. We cannot expect children to reach high levels of educational attainment if other serious problems are impacting on their lives.

Such challenges place additional demands and stresses on primary schools, which are at the front line in identifying and assisting children and families in need. My party colleagues and I have spoken with primary-school principals in East Belfast. Admirably, they do not begrudge their pastoral care responsibilities. They recognise that they are often the liaison point between families, children, social services, and even the courts. They accept that responsibility and want to maintain a high professional standard. However, they are not able to do so, given the current level of primary-school funding.

As Robin Newton alluded to, primary schools in Northern Ireland receive only 62% of the funding that is given to secondary schools. In England, primary schools receive 79% of the funding given to secondary schools. In Scotland, the figure is 72%, and in Wales it is 82%. That dramatic disparity in funding means that primary-school educators in Northern Ireland are working under very stressful conditions. They are not able to deliver the level of support that they would like to, particularly for the children who need it most. They cannot deliver sufficient special-needs provision, and they cannot bring in the specialists who are required to deal with pupil-welfare issues.

Teachers and principals in East Belfast do not receive the release time that they need to prepare for and address the demands being made of them. Last week, the Minister of Education delivered some startling figures on the levels of non-achievement in education among children and young people from deprived areas, particularly among boys and young men. We know that academic selection plays a role in that, but it is also caused by the fact that primary-school education in Northern Ireland is not sufficiently funded. Difficulties cannot be identified and addressed at an early stage. Instead, they fester and grow into problems and crises that result in the failure levels that are being experienced in secondary education. By not assisting our children fully at a young age, we are leaving them to deal with serious difficulties in the long term.

6.15 pm

The need for assistance and support at the pre-primary stage is apparent in many neighbourhoods in East Belfast. Primary education puts in place the building blocks that shape children's learning and attitudes to education for life, but the early-years provision from nought-to-four provides the foundation on which that is built.

Tullycarnet Primary School in East Belfast, in conjunction with Barnardo's, created the innovative Tullycarnet family project to support that inclusive approach to learning. The project offers a homework club, reading circle and a host of other activities for those of pre-primary age, in which children and their parents can participate together. Parental participation in children's education is crucial. Such services and innovations will make a real difference in children's lives, and they should be fully funded and supported.

I encourage the Minister to make urgently the necessary changes to enable primary schools and pre-primary services to meet the demands that are made of them. Funding for primary schools in East Belfast must be increased to a level that matches people's expectations of them. Whatever formula the Department uses to arrive at a per-pupil figure, the standard aims must be to provide quality education to young children in a safe, stimulating and welcoming environment, and to provide teachers and principals with the resources that they need to carry out their important work.

A dramatic increase in funding for primary schools must be found without touching the funding for post-primary education, which faces its own challenges. It is a question of addressing a shortfall in one specific area of education and increasing its funding to the level that it should have received a long time ago. We cannot rob Peter to pay Paul.

The additional funding for primary schools must be channelled through core funding and not be ring-fenced or tied up in a new initiative. As one initiative after another is introduced, requiring schools to respond constantly to the new demands of short-term funding, primary schools have become laboratories for policy experiments. Schools must have the flexibility to apply funding to their particular needs, which differ from year to year and from school to school.

Schools in East Belfast that are located in areas of deprivation face additional pressures and should, therefore, receive additional funding and financial support so that they can meet the varying needs of all their students. It is important that the gap in funding be addressed by topping up schools' core funding. If children do not receive support to overcome any obstacles to reading, writing, concentrating and dealing with problems at home that carry over into the classroom, they will associate school with failure very early in life. It will be difficult to alter those attitudes as they get older.

Principals and teachers in East Belfast are committed to taking on the challenge, and it is the Assembly's job to ensure that they have the necessary resources to be successful.

**Mr A Maskey:** Go raibh maith agat, a LeasCheann Comhairle. Although I am an MLA for South Belfast, I commend Robin Newton for securing today's Adjournment debate, particularly in light of a similar Adjournment debate on 6 October on primary-school education in South Belfast. As Wallace Browne acknowledged, the issues that are involved transcend any constituency considerations. Part of my constituency borders, and even has common boundaries with, East Belfast. Therefore, I declare a specific interest in parts of East Belfast.

I welcome the opportunity to contribute to the debate. I do not want to rehearse the detailed contributions of other Members, all of whom are much more directly informed about the specific issues. As I think back to the Adjournment debate of 6 October, I must again voice support for all the teachers and managers who have done an excellent job over the past several years. As Robin Newton said, when Members point out the deficiencies and defects in the system, we are always mindful not to be in any way negative about the schools estate or the work that is being done in schools. Schools are an essential part of everyone's future and are of particular benefit to children.

Therefore, I commend school staff, principals, boards of governors, parents and pupils, who are working hard in school to achieve the best possible education and to secure a productive future. I thank everyone who has contributed to the education sector during the past number of years.

I join with other Members in encouraging the Minister to do whatever she and the Department can to give necessary support to the schools and the primary-education sector in East Belfast. There are approximately 26 primary schools in that constituency and, as is the case in other constituencies, some schools experience disparities in performance and in the level of advantage and disadvantage. I welcome the fact that several schools receive the school support programme, and I urge the Department to, where necessary, provide extra support to those schools.

All Members agree on the importance of the three core elements of education, performance and achievement. We must examine current funding levels for school estates to determine whether additional maintenance work, newbuilds, or an upgrade of existing facilities is necessary. The Assembly and the Department — and we will hear directly from the Minister later — are focused on those issues. All Members want to ensure that measures are introduced to continue to increase children's educational achievement. That must be delivered in the

best possible school environment, and I hope that, where necessary, additional maintenance is provided.

As I said, some school estates and properties are better than others and, moreover, some families come from a better socio-economic background. We must recognise that disadvantaged schools have faced other challenges in recent years. Many newcomers have joined our society and attend schools in East Belfast. Those children use many different languages. I urge the Minister and Department to ensure that those children are treated favourably, enjoy the same advantages and opportunities and can avail themselves of the undoubted commitment of teachers and other professionals to delivering a first-class education system.

I thank Robin Newton for proposing this topic for the Adjournment debate and thank the other Members who contributed. I look forward to hearing the Minister's response. Robin Newton has reiterated the importance that East Belfast's MLAs place on ensuring that additional support is given to children in primary schools in the constituency to allow them to achieve their maximum potential. I hope that the Department can, and will, facilitate that support. Go raibh maith agat.

**The Minister of Education (Ms Ruane):** Go raibh maith agat, a LeasCheann Comhairle. I join with Alex Maskey in thanking Robin Newton for securing the debate on issues that affect primary schools in East Belfast. I know that Robin Newton is concerned about how schools are meeting the needs of our young people, and I agree that there is an important link between communities and families. In fact, studies show that 30% of a child's education occurs in school, whereas parental and community involvement comprises 70%. We must find ways to maximise community and parental involvement.

Robin Newton mentioned a "cultural change". We need to effect a culture of change in schools and ensure that parents understand that schools are part and parcel of local communities.

Wallace Browne referred to schooling in other parts of the world, and although the debate is about East Belfast, I enjoyed hearing what he said; I think that we can always learn from different parts of the world. The big issue for many of our disadvantaged young people is poverty of aspiration. We need to create a climate in which our young people have the aspiration to succeed and to achieve. The Department is working on that already, and it will continue to put huge emphasis on it.

All our young people are entitled to a broad and balanced education, which they will get through the revised curriculum. That may be an issue that Wallace Browne and I could debate, because I think that things have improved. Members will hear me criticising the system when I believe that it warrants criticism, but I believe that there have been major changes, and the

revised curriculum is the most exciting of those. If one visits a primary school that has embraced the revised curriculum, one can see children learning through play, developing the critical-thinking skills that Wallace Browne referred to when speaking about Singapore, and enjoying a hands-on learning experience.

When my own children began school at the age of three, they did not have a word of Irish, and within three months, they had learned Irish through play. I saw the same thing in other countries of the world that I have worked in — children learning through play, without realising that they are learning. We need to modernise the curriculum; it is not about teachers standing up and imparting wisdom and telling the children to learn something and then to regurgitate it. Thankfully, things are improving.

Members may or may not support me on this, but I believe that the ending of the 11-plus will benefit the curriculum and our young people, because it creates much more room for the revised curriculum and for our children to learn in a stimulated way.

I share with all Members a view of the importance of the essential role that teachers play. We have some amazing teachers. It is now one of the most difficult professions to gain entry to. Some of our most dedicated and committed young people are going into teaching, and it is lovely to see that. I have been out and about in schools; I was at the opening of a school today, the principal of which is retiring in three weeks. He still has his sense of enthusiasm and commitment; that is what I love about our teachers, and they deserve special credit.

The Department is carrying out a comprehensive review of special-needs provision, on which a huge amount of work has been done. The Departments of Health and Education have been working on the issue, and I agree with what Wallace Browne said about the need to have specialists in schools — and I do not mean just teachers. Today, in my constituency, a young girl who took her own life is being waked. There is a need for specialists in schools — health, pastoral-care and sports specialists — because many of our young people are struggling to deal with society and with many of the challenges that face them. Members will know that emotional skills are some of the skills that young people need for the challenges that they face in life.

I am not going to justify the discrepancy between primary and post-primary schools — I have never justified it, and I never will. To change it, I need resources. If I change it too quickly, it will disadvantage the struggling secondary sector. I have to manage that change slowly but surely. I heard the point that was made about initiatives and ring-fenced money.

Any of the new programmes that I have introduced are targeted at primary schools. The sports programme was established to deal with foundation skills and to



have an effect on some working-class children. The languages programme was established so that our children can learn languages from a much younger age.

One thing that I managed to do, despite a tight budget, was to introduce a separate foundation stage for primary 1 and primary 2 pupils so that it is easier for teachers to manage the transition from pre-school to more formal learning, giving young people opportunities as they start school to learn in practical ways — involving structured play, for example. I spoke about the revised curriculum.

Members will know that underachievement is one of the key areas that I want to deal with for all our children. We owe it to our children to make sure that none is left behind.

6.30 pm

Members will be aware of the legislation that was passed by the Assembly last week in respect of the education and skills authority (ESA). That was a very important day for education here in the North. The modernisation of our education system is long overdue, and I look forward to full support for the Bill that I introduced last week, which allows for the establishment of the ESA. That body will be focused on improving educational outcomes, on ensuring equality of access to a curriculum that will match provision, and it will lead the drive for school improvement. The education and skills authority will replace the nine statutory organisations. The creation of that single authority will mean that resources can be put into the front line, which is very important.

Members will know that the Executive's Programme for Government includes the objective to provide modern school facilities, which Alex Maskey mentioned. Those facilities will meet the need for teaching and learning. The investment strategy for the next 10 years sets out ambitious plans for new investment in the schools estate. Those plans should be implemented as quickly as possible because they will help the economy. Under the investment strategy, £3.5 billion of investment over the next 10 years has been identified for the progression of education and for 100 major work schemes. However, that is obviously dependent on area-based planning. This morning, I visited a new post-primary all-ability school in the Strabane area. It was really good to see what was happening there.

Several major capital projects are being planned for schools in the East Belfast constituency. Those include the amalgamation of Strand Primary School with Sydenham Primary School in a new school on the existing Sydenham site, which will be known as Victoria Park School; and a new school for Strandtown Primary School on its existing site.

In recent years, there has also been investment in a new school on the Cregagh Road and a major extension

at Loughview Integrated Primary School. Furthermore, as part of its block grant, the Belfast Education and Library Board received funding that was specifically for high-priority maintenance pressures. In this financial year, the amount that was allocated was £18 million.

In 2008-09, the total formula funding that was delegated to schools in the East Belfast area was just over £16.4 million — an increase of 4.7% on the 2007-08 funding levels. In per capita terms, that amounts to an increase of 5.89%, after taking account of the decrease of 1.1% in funded pupil numbers for schools in that area.

I am carrying out a comprehensive review of the common funding formula. I take on board the comments that Dawn Purvis made. She always makes a very strong case for disadvantaged children. We are considering some very radical, innovative ways of targeting money on the basis of need so that children who have special needs are dealt with very early.

Alex Maskey has just told me that my time is running out. Some very good work has been done in two other areas. The first is in getting classroom assistants into P1 and P2 classes. I do not agree with the high pupil:teacher ratio — it is not good enough and must be improved. However, at least there is a way of dealing with that. I have listened to the views of primary-school principals, and the other area is primary-school principal release time.

**Mr Deputy Speaker:** The Minister should draw her remarks to a close.

**The Minister of Education:** That will mean that principals can be released from teaching duties on at least two days each week.

I have much more to say, but I will not say it now. I thank all Members for their contributions. We will endeavour to secure more money for our primary schools, and I ask Members to support the fight for more resources.

*Adjourned at 6.34 pm.*



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# NORTHERN IRELAND ASSEMBLY

Tuesday 2 December 2008

*The Assembly met at 10.30 am (Mr Deputy Speaker  
[Mr McClarty] in the Chair).*

*Members observed two minutes' silence.*

## MINISTERIAL STATEMENT

### Independent Investigation into the Flooding Incident at Broadway Underpass on 16 August 2008

**Mr Deputy Speaker:** I have received notice from the Minister for Regional Development that he wishes to make a statement regarding the independent investigation into the flooding incident at the Broadway underpass in Belfast on 16 August 2008.

**The Minister for Regional Development (Mr Murphy):** Go raibh maith agat, a LeasCheann Comhairle. With your permission, I wish to make a statement following the completion of the independent investigation into the flooding of the Broadway underpass on 16 August 2008. The purpose of the statement is to present to the Assembly the findings of the independent investigation.

First, I shall give a brief overview of the important points relating to the contractual background to the works, the weather conditions experienced, and details of the flooding incident. Secondly, I shall outline the independent consultant's report, including the main findings and recommendations of its investigation and how the report's recommendations will be implemented.

By way of background, I should explain that the construction of the Broadway underpass is part of a scheme to upgrade the M1/Westlink in Belfast. It is worth noting that the development of the scheme underwent the normal statutory processes, including a public inquiry in December 2000. Roads Service's preferred solution at Broadway was to construct a flyover at the existing roundabout. However, due to environmental concerns, the inspector recommended an underpass, and Roads Service accepted that recommendation.

Prior to the new works, the Clowney Water River and the Blackstaff River met in the middle of the Broadway roundabout. Therefore, it was necessary to

divert those rivers around the new Broadway underpass construction works using new culverts. I shall provide further details of the diversion works later.

The work was undertaken as part of the design, build, finance and operate (DBFO) package 1 contract between my Department's Roads Service and Highway Management Construction, which is known as the DBFO company but to which I shall refer as the contractor. At the outset, it is important to stress that that type of contract transfers the design and construction risks from the Department to the contractor, which is entirely responsible for the design, construction, completion, ongoing maintenance and operation of all elements of the road infrastructure that fall within the contract's scope.

Roads Service's role as client is to monitor the contractor's management systems and to confirm that they comply with the design and certification procedures and other requirements of the contract. That does not excuse the contractor from its responsibilities.

Completion of the M1/Westlink upgrade, including the Broadway underpass, is planned for the end of January 2009. Members who have travelled here from the west will have noted that a third lane in each direction was recently made available to motorists. Members will recall that the Broadway underpass was first opened to traffic on Friday 4 July 2008, with two lanes available in each direction. That was essential to allow construction work on the Broadway roundabout to be completed. Construction of the Blackstaff and Clowney culverts was also substantially complete at that time. However, the area still formed part of an overall construction site.

Severe weather warnings were issued by the Met Office on Friday 15 August. Roads Service participated in conference calls with other response organisations, such as local councils, the PSNI, Fire and Rescue Service, NIE, BT, the Met Office and the other two agencies with responsibility for drainage — Northern Ireland Water and the Rivers Agency — to ensure that everyone was prepared to deal with the emergency.

An exceptional amount of rain fell on 16 August. The Met Office has indicated that up to 67 mm of rain fell within 24 hours — equivalent to more than a normal month's rain falling in less than one day. In addition, there had been local heavy rainfall during the previous seven days, which had left the ground saturated, hence the exceptional run-off. The Met Office has also confirmed that it was the wettest August since 1914. Widespread flooding occurred throughout Northern Ireland on Saturday 16 August, resulting in the closure of more than 100 roads across the North, including the Broadway underpass.

The heavy and prolonged rain on 16 August caused the Clowney Water River to overtop its banks at the

inlet into the newly constructed Clowney culvert. That culvert had been constructed on a different alignment to allow the construction of the underpass. Emergency procedures were swiftly implemented by Roads Service, Rivers Agency, Fire and Rescue Service, the PSNI and the contractor to ensure that public safety was maintained at all times.

When the underpass began to flood, the PSNI instigated an emergency road closure to ensure that public safety was maintained. Despite those efforts, it appears that one vehicle breached the cordon and became stranded in the underpass; several other vehicles became stranded on the slip roads as the water level rose. The overtopping of the Clowney Water River continued, resulting in major flooding of the Broadway underpass and parts of the surrounding area.

The new underpass remained closed throughout the remainder of Saturday 16 August, through to Monday 18 August. Following the concerted efforts of the emergency services, the contractor and Roads Service staff, the underpass was reopened in both directions at 6.00 am on Tuesday 19 August. I wish to thank all those involved in reopening the underpass in such a short time, particularly the Fire and Rescue Service and the PSNI.

I visited the site on Sunday 17 August. When I saw the scale of the problem, I instructed Roads Service to arrange an independent investigation. Roads Service acted quickly and appointed the consultant, Amey, which is independent of the parties that were involved in the works. Amey was tasked to carry out an investigation and to report to Roads Service by the end of October. The terms of reference for the investigation were the weather conditions that contributed to the flooding; the identification of the cause, or causes, of the flooding; the response to the flooding; the design and construction standards of the drainage system; and any potential mitigation measures.

The delivery of the Amey report by the end of October was necessary to allow me to report its initial findings to the Assembly and for Roads Service to consider what remedial action, if any, is needed in both the short and longer term. The initial findings will allow a rapid response to implement procedures and measures that will ensure public safety and militate against the likelihood of such an event ever occurring again.

Amey undertook investigations during September and October and completed its report on 31 October. That report was delivered to Roads Service on 3 November, and I thank the consultants for its timely completion. I wish to highlight several important issues arising from the Amey report. However, before doing so, it will be helpful if I explain briefly the newly designed drainage configuration, in particular the way in which the Clowney Water River, which

flows from the west, meets the Blackstaff River, which flows from the Boucher Road area.

Those rivers now meet in a large chamber, which is referred to as the overflow structure. That new, box-like chamber broadly replicates the original overflow system. The new chamber controls the water flow into the downstream section of the Blackstaff culvert through a large sluice-type valve called a penstock. A large, secondary, downstream pipe — referred to as the relief culvert — is used as an additional outlet from the overflow structure to deal with any remaining water in the chamber. In summary, the newly diverted Clowney Water River and Blackstaff River flow into an overflow structure, which controls the water flow out of the Blackstaff and relief culverts.

It is also important to note that the Amey report concluded that the flow capacities into the overflow structure are broadly equal to the flow capacities out of it. Hence, Amey is satisfied that the drainage system is balanced.

The requirement used for the design criteria, which were set by the Rivers Agency, was the national standard of a one-in-100-year flood event. The Rivers Agency agreed, in principle, to the culverting and diversion of the Clowney Water River and the Blackstaff River, as proposed by the contractor. However, the report outlines that the new drainage system did not perform in accordance with its required design capacity of a one-in-100-year flood event, as Amey stated that the August storm was between a one-in-50-year and a one-in-70-year flood event.

The report concludes that there were a number of possible contributory factors around the inlet and outlet of the newly constructed culvert. First, a partial blockage of the trash screen by some debris at the entrance to the Clowney culvert may have been a contributory cause, but it is unlikely to have been the sole cause. Secondly, the water discharge from the overflow structure may have been restricted, and that would have caused a backup of water to the inlet where the Clowney Water River overtopped its banks. There is evidence of unusual flow patterns in that structure. Thirdly, the setting of the penstock valve on the Blackstaff River will have been a factor in restricting flow from the overflow structure.

Amey determined that the flood banks of the Clowney Water River had not been raised to the appropriate flood level at the time of the flooding. However, it also determined that such a rise would not have prevented the flooding, but merely delayed it.

It is important to rule out the misunderstanding that the use of temporary pumps located in the underpass would have mitigated the flooding event. The purpose of the pumps — whether temporary or permanent — is

to remove carriageway drainage; they were not designed to deal with flooding of such a magnitude.

The report recommended that the contractor should complete the works to raise as soon as possible the banks adjacent to the Clowney Water River to the design level of 500 mm above the one-in-100-year flood level. It recommended that the contractor should develop enhanced procedures to include more regular inspections on the Clowney Water River and introduce an early-warning system to advise of impending high water. Furthermore, the report recommended that it will be necessary to assess the hydraulic efficiency of the drainage system and to build a physical model, which can be used to determine what happened to the water in the system at the time of the flood and investigate further possible physical measures to mitigate against further flooding.

Roads Service and I accept fully the conclusions and recommendations of the report. The recommendation to raise the flood banks on the Clowney Water River has been completed by the contractor, and that will provide additional capacity in the system that will delay any future flooding. In order to ensure public safety, the contractor has also implemented enhanced procedures relating to Met Office forecasts for severe weather warnings.

In addition, Roads Service, the contractor and the Rivers Agency have agreed to work in partnership to investigate, in greater detail, the efficiency of the drainage system and to identify possible further physical measures in order to mitigate the likelihood of future flooding. They have instigated work to appoint a specialist team of engineers to undertake physical modelling. That work, which is expected to take about six months to complete, will prove invaluable in increasing knowledge of the flow characteristics of the drainage system.

I thank Amey for its work in presenting the report. By determining the likely causes of the flood, Amey has highlighted that further analysis is required to establish any mitigating measures. A question remains about the nature of the flow through the system on that day and, indeed, about what is required to mitigate against a similar event. Until those measures are developed and, if necessary, implemented, there remains a risk — albeit low — that in the unlikely event of similar exceptional rainfall, flooding could reoccur. As an interim measure, Roads Service has ensured that the enhanced procedures recommended in the report have been implemented to ensure the safety of the public.

The hydraulic design of the complex drainage systems is not an exact science. It is important that we proceed as quickly as possible through further analysis and the provision of any necessary enhanced physical

measures to mitigate against any similar event. On completion of that further work, I expect to present another statement to the Assembly.

I trust that Members will be reassured that Roads Service, the Rivers Agency and the contractor acted quickly following the flood and will continue to work together to ensure the safety of the public and to develop a long-term solution. Go raibh míle maith agat.

**The Deputy Chairperson of the Committee for Regional Development (Mr Wells):** The Minister will be aware that his officials will provide a full update on the investigation into the flooding to the Committee for Regional Development tomorrow, and perhaps that will be the best forum in which to deal with the more technical aspects of the incident.

A weather warning was issued on Friday 15 August. At that stage, it would have been appropriate for Roads Service officials and, perhaps, officials from the Rivers Agency to check how well the system was working, considering that they knew that heavy rain was on the way.

10.45 am

It is fortunate that the incident occurred during daylight hours; had it occurred at night, we could have been dealing with fatalities, which would have been not only a tragedy, but highly embarrassing for the Department and the contractor.

Will the Minister assure us that the costs involved in putting matters right at Broadway will be borne by the contractor, and not by the taxpayer through the Department for Regional Development's (DRD) Roads Service or any other public funds? Indeed, if something has gone wrong, the contractor must pick up the tab, rather than the hard-pressed Roads Service budget.

**The Minister for Regional Development:** I thank the Deputy Chairperson for his comments. I am aware that the Committee will discuss the matter with Roads Service officials tomorrow, when it will have an opportunity to go into the matter in much greater detail.

A weather warning was received, which resulted in activity between all the agencies that needed to respond to a severe weather warning, and there were conference calls to ensure that people were co-ordinating their efforts.

Of course, there was widespread flooding right across the North on that Saturday; it was not confined to just the Broadway underpass, though that was the most serious and most visual of all the flooding. The system cannot be tested until it is full and, therefore, it was impossible to test the system in advance of the flooding. In many ways, therefore, it took rainfall and a flood of that magnitude to expose the problems in the system. It is virtually impossible to test the system fully until that volume of water passes through it.



The cost of putting the Broadway underpass right and ensuring that the system built will withstand a one-in-100-year flood event will, of course, be borne by the contractor. Should further inquiries raise issues of safety that go above and beyond that for reasons of public reassurance, any further costs would be borne by Roads Service. However, the responsibility for producing a system for drainage in the culverts that will withstand a one-in-100-year flood event, as designed and approved by the Rivers Agency, is the responsibility of the contractor alone, and all costs with regard to that will be borne by the contractor.

**Mr P Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I was caught in traffic on the Boucher Road that day for more than two hours, and I thought that the problem would never go away. I thank the Minister and his Department for carrying out that much-needed assessment so quickly, and I appreciate that.

We hope that such a situation will never happen again. The Minister said that the Roads Service, the contractor and the Rivers Agency will investigate the drainage system as soon as possible in order to mitigate the likelihood of future flooding, and that they have already instigated work to appoint a specialist team of engineers. Is there a time frame for when those engineers will be in place?

**The Minister for Regional Development:** Mr Wells also mentioned the issue of public safety. The police are responsible for emergency road closures, and a cordon was put around the area. However, it was breached by several vehicles, one of which ended up stranded in the underpass. The emergency services, Roads Service and the contractor had people on the ground very quickly to deal with the situation. Unfortunately, not everyone responded to the instructions given at the time.

Roads Service, the Rivers Agency and the contractor have agreed to construct a model, as there are still questions to be answered as to what happened in the overflow chamber. Three issues were identified: the first was that the trash screen at the Clowney Water River was partially blocked with debris; secondly, there was an issue surrounding the overflow chamber; and, thirdly, the impact of the penstock valve. A model will be constructed and tested, and it is intended to have that work completed in six months. I hope to be able to report back to the Assembly at that stage on what other work may be required as a result of that exercise.

**Mr Kennedy:** I welcome the Minister's statement. He indicated that a newly designed drainage configuration will be put in place, and the main recommendation of the Amey report confirms that.

Why were those configurations not part of the original contract? There appears to be widespread concern about the matter. How does the Minister respond to the charge that, for cost-saving purposes,

his Department did not oversee the complete design of a system that would perhaps not have completely eradicated the possibility of flooding, but certainly would have alleviated its effects? That remains a serious issue. Will the Minister also clarify the ongoing requirements of the contract, and when will the contractor be relieved of those responsibilities?

**The Minister for Regional Development:** As regards the design of the system, as I said, Roads Service initially wanted to build a flyover at the Broadway roundabout where the two rivers meet. The public inquiry and the inspector's report recommended that an underpass be built, and Roads Service accepted that recommendation. Therefore, that change in design altered the nature of the drainage system where the rivers meet.

The requirement of the design of that system, whatever the cost to the contractor, is not the issue. The requirement is to build a design that is acceptable to the Rivers Agency and that meets the required design capacity of a one-in-100-years flooding event. The design that the contractor provided was accepted in principle by the Rivers Agency. The system did not work at the time of the flooding, which is why further work involving the Rivers Agency, the contractor and Roads Service must be carried out to identify whether there was any weakness in the design. However, the system was designed to certain standards, and the design was accepted in principle. The issue is not how much the design cost the contractor; rather, it is that the system must be built to a certain design to do a certain job.

Payments were also mentioned. The contract is one of design, build, finance and operate. The contractor is responsible for the functioning and operation of the road for the next 30 years and is paid in instalments over that period. That is how the contract works. Obviously, the contractor will have ongoing responsibility for anything relating to the road that falls within the contract.

**Mr Attwood:** I welcome the report, and the fact that it is plain speaking. As the Minister outlined, the report is frank in its finding that although contributory factors have been identified, the root cause of the flooding has yet to be identified.

Further to Mr Kennedy's question, at this stage, can the Minister rule out the possibility that rather than there being a weakness in the new drainage system, there is, in fact, a fundamental flaw in the system? Rather than it being a matter of simply providing measures to mitigate the risk of flooding in the future, might it yet be the case that after the further design work is completed, fundamental work will have to be carried out on the drainage system at the Broadway junction?



I urge the Minister to work closely with the Minister of Agriculture and Rural Development to tackle the still unaddressed flooding issues in West Belfast, in the Beechmount and Glenhill areas and elsewhere.

**The Minister for Regional Development:** I am glad that the Member accepts that this is an initial report. We undertook to carry out an initial report and to bring details of it to the Assembly as soon as possible, and further issues must be identified.

However, Amey Consulting's review did not find any fundamental flaw in the system. It found that the system did not work and identified several issues that may have been responsible for the problems, highlighting one in particular that requires further investigation; the operation of the overflow chamber and the penstock valve, which allows water out of the chamber.

For that reason, the contractors, the Department and the Rivers Agency are working together to design a physical model of the drainage system to assess its operation. The system was designed on the basis of a theoretical model, so we hope to build a model to find out whether there are any faults. Therefore, there is no acceptance that there is a fundamental flaw in the system, nor is there any evidence to suggest that that is the case.

The system did not work, and our responsibility is to investigate to find out why it did not work and to take the necessary measures to put it right. The system was designed for a one-in-100-years flooding event; it was approved for that capacity. It did not function properly at the time of the flooding, which was between a one-in-50-year flood event and a one-in-70-year flood event. We must ascertain the reasons for that and put the system right.

The Member mentioned wider issues. When I visited the underpass, I also visited the Beechmount area, along with the Minister of the Environment.

Certainly, there is work to be done by all Departments that have responsibility. Although the flooding of the Broadway underpass was the main focus of attention, many homes in the Castlereagh area of east Belfast and the Beechmount area suffered flooding. We are working to identify the cause of that and to establish mitigating factors that can be implemented.

**Ms Lo:** I also welcome the Minister's statement and thank him for coming to the House so soon after the report's publication.

A question mark remains over the drainage system. The Minister said that the contractor, Roads Service and Rivers Agency will have six months from now to examine the drainage system. From my calculations, that means that it will be June 2009 before they report back to the Minister. After that, how long will it take to address the drainage problem? I ask that because we

will be entering the rainy season in June, and I recall serious flooding across Northern Ireland in June 2007.

**The Minister for Regional Development:** I remind the Member of what I said in my statement: action has already been taken, such as the raising of the banks of the Clowney Water River and the implementation of an early-warning system. Therefore, measures have been implemented to address some of the factors that contributed to the flooding.

Designing the model will take six months, and it is impossible to say whether it will require further work. It may require some modest adjustments that can be done immediately, or it may require substantial work; we will not know until the model is designed and tested. However, I assure the Member that part of the reason for the prompt compilation and publication of the report, and part of the reason for me speaking about it in the House this morning, is to restore some public confidence in such a major piece of infrastructure.

It is in the interests of all to ensure that any required works are done as speedily as possible, because, as the Member said, we have had a series of flooding incidents over several summers, and we do not want to find ourselves in that position again.

**Mr Newton:** I thank the Minister for coming to the House to debate the report's findings. He has moved speedily, and I thank him for the independent investigation.

Does the contractor accept the report's findings? In the Minister's statement, he said that he would include more regular inspections of the Clowney Water River; what does that mean? He also said that he would introduce an early-warning system to advise of impending high water; what form would that system take?

It is my understanding that had the underpass not filled with water, many local houses and businesses would have flooded. Therefore, in some ways, it was fortunate that the underpass flooded. Has the flood risk for local houses and businesses been taken into account in the compilation of the independent report?

**The Minister for Regional Development:** All interested parties accept the findings of the Amey report, which is why the Department, the contractor, Rivers Agency and Roads Service have agreed to work collectively to address some of the issues that it raises.

One finding in the report was the partial blockage of a trash screen at the Clowney Water River culvert. There has been a decision to undertake more frequent inspections of that so that any debris is cleared regularly and is not allowed to build up.

In cases of severe flooding, debris is often carried along a watercourse. That links to the Member's third point, which was about early-warning systems. There

is now a better link between the contractor and the Met Office, and where a warning of severe weather is received, measures will be instigated for a serious inspection of the underpass. Therefore, lessons have been learnt from last summer's incident.

11.00 am

I cannot say whether surrounding properties would have flooded had the underpass not taken all the water. That is merely speculation; it was not part of our investigation. Drainage systems on the other side of the overflow chamber were not full to capacity. Therefore, the assumption would have to be that if that system had worked, the water would have drained away and would not necessarily have caused a problem for surrounding properties. However, Rivers Agency, in particular, is conscious of the impact on surrounding properties, such as the Royal Group of Hospitals and other facilities in and around that part of Belfast. That will form the main background to the thinking behind the solutions to the problem.

**Mr F McCann:** Go raibh maith agat, a LeasCheann Comhairle. I also welcome today's report. Having visited one of the problem areas, I witnessed the serious amount of debris that was flowing down the river. In fact, officials had to bend the screen that goes across the river to allow the water to flow properly.

As Robin Newton said, there was great relief in St James's and in the Village to see the underpass taking the overflow of water; those areas used to flood constantly. Indeed, I have no doubt that there would have been serious flooding in those areas had the underpass not been there. Will new procedures be put in place to protect surrounding areas from flooding? What procedures were put in place on the day of the flooding to protect surrounding areas?

**The Minister for Regional Development:** I accept that there are concerns in the area, as people there have experienced flooding before, and measures to mitigate the problem should be put in place. Since the flooding occurred, the culvert has been built up further, and the intention is that the drainage system will cope adequately, so that rainwater coming down from the Black Mountain through west Belfast will pass through the Broadway junction and be carried on to the lough and drained away properly. That is what the system is designed to do. However, in this case, there was a fault in the system; it did not work properly. Further investigations have identified the areas of the potential problems.

When the severe weather warning was announced that Friday, systems were put in place to protect the public and properties. All the agencies responsible for being active on such an occasion got in touch with each other and made preparations. When the river overtopped its banks, the police, Roads Service and the contractor were on the scene to protect the travelling

public. They closed the road immediately and tried to prevent people from getting into danger. They then tried to ensure that the flooding did not spread to any other property, because there was also some flooding elsewhere in the general areas.

Ultimately, we want a system in place that will prevent similar situations from happening, and that will allow water coming along the watercourse to pass through the junction and be drained into the lough without causing problems for anyone.

**Mr Shannon:** I thank the Minister for his response. It is obvious that the Minister has grasped the issues clearly and is trying to make changes that will ensure that such an incident does not happen again.

The Minister said that today's statement is an initial statement. With that in mind, we are all aware of what happened at the Westlink, but the Minister omitted something from his statement. Someone could have been injured; lives could have been lost, and there could have been more car owners on the underpass.

My colleague George Robinson drove through the underpass when the water was starting to rise, and within 10 minutes, there was a large flood. Will the Minister confirm whether compensation is to be given to the driver who lost his car to water damage on that day and narrowly escaped with his life? If compensation or assistance has been offered to that driver, on what grounds was the offer made? Is the Minister aware that there were other incidents all over the Province similar to the incident at the Westlink — or, as people got to know it, the "Wetlink" — where vehicles have been lost to flooding?

**The Minister for Regional Development:** I am not aware that compensation has been offered. Any discussions on compensation would be a matter between the contractor — who indemnifies Roads Service by taking control of the contract and the works on the site — and the car owner. That incident does not have any bearing on, or create any precedent for, any other incident.

The situation on that day developed rapidly; the river overtopped its banks and the underpass filled very quickly. The police initiated an emergency closure of the underpass, assisted by Roads Service and the contractor, who coned off the road to try to prevent people from entering it. Unfortunately, several vehicles breached that cordon, and one vehicle ended up being stranded in the underpass. That is regrettable, but, as quickly as possible, the police, assisted by Roads Service and the contractor, were out there trying to prevent people from getting themselves into a dangerous situation. Members will understand that the incident developed very quickly, and once the river overtopped the banks, water quickly filled the underpass.

Anything that happens on the site is a matter for the contractor, who indemnifies Roads Service from any

claims for compensation. I have no evidence or information to suggest that anyone has been offered compensation.

**Mr Beggs:** I thank the Minister for his statement. Given the increased levels and intensity of rainfall that are associated with climate change, will the Minister advise whether his Department is reassessing the calculations that it associates with a one-in-100-years rainfall standard? Such levels of rainfall seem to be happening more and more frequently.

Will the Minister accept that new development is speeding the flow of water to streams and rivers? Has he discussed that with the Environment Minister, particularly in relation to catchment areas for flooding, in order to consider the need for the introduction of sustainable drainage systems to lessen the speed at which water is released to streams and rivers?

**The Minister for Regional Development:** The one-in-100 standard is generally accepted. I accept the Member's point that flooding incidents seem to be becoming more frequent, although I am not sure whether that is merely based on anecdotal evidence or whether substantial evidence exists to support that. The Highways Agency is reviewing that standard, and I anticipate that further guidance will issue that takes account of climate change. On receipt of that guidance, Roads Service will examine the standards that are used. The work of that broader agency will inform Roads Service's approach to that.

I visited the scene with the Minister of the Environment, because, along with the Minister of Agriculture and other Executive colleagues, we felt a collective responsibility for dealing with all the issues that resulted from the flooding at that time. I understand that the Departments will co-operate in the matter of planning, and with the questions of where properties go and how infrastructure is developed. Co-ordination must take place across the range of Departments.

I am sure that the Member is aware that the Department of the Environment and the Department of Agriculture publicly released the flood-plain maps to demonstrate the areas that may be at risk. When planning any infrastructure, whether for regional development, education facilities or health facilities, Ministers must work with colleagues from different Departments in order to ensure that public money is spent in such a way as to protect money and infrastructure.

I anticipate that that good degree of co-operation and information-sharing across the Departments will continue and will improve, which will assist my Department in planning public spend.

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. One of the main problems that people encountered during that particular flooding incident was blocked drains on the roads. Has the Minister

made provision to ensure that the problem drains that were identified are kept clear?

**The Minister for Regional Development:** Roads Service's general approach to road gullies for which it has responsibility is to inspect them twice a year in urban areas and once a year in rural areas. If there has been a particular incident or problem, obviously, Roads Service, in conjunction with other agencies, will act as quickly as possible to ensure that that issue is addressed and does not become a recurring problem.

**Mr Dallat:** I also welcome the Minister's statement. I am experiencing a moment of nostalgia; as a child who lived in a rural area, I remember travelling to Clowney Street to spend my holidays with my uncle and aunt, and I recall catching tadpoles in the Clowney Water River. That, of course, was long before it was culverted out of sight and out of mind.

Can the Minister assure the House that the recommendations being put in place will ensure that there will no repeat of the embarrassment caused last August?

**The Minister for Regional Development:** There are certain parts of the Clowney Water River that are still open, so the Member can still go there to catch tadpoles if he so wishes.

The only guarantees that any of us have are death and taxes. That is why I have said quite clearly that there are further studies to be undertaken and further work to be done by the contractor, Roads Service and Rivers Agency to examine the overflow chamber and the valve, and what exactly caused the problem. That will require further work.

Mitigating measures have been put in place that will reduce the risk of any further flooding; however, I cannot guarantee anything. Once the model is constructed, we will be able to get a clear look at what happened in that chamber and what caused the Clowney Water River to overflow. After that, we will be in a much better position to provide some guarantees.

**Mr G Robinson:** I apologise for not being present at the very beginning of the session. I was one of the more fortunate people on 16 August, because I was able to drive through the underpass approximately 15 minutes before it flooded completely.

Can the Minister give assurances that if water is seen to be gathering in the underpass in future, his Department, in conjunction with other agencies such as the PNSI and Roads Service, will close that section of the Westlink to through traffic as soon as possible, in the interests of the health and safety of the travelling public? From personal experience, the underpass should have been closed a lot sooner than it was on that particular day.



**The Minister for Regional Development:** I appreciate that the Member and other people who were in and around that area had a very unpleasant experience that day. Certainly, they had genuine cause for concern about what they might have been caught up in. The incident happened very quickly. The system backed up, the river overtopped its banks, and the water flowed down into the underpass very quickly.

The emergency services were on the ground as quickly as possible. The contractor and Roads Service were on the ground to assist that operation and to close the road. As I said, a number of vehicles did breach the cordon. One vehicle got trapped in the underpass, and its driver had to be rescued. I am sure that lessons can be learnt. Obviously, we want to carry out improvement works so that there is not a repeat of that type of flooding incident. Lessons will be learnt about the degree of co-operation and co-ordination among the agencies involved in responding to any such incident. I am sure that there will be lessons learnt from that.

I remind the Member — although I am sure that he is well aware — that the flooding of the underpass happened very quickly and that people were on the ground as quickly as possible. The fact that no one was injured or that there was no loss of life reflects the fact that people acted as quickly as possible.

**Mr Deputy Speaker:** That concludes questions to the Minister on his statement. I ask Members to take their ease for a few moments until we come to the next item on the Order Paper.

11.15 am.

*(Mr Speaker in the Chair.)*

## EXECUTIVE COMMITTEE BUSINESS

### Pensions (No. 2) Bill

#### Consideration Stage

**Mr Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are four groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendments No 1, No 2, No 3 and No 4, which deal with the duties placed on employers and the quality of pension schemes.

Amendments No 11 and No 12 are consequential to amendment No 4. Therefore, if amendment No 4 is not made, I will not call amendments No 11 and No 12.

The second debate will be on amendments No 5, No 6, No 7 and No 8, which deal with compliance, records and information.

The third debate will be on amendment No 9, which deals with the definition of a person who is actively part of a pension scheme.

The fourth debate will be on amendments No 10, No 11 and No 12, which deal with the delegation of power by the regulator as well as the secondary powers contained in this Bill.

I remind Members who are intending to speak during the debates on the four groups of amendments that they should address all the amendments in each particular group on which they wish to comment.

Once the initial debate on each group is complete, any subsequent amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

No amendments have been tabled to clauses 1 to 7. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

*Clauses 1 to 7 ordered to stand part of the Bill.*

**Clause 8 (Jobholder's right to opt out)**

**The Minister for Social Development (Ms Ritchie):** I beg to move amendment No 1: In clause 8, page 6, line 8, after "behalf" insert "or in respect".



*The following amendments stood on the Marshalled List:*

No 2: In clause 22, page 11, line 25, leave out “such persons” and insert “them”. — [*The Minister for Social Development (Ms Ritchie).*]

No 3: In clause 22, page 11, line 26, after “are” insert “J and”. — [*The Minister for Social Development (Ms Ritchie).*]

No 4: New Clause

After clause 27 insert—

“Sections 20, 24 and 26: certification that quality requirement is satisfied

27A.—(1) The Department may by regulations provide that, subject to provision within subsection (6)(f), a scheme to which this section applies is to be taken to satisfy the relevant quality requirement in relation to any jobholder of an employer if a certificate given in accordance with the regulations is in force in relation to the employer.

(2) The certificate must state that, in relation to the jobholders of the employer who are active members of the scheme, the scheme is in the opinion of the person giving the certificate able to satisfy the relevant quality requirement throughout the certification period.

(3) This section applies to—

- (a) a money purchase scheme to which section 20 applies;
- (b) a personal pension scheme to which section 26 applies;
- (c) a hybrid scheme, to the extent that requirements within section 24(1)(a) apply.

(4) The “relevant quality requirement”—

- (a) for a scheme within subsection (3)(a), means the quality requirement under section 20;
- (b) for a scheme within subsection (3)(b), means the quality requirement under section 26;
- (c) for a scheme within paragraph (c) of subsection (3), means the requirements mentioned in that paragraph.

(5) Regulations may make further provision in relation to certification under this section.

(6) Regulations may in particular make provision—

- (a) as to the period for which a certificate is in force (the “certification period”);
- (b) as to the persons by whom a certificate may be given;
- (c) as to procedures in connection with certification or where a certificate has been given;
- (d) requiring persons to have regard to guidance issued by the Department;
- (e) requiring an employer to calculate the amount of contributions that a scheme, and any section 26 agreements, required to be paid by or in respect of any jobholder in the certification period;
- (f) as to cases where the requirements of a scheme, and any section 26 agreements, as to payment of contributions by or in respect of jobholders of an employer did not satisfy prescribed conditions.

(7) Provision within subsection (6)(f) includes in particular provision for a scheme not to be treated by virtue of regulations under this section as having satisfied the relevant quality

requirement unless prescribed steps are taken (which may include the making of prescribed payments).

(8) In subsection (6) “section 26 agreements” means the agreement required, in the case of a scheme within subsection (3) (b), by section 26(4) and any agreement required, in the case of such a scheme, by section 26(6).

(9) The Department may by order repeal this section.’ — [*The Minister for Social Development (Ms Ritchie).*]

**The Minister for Social Development:** Clause 8 establishes the right of a jobholder who has been automatically enrolled or re-enrolled into a qualifying pension scheme to opt out within a prescribed period by giving notice to his or her employer. In this context, opting out refers to a specific decision taken not to participate in a scheme from the point of enrolment or re-enrolment. Once enrolled in a scheme, an active member is free to cancel his or her membership at any time. The clause does not interfere with that right. If a jobholder exercises their right to opt out, the jobholder and the employer receive a refund of contributions in accordance with regulations made under clause 8(2) (b). However, as currently drafted, the wording of the Bill suggests that the regulations should deal with jobholder contributions only. The amendment makes clear that both jobholder and employer contributions are covered in law.

Amendments No 2 and No 3 relate to clause 22. In order for an occupational pension scheme to be accepted as a qualifying scheme for the purposes of the Bill, it must satisfy quality requirements. The requirements for UK-defined benefit schemes are set out in clause 21.

One of the requirements that may have to be satisfied is that the pension scheme meets the test scheme standard as set out in clause 22. The test ensures that jobholders have access to pension provision that meets the minimum standards. The amendments to clause 22 clarify the drafting and confirm that the terms “such persons” — and jobholder “J”, as it is referred to in the amendment — refer to scheme members.

Amendment No 4 introduces clause 27A. Currently, the Bill provides for employers to assess whether their workplace pension scheme meets the quality standard over the course of a year. The intention behind the Bill has always been to complement the existing and very good occupational pension schemes already offered by employers. The policy intention has never been to add to the burdens of such employers. The Bill is not intended to have the perverse effect of employers levelling down those very good schemes to the minimum requirement set out in the Bill or defaulting into the personal accounts scheme.

The proposed new clause clarifies that policy intention by allowing such employers to certify that their schemes meet the quality requirements. In particular, clause 27A confers a power on the

Department to make regulations that allow an employer, or a designated person connected to that employer, to certify that the scheme is, for the purposes of the Bill, a qualifying scheme.

Certification will be based on three principles. The first principle is that the employer, or a connected person, is confident that each worker in their scheme is on course to receive the new minimum level of pension savings.

The second principle deals with cases in which a member's contributions unexpectedly fall short of the minimum during the certified period. In such cases, employers will not be required to make retrospective reconciliation payments unless the detriment to an individual exceeds minimum levels.

The third principle is that the minimum levels for reconciliation will be set in such a way as to protect individuals from significant, systematic, or persistent detriment.

Certification on the basis of those principles should provide greater certainty for employers and result in administrative easements around reconciliation payments. At the same time, the savings outcome for individuals, which is fundamental to the success of the reforms, will be protected. As proposed, clause 27A provides a mechanism by which a scheme can be certified, thus allowing for workers to be auto-enrolled and for employer contributions to be paid.

As I said earlier, a key principle in the development of the present proposals has been to make it as easy as possible for those employers who offer generous pension contributions to continue to do so. It has been necessary to try to achieve that without opening up the unacceptable risk that some individuals might routinely, or materially, save at levels below the minimum standard.

The certification procedure provided for in amendment No 4 strikes the appropriate balance and clarifies the underlying policy intention. It will ensure that employers who already run very good occupational pension schemes continue to do so.

**The Chairperson of the Committee for Social Development (Mr Simpson):** On 6 November 2008, the Committee for Social Development agreed to support the Minister's proposal that the Pensions (No. 2) Bill should be granted accelerated passage. The Committee recognised the importance and the value of retaining parity between Northern Ireland and the rest of the United Kingdom in respect of pensions.

At that time, the Committee expressed concerns around the large number of amendments expected to be tabled at Consideration Stage. The Committee has not had the opportunity to review those amendments in detail; therefore I shall not give a Committee view on the proposed amendments.

Nonetheless, I would like to record the Committee's belief that communicating the meaning of the complex provisions of the Bill to employers and low-paid employees is of great importance. Of particular concern to the Committee was the impact that the requirement to contribute to a pension scheme would have on low-paid employees. I note that the Bill proposes to phase in employee contributions from 2012 at the rate of 2% in the first year, 3% in the second year, and 5% in the third year.

As Chairperson of the Committee for Social Development, I reiterate the Committee's view that communicating and explaining those matters to the people whom they affect must be done well in advance of the Bill's coming into effect. It is essential that low-paid employees are allowed to make informed choices about their wages and about the provisions that they choose to make for their retirement.

**Mr Brady:** Go raibh maith agat. I agree with the Chairperson of the Committee for Social Development's point about the Committee not having had the chance to study in any depth either what appear, on reading, to be very technical amendments or the impact that those might have. It is worth saying that the commission that reviewed the pension scheme with a view to updating it accepted that it was the most complex pension scheme in the world.

Therefore, anything that simplifies that pension scheme and, in particular, enhances the rights of low-paid workers in order to provide them with a proper pension scheme for their retirement can only be good. I also very much agree with what David Simpson said about the necessity to put the information in such a clear manner as to avoid any misunderstanding about the roles of employees and employers in the context of the Pensions (No.2) Bill.

All the amendments that I have seen so far are of a very technical nature and must be studied in much more depth. However, anything that simplifies the existing pension scheme is welcome. Go raibh maith agat.

**Ms Lo:** I support the amendments in group 1, and I particularly welcome amendment No 4 in that group, which proposes to introduce new clause 27A. That proposed new clause will provide further clarification on the system. Anything that improves and simplifies the pension system and encourages people, particularly young people, to save money for their pensions is to be welcomed. Amendment No 4 adds clarity to the system and provides greater certainty to employers and employees. I support those amendments.

**The Minister for Social Development:** I am grateful to the Chairperson and members of the Committee for Social Development and to the Assembly for their support for the Pensions (No. 2) Bill, for granting it

accelerated passage, and for supporting it at Second Stage last week.

In response to the Chairperson of the Committee for Social Development, Mr Simpson, I accept that it is undesirable to move amendments in the way that we have. However, I am sure that he appreciates that in line with the policy of parity, such a method is unavoidable, because the Assembly must mirror amendments that were made to the Westminster Bill at its Third Reading in the House of Lords on 19 November. It must be understood that parity relates to the timing of the legislation, its content and funding.

Mr Simpson also raised the issue of communication. That is not linked to the amendment, but I think that the point requires clarification. There are three years in which to plan the communication strategy. There is a role for the Department, for the Pensions Regulator, and for the Personal Accounts Delivery Authority.

*11.30 am*

Mr Brady also raised certain issues. Everyone in the Assembly wants the pensions scheme to be simplified as much as possible. I agree that good communication is needed with employers and employees. That will be important in the move towards delivery stage. Ultimately, those amendments are intended to provide greater technical clarification, which, I believe, is urgently required. I firmly support the right of low-paid workers to have access to pension schemes, and I believe that everyone in the Chamber supports that.

I thank Ms Lo for her support and I agree with her comments. I hope that the Bill will make progress towards achieving our common aspirations for pensions and for how they are delivered in the future. I am sure that all Members of the House want the Bill to work properly and for any unintended effects to be avoided. Those amendments are designed to ensure just that. I commend them to the Assembly.

New clause 27A is supplementary to the provisions in clauses 16 to 27, which deal with the quality requirements that schemes must meet.

*Amendment No 1 agreed to.*

*Clause 8, as amended, ordered to stand part of the Bill.*

*Clauses 9 to 21 ordered to stand part of the Bill.*

### **Clause 22 (Test scheme standard)**

*Amendment No 2 made:* In page 11, line 25, leave out “such persons” and insert “them”. — *[The Minister for Social Development (Ms Ritchie).]*

*Amendment No 3 made:* In page 11, line 26, after “are” insert “J and”. — *[The Minister for Social Development (Ms Ritchie).]*

*Clause 22, as amended, ordered to stand part of the Bill.*

*Clauses 23 to 27 ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 4 made:* After clause 27, insert

“Sections 20, 24 and 26: certification that quality requirement is satisfied

27A. — (1) The Department may by regulations provide that, subject to provision within subsection (6)(f), a scheme to which this section applies is to be taken to satisfy the relevant quality requirement in relation to any jobholder of an employer if a certificate given in accordance with the regulations is in force in relation to the employer.

(2) The certificate must state that, in relation to the jobholders of the employer who are active members of the scheme, the scheme is in the opinion of the person giving the certificate able to satisfy the relevant quality requirement throughout the certification period.

(3) This section applies to —

- (a) a money purchase scheme to which section 20 applies;
- (b) a personal pension scheme to which section 26 applies;
- (c) a hybrid scheme, to the extent that requirements within section 24(1)(a) apply.

(4) The “relevant quality requirement” —

- (a) for a scheme within subsection (3)(a), means the quality requirement under section 20;
- (b) for a scheme within subsection (3)(b), means the quality requirement under section 26;
- (c) for a scheme within paragraph (c) of subsection (3), means the requirements mentioned in that paragraph.

(5) Regulations may make further provision in relation to certification under this section.

(6) Regulations may in particular make provision —

- (a) as to the period for which a certificate is in force (the “certification period”);
- (b) as to the persons by whom a certificate may be given;
- (c) as to procedures in connection with certification or where a certificate has been given;
- (d) requiring persons to have regard to guidance issued by the Department;
- (e) requiring an employer to calculate the amount of contributions that a scheme, and any section 26 agreements, required to be paid by or in respect of any jobholder in the certification period;
- (f) as to cases where the requirements of a scheme, and any section 26 agreements, as to payment of contributions by or in respect of jobholders of an employer did not satisfy prescribed conditions.

(7) Provision within subsection (6)(f) includes in particular provision for a scheme not to be treated by virtue of regulations under this section as having satisfied the relevant quality requirement unless prescribed steps are taken (which may include the making of prescribed payments).

(8) In subsection (6) “section 26 agreements” means the agreement required, in the case of a scheme within subsection (3)(b), by section 26(4) and any agreement required, in the case of such a scheme, by section 26(6).

(9) The Department may by order repeal this section.” — *[The Minister for Social Development (Ms Ritchie).]*



*Clauses 28 to 36 ordered to stand part of the Bill.*

**Clause 37 (Calculation and payment of contributions)**

**The Minister for Social Development:** I beg to move amendment No 5: in page 19, line 22, after “pay” insert “on behalf or”.

*The following amendments stood on the Marshalled List:*

No 6: In clause 59, page 32, line 33, leave out “qualifying scheme” and insert

“pension scheme that is relevant to the discharge of those duties”. — [*The Minister for Social Development (Ms Ritchie).*]

No 7: In clause 59, page 32, leave out line 39. — [*The Minister for Social Development (Ms Ritchie).*]

No 8: In clause 59, page 32, line 42, leave out “, ‘worker’ or ‘qualifying scheme’” and insert “or ‘worker’”. — [*The Minister for Social Development (Ms Ritchie).*]

**The Minister for Social Development:** Clause 37 makes provision for the calculation of unpaid contributions in relation to a compliance notice issued to an employer for contravention of employer duties or an unpaid contribution notice. Clause 37(3) allows the Department to make regulations about the way in which the Pensions Regulator can estimate the amount of contributions that an employer has failed to pay.

Under clause 37, as currently drafted, the regulations cover only contributions due in respect of a worker. Amendment No 5 makes clear that the regulations cover contributions that the employer has failed to pay on behalf of the worker, as well as employer contributions due in respect of that worker. The amendment will also ensure parity with clause 38(2), in which the same terms are used.

Amendments Nos 6, 7 and 8 refer to clause 59. Clause 59 currently provides the Pensions Regulator with power to inspect employers’ premises when it has reason to believe that documents relevant to the administration of a qualifying scheme are being kept. However, an employer scheme would not be a qualifying scheme in relation to workers without qualifying earnings under clause 9.

It is also possible that an employer might declare a pension scheme to be a qualifying scheme when, in fact, it does not satisfy the requirements that are set out in clause 16. The amendments replace the reference to a qualifying scheme with a reference to a pension scheme that is relevant to the discharge of those duties. That will ensure that the regulator’s powers of inspection apply in all relevant circumstances, in line with the policy intention.

*Amendment No 5 agreed to.*

*Clause 37, as amended, ordered to stand part of the Bill.*

*Clauses 38 to 58 ordered to stand part of the Bill.*

**Clause 59 (Powers to require information and to enter premises)**

*Amendment No 6 made:* In clause 59, page 32, line 33, leave out “qualifying scheme” and insert

“pension scheme that is relevant to the discharge of those duties”. — [*The Minister for Social Development (Ms Ritchie).*]

*Amendment No 7 made:* In clause 59, page 32, leave out line 39. — [*The Minister for Social Development (Ms Ritchie).*]

*Amendment No 8 made:* In clause 59, page 32, line 42, leave out “, ‘worker’ or ‘qualifying scheme’” and insert “or ‘worker’”. — [*The Minister for Social Development (Ms Ritchie).*]

*Clause 59, as amended, ordered to stand part of the Bill.*

*Clauses 60 to 76 ordered to stand part of the Bill.*

**Clause 77 (Interpretation of Part)**

**The Minister for Social Development:** I beg to move amendment No 9: In page 40, line 18, at end insert

“or (where section 9 applies) a worker in relation to whom there are direct payment arrangements (within the meaning of section 107A of the Pension Schemes Act) between the worker and the employer;”.

This is an amendment to the interpretation clause for Part 1 of the Bill. Clause 9 allows workers without qualifying earnings — less than £5,035 per annum — to require the employer to arrange for them to be enrolled in a pension scheme. The definition of active member is amended to make clear that people without qualifying earnings who opt into a workplace personal pension under clause 9 are active members of their scheme, in the same way as job holders with qualifying earnings who opt in are active members.

*Amendment No 9 agreed to.*

*Clause 77, as amended, ordered to stand part of the Bill.*

*Clauses 78 to 106 ordered to stand part of the Bill.*

**Mr Speaker:** We now come to the fourth group of amendments for debate. It will be convenient to debate amendments Nos 10, 11 and 12 together. These amendments deal with the delegation of power by the regulator and the secondary powers contained in the Bill.

**Clause 107 (Delegation of powers by the Regulator)**

**The Minister for Social Development:** I beg to move amendment No 10: In page 53, line 28, leave out from “, for sub-paragraph (d)” to the end of line 35 and insert



“the existing provision becomes sub-paragraph (1).

(2) For paragraph (d) of that sub-paragraph substitute—

‘(d) permitting the Regulator to authorise such persons, in such circumstances and under such arrangements, as the Regulator may determine, to exercise on behalf of the Regulator—

(i) the power to determine whether to exercise any of the functions listed in sub-paragraph (2);

(ii) the power to exercise any of the functions listed in sub-paragraph (2) or such other functions as may be prescribed.’

(3) After that sub-paragraph insert —

‘(2) The functions mentioned in sub-paragraph (1)(d) are—

(a) the power to issue an improvement notice under Article 9;

(b) the power to issue a third party notice under Article 10;

(c) the power to recover unpaid contributions under Article 13;

(d) the power to require information under Article 67;

(e) the power to vary or revoke a determination, order, notice or direction under Article 96;

(f) the power to require payment of a penalty under Article 10 of the 1995 Order;

(g) the power to issue a compliance notice under section 34 of the Pensions (No. 2) Act (Northern Ireland) 2008;

(h) the power to issue a third party compliance notice under section 35 of that Act;

(i) the power to issue an unpaid contributions notice under section 36 of that Act;

(j) the power to issue a fixed penalty notice under section 39 of that Act;

(k) the power to issue an escalating penalty notice under section 40 of that Act;

(l) the power to recover penalties under section 41 of that Act;

(m) the power to review a notice under section 42 of that Act;

(n) the power to issue a compliance notice in respect of prohibited recruitment conduct under section 50 of that Act;

(o) the power to issue a penalty notice in respect of prohibited recruitment conduct under section 51 of that Act.’

(4) Subsections (1) to (3)—

(a) do not affect any regulations made under paragraph 2(d) of Schedule 1 to the 2005 Order before the coming into operation of this section, and

(b) do not affect the powers conferred by that paragraph, so far as exercisable for the purpose of making, by way of consolidation, provision having the same effect as any provision of those regulations.”

*The following amendments stood on the Marshalled List:*

No 11: In clause 111, page 56, line 17, after “17(1)(c)” insert “27A,”. — [*The Minister for Social Development (Ms Ritchie).*]

No 12: In clause 111, page 56, line 29, at end insert “(ba) an order under section 27A(9);”. — [*The Minister for Social Development (Ms Ritchie).*]

Amendment No 10 is a technical amendment that is designed to ensure clarity on the pension regulator’s

ability to contract out its functions. Paragraph 2 of schedule 1 to the Pensions (Northern Ireland) Order 2005 enables regulations to be made permitting the regulator to contract out its regulatory functions.

The purpose of clause 107 is to facilitate the regulator’s ability to contract out functions and to ensure greater flexibility in doing so by removing the requirement to specify the identity of the contractor in regulations. The intention in delivering the compliance regime is that the regulator will be able to delegate the power to determine whether to exercise its functions and its power actually to exercise those functions. Without that distinction, there is a risk that the regulator would not be able to delegate decision-making relating to a function. The technical amendments to clause 107 will ensure absolute clarity by referring to both exercise and determination.

However, in clarifying that point, we do not want that power to allow the regulator to delegate both the exercise and the determination for the entire range of its functions. The amendment, therefore, explicitly limits the ability to contract out determination to the regulator’s activities set out in the new sub-paragraph 2. The Department will retain the power to enable the regulator to contract out the exercise, but not the determination, of functions that are prescribed in regulations.

Amendments No 11 and No 12 refer to clause 111. Clause 27A is introduced by amendment No 4 and enables the Department, through regulations, to allow an employer or a designated person to certify that his or her scheme is a qualifying scheme for the purposes of the Bill.

Clause 27A(9) enables the Department to repeal that clause by Order. These amendments add regulations made under clause 27A or an Order under clause 27A(9) to the list of provisions that are subject to the confirmatory procedure. That means that the regulations or Order would cease to have effect unless approved by the Assembly.

*Amendment No 10 agreed to.*

*Clause 107, as amended, ordered to stand part of the Bill.*

*Clauses 108 to 110 ordered to stand part of the Bill.*

### **Clause 111 (Orders and regulations)**

*Amendment No 11 made:* In page 56, line 17, after “17(1)(c),” insert “27A,”. — [*The Minister for Social Development (Ms Ritchie).*]

*Amendment No 12 made:* In page 56, line 19, at end insert — “(ba) an order under section 27A(9);”. — [*The Minister for Social Development (Ms Ritchie).*]

*Clause 111, as amended, ordered to stand part of the Bill.*

*Clauses 112 to 118 ordered to stand part of the Bill.*

*Schedules 1 to 10 agreed to.*

*Long Title agreed to.*

**Mr Speaker:** That concludes the Consideration Stage of the Pensions (No. 2) Bill. The Bill stands referred to the Speaker.

## COMMITTEE BUSINESS

### Hospital Car-Parking Charges

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

**The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill):** I beg to move

That this Assembly notes the announcement by the Minister of Health, Social Services and Public Safety in May 2008 on the introduction of free hospital car parking for very ill patients and their families; and, while welcoming this announcement, further calls on the Minister to abolish all hospital car-parking charges.

Go raibh maith agat, a Cheann Comhairle. As Deputy Chairperson of the Committee, I am pleased to introduce the motion, which calls on the Minister to abolish all hospital car-parking charges.

The motion acknowledges that, in May 2008, following a review of car-parking charges, the Minister introduced free car parking for patients suffering from cancer who require chemotherapy or radiotherapy and patients receiving renal dialysis. The concession extended to the next of kin or partner of such patients, and all Members will acknowledge that that was a welcome development.

At the time, the Minister indicated that the aim of the review was to establish a consistent car-parking policy for all health and social care trusts. However, when he announced the review's outcome, he indicated that individual trusts will decide whether to charge a car-parking fee to patients and visitors who make lengthy or frequent visits to hospitals. The Committee feels that such a measure does not promote consistent policy.

The Committee believes that the Minister did not go far enough, and that the only consistent policy would be to abolish all car-parking charges at hospitals. As Members will be aware, that is what happened in both Scotland and Wales, and I believe that we can learn from the bold steps taken there. We should follow that example.

In March, the Welsh Assembly Government announced that from 1 April parking would be free at NHS hospitals. In September, the Scottish Health Minister, Nicola Sturgeon, announced the ending of hospital car-parking charges from the end of this year. She said:

“It is simply not fair to expect patients or visitors to have to pay when they come to hospital, when they may be suffering personal

anxiety, stress or grief. Put bluntly, a car-parking charge is often the last thing that people need.”

I wholeheartedly agree with those sentiments. I believe that it is an unfair and costly way of generating income for hospitals. It could be argued that it is in fact a tax on ill health.

In many cases, the lack of an easily accessible public-transport system serving the hospitals makes the situation worse. When people need to attend the accident and emergency department, attend clinics of various kinds, or visit very ill patients, they cannot always rely on suitable and convenient public-transport systems, and having to pay for car parking adds to the anxiety, upset and concern at such times.

In his announcement in May, the Minister recognised the particular problems faced by cancer patients and renal dialysis patients. A study by Macmillan Cancer Relief in 2005 found that cancer patients spent, on average, £380 on travel over the course of their treatment. The introduction of free car parking for cancer patients is very welcome, but having to go through the process to be reimbursed can sometimes be off-putting, bureaucratic and stressful for patients, and many may be too proud to apply for that exemption. There are also issues concerning how patients are made aware of their entitlement and how such schemes are promoted.

Patients attending hospital for other chronic conditions can find themselves in a similar position where they need to attend hospital over a lengthy period of time, and can be faced with considerable costs as a result. People suffering from chronic conditions are often living on benefits because they can no longer work, and they are often struggling already to make ends meet.

The Committee is not suggesting that all hospital car-parking charges can be abolished overnight at the stroke of a pen. We recognise that there are things that need to be considered. I am sure that the Minister will point to the number of people who would take advantage of free car parking but who are not visiting hospital. That has been an issue in the past, and could be a particular problem with hospitals situated in inner cities or towns, where car-parking spaces may be at a premium.

However, it should not be beyond the ingenuity of the Health Service to use modern technology to find simple processes that could provide a simple system of ticket validation. That could be something as simple as a machine at the entrance to the ward, or somewhere else in the hospital, and it would differentiate between genuine patients, visitors and staff and those who wish to park and do other business in the area, or who want to park all day and get public transport to the centre of town. A hefty parking charge could be imposed, which

would deter such misuse of the parking facilities. There are a number of measures that could be taken to address that concern.

One important limitation on the ability to offer universal free hospital car parking relates to hospitals or car parks that have been provided under a PFI contract. The Minister, in answer to a recent Assembly question, confirmed that the Royal Group of Hospitals is the only Health Service hospital where car parking is provided by an outside operator. It is operated under a PFI contract which runs until 2017. A similar issue has been encountered in Scotland in relation to the PFI-built Royal Infirmary of Edinburgh. Although a totally satisfactory solution has yet to be found there, it is interesting to note that, in 2006, an agreement was reached between the providers of the hospital and the health board to reduce the maximum daily ticket price.

In Wales, where external contracts with private companies are already in place, the Health Minister has asked NHS trusts to introduce schemes to reduce the cost for patients, staff and visitors until the contract expires. I urge the Minister to explore what action can be taken in relation to car-parking charges and the contract at the Royal Victoria Hospital site.

In a letter sent to the Committee in September, the Minister said that the construction of a new car-parking facility costs around £10,000 per parking space, and suggested that it was reasonable to ask car-park users to make a small contribution to those costs. The Committee does not subscribe to that view, and, although welcoming the steps already taken, calls on the Minister to abolish charges for patients, staff and visitors as soon as possible. I urge all Members of the House to support the motion. Go raibh maith agat.

**Mr Easton:** We are meeting at a time of deep financial uncertainty when we are witnessing job losses and, in many cases, a critical loss of financial confidence.

To put it bluntly, money is tight for many hard-working families across my constituency. Equally, we all acknowledge that it is imperative that money that is invested in our Health Service be spent wisely and efficiently. Every penny that is spent on the Health Service is an investment in our people. With developments in medical science and other areas, there is no doubt that there is huge pressure on what is, ultimately, a finite budget. Furthermore, due to diligent stewardship of financial circumstances and an effective Programme for Government, I very much welcome the budget of some £4 billion from which the Health Service is benefiting — the highest that it has ever had.

However, let us get to the kernel of the issue. Visits to hospital are matters of necessity that are based on health need and required services. Those who work in hospitals provide an essential service; those who attend

hospitals on a voluntary basis to give blood contribute to the health and well-being of others; and those who visit friends or relatives provide the comfort that a patient requires.

Is it right to charge people to park their vehicles at hospital sites, given that they do so for vital and justifiable reasons? For the reasons that I will outline, I think not. The arguments that tend to be advanced for charging are in respect of congestion prevention and environmental sustainability. Doctors, nurses and other professionals who are allied to medicine are some of the most responsible, environmentally friendly people whom one could meet. By all means, staff should be encouraged to consider car sharing or using public transport, but it must be remembered that many of our staff work long and extra hours that are often unsocial. They should not, and must not, be penalised for using their vehicles to go to work.

The abuse of hospital car parking must be addressed. There are several means of addressing that issue, including the development of new technologies that will allow people who properly use hospital car parks to have their parking tickets validated without being charged. Coupled with effective advertising, that will address any abuse that occurs. However, we must give credit where it is due. We rightly welcome the removal of charges from those who are living with cancer and in other situations that were outlined by the Minister, but that should have been done some years ago.

I value the National Health Service. At its heart is the central tenet of free health service at the point of delivery. We toy with that fundamental principle at our peril. It could rightly be perceived that charging for car parking is an unwarranted interference with that principle. Charging should, therefore, be rejected.

**Mr Kennedy:** On 21 May this year, my party colleague Michael McGimpsey, the Health Minister, introduced free car parking across Northern Ireland hospitals for very ill patients and their families. The Minister made the announcement at Craigavon Hospital, and he also announced that an additional 160 free car-parking spaces would be made available at that site, representing an investment of some £450,000. On completion of that project, the total number of car-parking spaces at Craigavon will be brought up to 1,310. At that time, the Minister said:

“While I have specified which patients and visitors should not be charged, there are other situations in which people may have to attend hospitals frequently or for lengthy periods and run up significant charges. I would expect trusts to consider these situations carefully and exempt people from charges where appropriate.”

That move was rightly welcomed across the community and by all political parties. It represented a major move to improve the lot of patients and their families — who are the people whom the Health Service is there to serve. The Health Service is not

there to provide free park-and-ride facilities for people who indulge in shopping expeditions in towns or other places.

**Mr McClarty:** Hospital car parks are not being used only by those who wish to shop. I recently heard of an incident at Antrim Area Hospital in which a member of the public parked his car and called back for it 10 days later after he returned from a holiday. It was cheaper for him to park his car in the hospital car park, get a taxi to the airport and call back for his car 10 days later than it was for him to park at the airport.

**Mr Speaker:** Mr Kennedy may have an extra minute for taking an intervention.

**Mr Kennedy:** I am grateful to the Member for providing that information, which highlights one of the significant difficulties to which free car parking could lead.

*12.00 noon*

**Ms S Ramsey:** I am glad that the Member gave way — he will get another minute. First, I apologise to the Minister; I will not be here this afternoon, because I will be meeting another of his party colleagues.

I understand the Member's point, which was discussed in the Health Committee. The Committee welcomes these discussions about the Minister's decision to make parking at hospitals free for patients suffering from, for example, cancer. Will the Member not agree that people who abuse the system should not be allowed to cause the people who need the system to be punished?

**Mr Kennedy:** Although a careful balance must be achieved, we must also be realistic about the matter. Charging for car parking can discourage inappropriate parking by non-hospital users and, therefore, protect spaces for those who actually need them. In addition, the income that is generated can be used to maintain car parks and, consequently, save the Health Service money. When possible, money should be used for front-line services, which must always be the Health Minister's main priority.

Large sums of money are involved. Between 2005 and 2007, Belfast City Hospital raised £1.35 million from car-parking charges. During the same period, the Ulster Hospital in Dundonald raised £1.05 million, and the Mater Hospital raised £225,000.

Moreover, many of the current financial arrangements and the establishment of hospital pay car parks occurred under the direct rule Administration, and those contracts could not be easily, quickly or cheaply brought back into public ownership.

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

**Mr Kennedy:** No, I have given way twice.



A proper balance must be struck between imposing charges that merely cover costs and providing a penalty that combats fly parking. The crux of the matter is to provide car parking for staff, outpatients and visitors, while penalising people who use hospital car parks for their own convenience.

Providing car-parking spaces costs money, and I am interested to hear how the proposer and the sponsors of the motion would pay to implement the proposals and, at the same time, guarantee adequate parking for staff, patients and relatives. Some Members need to grow up and wise up, and cease indulging themselves and their parties by producing unattainable, Santa-type wish lists, especially given the fact that those parties are at the head of this Administration.

**Mr Gallagher:** I support the motion. I welcome the debate about this important matter, and I thank the Deputy Chairperson of the Health Committee for proposing the motion.

Charging for car parking does not sit well with the NHS principle of care for all, free at the point of delivery. Nevertheless, I acknowledge the steps taken by the Minister to scrap car-parking charges for very ill patients — such as those receiving chemotherapy, radiotherapy or dialysis — for critical-care and high-dependency patients and for patients' families. That is a step in the right direction.

In 2008, the Department of Health, Social Services and Public Safety published a document about hospital car-parking provision and management, which includes an eligibility matrix for free car parking. Apparently, that information is communicated to patients through a website and again in their appointment letters. I am concerned about some inconsistencies and whether patients in different trust areas know exactly what they are entitled to; it appears that it is up to the trusts to make discretionary decisions.

I seek clarification of terms such as “exempt when appropriate”. Who makes that judgement call? Who is qualified to do so? Are all trusts making such judgement calls in the same way? As I said, I am concerned that they might not. It appears that the consistency that the Minister tried to achieve by introducing the policy is not being delivered.

The cost of abolishing all hospital car-parking charges was referred to earlier, and the Cabinet Secretary for Health and Wellbeing in Scotland, Nicola Sturgeon, recently abolished such charges. The Minister for Health, Social Services and Public Safety, who is present in the Chamber, has said that he will keep the matter under review, and I very much hope that he will.

In Wales, trusts that have private car-parking contracts will be ordered to begin reducing charges until parking becomes free at the end of the contract

period. Parking will become free for patients, visitors and staff at all NHS trusts that do not have contracts with private contractors by 2011. I would like the Minister to comment on the cost of maintaining car parks under PFI arrangements, and how that compares with the Department's own arrangements.

**Mr Easton:** The Member mentioned figures for car parking. I found the figures that Mr Kennedy mentioned confusing, because they ran well into the millions. At the beginning of this year, I asked the Health Minister a question for written answer about the money that trusts receive from parking, and he said that the Belfast Trust received £843,000. There seems to be a discrepancy between the Ulster Unionist figures and the figures in the Minister's letter to me, which he signed, as Members can see. Does the Member agree that there seems to be much confusion about the actual cost?

**Mr Gallagher:** I thank the Member for his point. As I said, the matter requires clarification, and I have asked the Minister to comment on it.

There is a PPP arrangement in place for the car park at the Royal Group of Hospitals. PPP contracts will proliferate in future; will the Minister clarify whether there will be more PPP parking arrangements at hospitals? It is unfair to tax those who are vulnerable and sick for attending hospital for necessary treatment. It is also unfair to very worried families who are sometimes called to the hospital at short notice when a family member is rushed there. Sometimes, patients need to visit hospital several times a week, and it is impossible for them to know how long their appointments will last.

**Mr Speaker:** The Member must draw his remarks to a close.

**Mr Gallagher:** Some appointments can last for an hour, but others last for five or six hours.

**Mr McCarthy:** I support the motion. Charging for car parking at hospitals was never right. It was wrong from day one, and it has been a thorn in the flesh of many people. It is simply a tax on the sick, and it is wrong.

I am familiar with problems associated with parking at the Ulster Hospital. I was totally opposed to the introduction of charging at that hospital from day one. However, it was introduced and remains until the present day.

We should commend the Minister for having started along the road of free car parking and for the sensible manner in which he has done so. The objective of the Assembly should be to complete that journey in such a way as to ensure that hospital car parking is free and available to patients and their visitors.

Prior to the imposition of charges for car parking at the Ulster Hospital, many commuters used the car park as a park-and-go facility — much to the detriment of hospital patients. That was wrong; it was not

acceptable then, it is not acceptable now, and it will not be acceptable in the future.

I welcome the announcement by the Health Minister on 21 May 2008 in which he gave his commitment to exempt from car-parking charges, where appropriate, the people who visit hospital frequently or for lengthy periods. He said that those people run up significant charges and that he expects trusts to consider such situations carefully. The Minister also attempted to justify the charges for car parking at hospitals. He said that the charges were a method of discouraging inappropriate parking by non-hospital users and a means of protecting spaces for those who need them. I do not want people to park their cars in a hospital car park and leave them for 10 days while they go off on holiday, but charges prove expensive to patients who do not even want to be there.

The Alliance Party is committed to a Health Service that is free at the point of delivery — a concept that was mentioned by Tommy Gallagher. Those sentiments are echoed by Macmillan Cancer Support, which campaigned relentlessly for free car parking for its patients. I congratulate that group for achieving what it set out to do.

Our Health Service is not free at the point of delivery; patients and their visitors have to pay for car parking at hospitals; we have to pay for eye check-ups and dental check-ups; and the personal care of older people has to be paid for as well. The Alliance Party wants to see the implementation of a strategy that will reduce and, ideally, remove those charges. However, such a strategy must not involve the removal of front-line Health Service personnel or any reduction in standards in the system. Furthermore, it should not be focused, in the short term, on those who are not in greatest need.

The Alliance Party supports the motion on the basis that the removal of car-parking charges will form part of a strategy that is aimed at the ideal of a high-quality and well-staffed Health Service, which is free at the point of delivery. That is, and must be, the long-term project. As some Members said, Scotland and Wales are in the process of abolishing the charges — in fact, they may have done so already.

As we celebrate 60 years of the National Health Service, I remind the Health Minister that it was established with the intention of being free at the point of delivery. Let us do what it says on the tin: let us have a Health Service that is free at the point of delivery. I support the motion.

**Mr G Robinson:** This is a timely debate. Last week, the front page of one of Coleraine's local newspapers stated that the Northern Trust was considering the introduction of car-parking charges at various sites of the Causeway Hospital. I emphasise

that the newspaper stated that the trust was "considering" such a move. Such a charge would amount to nothing more than a tax on the sick and their families and friends.

The motion states that there is a welcome for the Minister's announcement that there will be free car parking for:

"very ill patients and their families".

I agree with those sentiments. However, I go further by saying that charging people to park in hospital car parks is a disgraceful situation.

I will be parochial and talk about the case at the Causeway Hospital. The newspaper article stated that patients, their families and staff might face the car-parking charges soon. Not only will patients and their families be subject to the Northern Trust tax, but the trust's staff will have to pay the charges as well. That threat comes at a time when many people are struggling to make ends meet, and it will further reduce the amount of money that they have at their disposal.

*12.15 pm*

A few weeks ago, the Minister made the welcome announcement that prescription charges would be phased out over the next two years. I warmly welcomed the announcement, and I congratulate the Minister for introducing that policy. However, the Northern Health and Social Care Trust seems to want to take away with one hand what the Minister is giving with the other.

I am concerned that the article mentions the clamping of vehicles by private companies. If family members suffer bereavement at a hospital, would any of us want to explain to them why they may find their cars clamped when they come out? I certainly would not. Will the trust guarantee that if of an outpatient who is late returning to the vehicle because of the usual delays in being seen by a consultant will not be clamped? I contend that all staff — nurses, cleaners, ward orderlies, etc. — should be exempt from car-parking charges.

Whatever way I look at hospital car-parking charges, I find them nothing more than a way for trusts to make money and avoid making the 3% value-for-money savings that are required of every Department and supported by the Executive.

In the case of the Causeway Hospital, the Northern Health and Social Care Trust has at least been honest and said that additional income from sources such as car-parking charges could certainly go some way towards helping the trust to break even. Are patients, families and staff seen by the trust as being nothing more than cash generators? That is the impression that the Northern Health and Social Care Trust is projecting, although it is not alone in its attempts to impoverish patients and staff by raising car-parking

charges. Nevertheless, it is an insight into how the trust sees the patient.

I oppose car-parking charges. I support the motion.

**Mrs McGill:** Go raibh maith agat, a Cheann Comhairle. As a member of the Health Committee, I support the motion and the views articulated earlier by the Deputy Chairperson, Michelle O'Neill.

Scotland and Wales have been mentioned. I understand what has been said about budgets. Yesterday, I listened to what the Minister said about it being easy to bring criticism to the House, but not easy to bring alternatives. Altnagelvin Hospital is the nearest acute hospital for the people whom I represent, and it has swaths of grass that must be maintained. My alternative to maintaining the grass would be to turn it into car parks, which would ease the situation. My comment is not a criticism; in my view, it is a constructive comment.

There is a morgue attached to Altnagelvin Hospital, and a family from my area was there for the removal of a person's remains. They had to park their car in a car park and pay on their way out. The family came from a rural area and probably did not know that they had to park in the car park, because there were no other spaces available, and that they had to pay on the way out. Before the removal of the remains, the family had to footer about to get money. They had to go into the hospital to pay for the car park and come back out and join the cortège. I was there at the time and saw what happened.

On another occasion, also at the morgue at Altnagelvin Hospital, people in uniform — it may have been the police — actually booked people driving out of the car park with a person's remains. There are issues relating to that situation and, in my view, there is plenty of ground around the hospital that could be used for car parking.

A review has been carried out — and I am moving away slightly from free car parking for everyone. When reading the review, I wondered how the situation could be managed, because there are so many opportunities for discretion and flexibility. The Minister has said that it is up to individual trusts to deal with the situation. There could be a situation where people who have given blood or who are volunteer drivers could avail themselves of the free car parking.

One comment in the review about management interested me. In the guidance document on hospital car parking, 'HSC Hospital Car Parking Provision and Management' paragraph 4.20, "Management of Application of the Eligibility Criteria", states:

"HSC Trusts must ensure that there is consistent management of the application of the criteria. If this is left to the discretion of nursing staff, they must be provided with clear guidance on how to exercise that discretion."

That is the key point. Will it mean more work for nursing staff? I would be seriously concerned if that were the case.

In September, Carmel Hanna asked the Minister about the cost of the abolition of car-parking charges. I wonder whether she received a response to that question, because it would be interesting to hear it or to hear a response from the Minister today. Go raibh maith agat.

**Mr Buchanan:** I commend the Minister on the steps already taken in May, following a review, to introduce free hospital car parking for seriously ill patients and their families.

As Members will note, this motion was tabled by the Committee for Health, Social Services and Public Safety. It is somewhat ironic that none of the Committee members from the Ulster Unionist Party are present for today's debate. Mr Kennedy mentioned a Santa-type wish list, and yet those Committee members gave their full support to the motion. That fact that other Ulster Unionist Party members are present to speak during the debate, while those Committee members are not, sends out a negative message from that party.

I have no doubt that the work that the Minister has done to date will have come as good news to some families, especially those whose main breadwinner has had to give up his or her job, either as a result of an illness or to care for another family member who may be receiving regular hospital treatment.

However, although the Minister is taking some action on the matter, the argument is being made that he should go further and completely abolish all hospital car-parking charges. That issue has generated significant debate and controversy within each of the health systems across the United Kingdom and in the Republic of Ireland. The debate has been stimulated by complaints from patients, visitors and staff. Indeed, trade unions have been critical, saying that car-parking charges are but another tax on ill people who require hospital treatment.

There are two overarching issues in this debate, the first being the lack of consistency across the trusts and within the Department with regard to parking charges or the provision of free parking. There must be consistency between the trusts and the Department; either there are parking charges or there are not. The inconsistency whereby some hospitals charge for parking and others do not causes concern for patients who require treatment.

The other overarching issue is that of private contractors. Not only do such contractors set the parking rate, but the revenue that is generated through parking is not put back into hospital services. The Minister should be concerned about that matter and address it immediately.



Like Tommy Gallagher, I want the Minister to clarify whether there will be car-parking charges for all future PFI projects. As the House will be well aware, by 2013, there will be a new acute hospital in Enniskillen and a new, enhanced local hospital in Omagh — and I am sure that the Minister is glad that I mentioned that — both of which will be the subject of PFI funding. Can the Minister enlighten the House as to whether patients at those two new hospitals in the south-west will be charged for parking? The Minister could enlighten us on that matter, which has caused some concern.

There are no car-parking charges at the Erne Hospital or Tyrone County Hospital. When the new hospital, which is funded by a PFI project, is opened, will there be charges to use its car park? If so, who will receive the revenue? I appreciate that the Minister has further work to do on the matter, and I have no doubt that the Committee will offer him any assistance that he requires when he reviews car-parking charges at hospitals.

**Mr Shannon:** The issue of car-parking charges at hospitals came to my attention when the first parking tickets were issued to people who were visiting loved ones at the Ulster Hospital. The Ulster Hospital scheme is funded through a PFI contract, so I am not sure if the proposals in the motion would affect the car-parking charges there. It would be difficult to withdraw from such a scheme, but it is worthy of comment. Nonetheless, I support the motion.

When the issue first came to my attention, I was contacted by a large number of my constituents who were visiting very ill relatives in hospital. It is an understatement to say that those people were outraged and angry at having to pay to park at a hospital. That feeling has been replaced by resignation towards the charges — people have to pay them if they want to visit their relatives.

George Robinson mentioned clamping, and the anger of the constituents who contacted me was compounded by several Big Brother-type incidents, in which their vehicles were clamped while they were visiting their relatives in hospital. In one case, someone could not find a car-parking space, and, because he or she had a seriously ill relative in the hospital and was desperate, parked at the front door. That person realised that parking there was wrong and contravened the rules, but it was in an act of desperation — an hour before, that person had been called and asked to visit a relative at the Ulster Hospital whose life was ebbing away. Such clamping has happened on many other occasions at the Ulster Hospital. In association with the firm that ran the car park, I was able to alleviate some of the charges incurred and ensure that such incidents were not repeated.

I always try to give credit where it is due, and the Minister deserves credit for introducing free car

parking at hospitals for cancer patients and their relatives in May 2008. There are many other people who would benefit from similar help.

To make matters worse, large amounts of money are made from hospital car parks by private companies. My colleague Alex Easton, and also Danny Kennedy, quoted different figures, but one thing is for sure — those firms are making profits. We all ask why those profits are not put back into the health system. In his response, the Minister will say that his responsibility is to look after the medical care of patients. I appreciate that, but there must be a system in the Health Service that ensures that money made from car-parking charges does not go into the pockets of a firm that has its headquarters outside Northern Ireland. We could use that system to benefit others.

The profits that private firms make from hospital car parks niggles people. For example, I know people who have relatives who are patients in the Royal Victoria Hospital, because of the medical care that that hospital offers. The cost for those people is £2 to £3 every night, and they visit every night of the week. Although the relatives of those people do not suffer from cancer, they require extensive medical care.

The purpose of the motion is to request a review of car-parking charges, which I urge the Minister to do. It is a case that must be answered. People have told me that the problem is not just about car-parking charges; it is about the hassle that they go through and the long queues that they have to join. That is more than many people should have to go through.

*12.30 pm*

I know that the Minister will consider car-parking charges honestly, truthfully and sympathetically. Do not damn or condemn free car parking. I urge the Minister to give careful consideration to what we have said today.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** Hospital car parking is a difficult issue to address. It is a complex matter that was raised in the Assembly in June 2007, and I have also received a good deal of correspondence on the matter. That is why I carried out a regional review of car-parking provision and management. That led to my announcement in May that seriously ill patients, such as those who are being treated for cancer, will no longer have to pay for car parking.

I listened to Michelle O'Neill's points about considering extending the range of exemptions. I am happy to consider that matter, and I will come back to her on it.

Kieran McCarthy put it well — and he was right — when he said that this is the start of a process. However, it is not simply a matter of my waving a



magic wand. I am where I am, I start where I start, and I have to manage the situation as it is. However, Kieran's point was well made when he said that exemptions are the start of a process — we will see how far we can get along that road.

As far as the other issues are concerned, each hospital faces a different situation. For example, the car park at the Ulster Hospital was used routinely for commuter car parking. It got to the point where the car park was so congested that people could neither get in nor out, and, at times, the accident-and-emergency traffic was obstructed. However, that situation has been resolved by the construction of a multi-storey car park. Contrary to Jim Shannon's information, that is not a PFI project; rather, it has been funded directly at a cost of £11 million. Frankly, the Health Service does not have that sort of money to spend on car parking.

My principal objective is to provide. A cradle-to-the-grave healthcare that is free for all. We can aspire to the provision of cradle-to-the-grave car parking to go with such healthcare, but we cannot simply create it overnight.

The Ulster Hospital car park was one of the most glaring examples of congestion, and that is being solved now largely through the construction of a new multi-storey car park.

With regard to Belfast City Hospital, the figures that Alex Easton quoted relate to income for the Belfast Trust. I do not have the information on the income for the car park at the Royal Hospitals, because that was a PFI project that was built prior to my time as Minister. It is a private contract with a private provider, and there will be charging there for as long as the contract runs. However, I could step in and buy out the contract, but that would require large sums of money that we do not have within the budgetary constraints of the Health Service.

Altnagelvin Hospital has two small car parks that are close to the door, and small amounts of money are charged for parking there. By giving patients the choice of where to park, large numbers opt to pay for car parking near the door. There is free car parking on site, but the parking near the door reduces the walk to the hospital.

As far as Daisy Hill Hospital is concerned, people routinely park in Daisy Hill car park and walk to the station to catch the train. The Southern Trust is also dealing with that issue. Craigavon Area Hospital also has low car-parking provision, and large sums of money were spent on solving the problems there.

In the past few years, investment totalling almost £22 million has been spent on car-parking facilities. That £22 million has to be found for the Health Service. Let me put that into context: for that £22 million, I could build health and care centres in Newtownards

and Craigavon and still have money left over, and I could do that right away. That is the sort of money about which we are talking. Therefore, we need to look for an income.

The car-parking charges are nowhere near commensurate with the investment. People think nothing of spending £10 or £12 to park in Castle Court for four hours while they go shopping, or feeding a parking meter for four hours at the back of the City Hall. At the Royal Victoria Hospital, it costs £1 to park for up to four hours. I know that that is a charge, and that people feel that it breaks a principle, as Jim Shannon said, and they get angry and upset. However, £1 is a very small token, and is by no means commensurate with the investment made.

At the Ulster Hospital, it costs £1·80 to park for up to three to four hours. Furthermore, there are exemptions for frequent visitors, long-stay patients and for those with conditions such as cancer and renal dialysis. I have no desire whatsoever to create hardship, but it costs only £1 to park for up to four hours at the Royal Victoria Hospital and the Mater Hospital, and £2·50 at Belfast City Hospital.

Belfast City Hospital solved its problems. When the new cancer centre opened, visitors could not get in or out of the car park. The solution, after negotiations with the planners, was to build a multi-storey car park. However, the planners insisted, as a planning condition, that there had to be charging otherwise the car park would fill up with commuter car-parking.

As a Member for that area, I know about the difficulties with commuter car-parking in inner south Belfast. We are still trying to resolve that issue through residents' car-parking, which Roads Service finds very challenging. Therefore, Belfast City Hospital must charge £1 for the first hour, £1·50 for up to two hours, and £2·50 for up to three or four hours. Those are small charges compared with the sort of investment that the hospital made in parking.

The hospital spent £10 million on that multi-storey car park, an amount that would pay for the health and care centre planned for the new enhanced local hospital and mental health hospital in Omagh. I notice that Tom Buchanan has left the Chamber. At present, I am considering correspondence that I received from Omagh District Council on that issue, and I will be able to speak more about that matter in due course.

One Member raised the issue of free car-parking at hospitals in Scotland. Scotland does a lot better out of the block grant and the Barnett formula than Northern Ireland. The Scottish Government also devote much more of their budget to health; that is the reality. In addition, Scotland, which has been in devolution mode for about 11 years, immediately examined the ways in which to go forward, and it was about pressing down

on demand on the Health Service and making it more efficient by producing a public-health agenda. As Members will be aware, yesterday I went forward —

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

**The Minister of Health, Social Services and Public Safety:** I will give way to Mr Easton, although I am well aware that he and his colleague said yesterday that they do not give way to members of the Ulster Unionist Party. However, I am happy to give way to him.

**Mr Easton:** The Minister stands corrected on that. I never said that at all; it was my colleague. He needs to get his facts right about that.

One issue that the Minister has not raised is that of hospital staff having to pay for car-parking. Certainly, in the South Eastern Health and Social Care Trust, staff at the Ulster Hospital have to pay for car-parking. I fundamentally disagree that staff should have to pay to go to work. However, staff at Bangor Community Hospital and Ards Community Hospital, which are also in the South Eastern Health and Social Care Trust area, do not pay for car-parking. Therefore, there is an inconsistency in the way in which car-parking charges are applied to staff. Will the Minister examine that issue as part of any review or long-term strategy?

**The Minister of Health, Social Services and Public Safety:** I stand corrected; as Mr Easton rightly pointed out it was his colleague Thomas Buchanan who said that he does not give way to Ulster Unionists. I am grateful to Mr Easton for marking him down.

The Scottish Executive have adopted a public-health agenda to make their Health Service more efficient. I have done that and have gone one step further. Yesterday, we spent a long time debating the new public health agency, which everyone supported except the DUP. The arguments of Mr Easton and Mr Buchanan in yesterday's debate attempted to negate my attempts to make the Health Service more efficient. Their arguments are contrary to those of the DUP leader; Mr Easton batted against his party leader rather than for him.

The consistency in the charges that staff must pay was raised. Trusts make the decisions, and the conditions vary from site to site. The conditions that staff face in Ards Hospital, which is on an 11-acre site, are much different from those faced by staff in Bangor Hospital, the Ulster Hospital or elsewhere. However, where staff are charged, they pay a subsidised, low rate. I do not have all the figures available, but I have provided figures for the general public, and staff pay less than that. We are trying to be as accommodating and helpful as possible while considering the issue of how to generate funds for capital costs.

Claire O'Neill talked about removing acres of grass —

**Mr McClarty:** That was Claire McGill.

**The Minister of Health, Social Services and Public Safety:** I beg your pardon. Claire McGill talked about a solution for Altnagelvin Hospital. That hospital's system of having two small pay car parks close to the door appears to be working well. I do not know how the environmental lobby in Sinn Féin would feel about bulldozers being brought in to lift the grass and take away the trees in order to tarmac the grounds. That is an Ulsterbus solution. It would have a strong capital cost; in addition to taking away the grass and tarmacking the ground, the overburden would have to be excavated and backfilled with hard core and, because of the problems that hard surfaces create, proper drainage would have to be provided. Therefore, that proposal would have an ongoing cost.

The cost of building a multi-storey car park is £10,000 for each space. That is much more expensive than building on the site of flat land, but flat land also has a cost. The cost is associated with acquiring land in and around hospitals, which are generally located in commercial zones. The cost of such land is perhaps between £1 million and £1.5 million an acre. Large costs are involved with building car parks.

As I said earlier, the Scottish Executive do much better from the grant that they receive, and they are treated more generously than we are; the Health Minister in Scotland is treated more generously than I am in the finances that she receives. We know who is in charge of our finances, so perhaps Mr Easton has questions to ask of his party leader, with whom he publicly disagrees. There are problems with commuter car parking in Newry. We know which Minister is in charge of the railway system, so perhaps Michelle O'Neill has questions to ask of her colleague. Perhaps she could ask that Minister what he will do about commuter car parking in the east of Belfast, because a resolution of that issue would greatly help the Ulster Hospital.

My colleague David McClarty gave the example of someone using Antrim Area Hospital to park their car and taking a taxi to the airport. That practice is now common and is another reason that car-parking charges are being considered at Antrim Area Hospital. One reason that people do that is the huge cost that private car parks and airports charge for car parking. People also do that when travelling to Belfast City Airport, and the high cost of car parking means that it is not unusual for people to park in Health Service buildings and Government buildings generally. That complex issue is one for the Minister for Regional Development.

I agree with Kieran McCarthy that progress is being made on a process. I also agree with Michelle O'Neill that the list of people who are exempt from paying for car parking at hospitals should be reconsidered. I am happy to do that; I do not wish to charge people to go hospitals to visit patients or to receive treatment.

12.45 pm

I am where I am. I have said repeatedly that I do not have enough money to run the Health Service, but I have what I have, and I must prioritise the resources that I have. Peter Robinson spoke of efficiencies in his Budget. I have made efficiencies, but there are even tougher decisions to make than those that I have just illustrated. That is something that we must all face up to if we are serious about maintaining a cradle-to-grave Health Service that provides free care for all our people.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I commend my colleagues on the Health Committee for introducing the motion and I thank everyone who contributed to the debate, particularly the members of the Committee. I also thank the Minister for attending and responding.

Free hospital car parking has been the subject of considerable debate throughout these islands over the past few years, and we have heard many arguments in favour of the abolition of hospital car-parking charges. A minority was against it.

The arguments that attempt to justify car-parking charges stress the need to prevent those who have no legitimate business at a hospital — such as shoppers and commuters — from taking advantage of free car parking. Danny Kennedy referred to an exceptional situation, which amounted to abuse of parking at a hospital.

However, my colleague Sue Ramsey was right: we cannot penalise those who need hospital car parking because there are those who abuse the system. Surely, there is sufficient intelligence in the Health Service to devise a system — a ticket-validation scheme, perhaps — that would stop such abuses.

It has been argued that charges contribute to the cost of providing parking spaces and are needed to cover the cost of security. It is also argued that free car parking can be provided only at the expense of other patient services. It has even been argued — elsewhere — that charges for hospital car parking encourage greater use of public transport and contribute to a wider environmental policy, but that pushes the argument too far.

Members of the Committee and others have put the opposite point of view: that car-parking charges are, in effect, a tax on ill health; and that it is unfair to expect payment from patients and visitors who are attending hospital and who may be extremely worried or stressed about their own health or that of a relative or who may have just lost a close relative. As has been said, the last thing that people in such situations need is the worry about car-parking charges.

Many Members acknowledged the positive, welcome steps taken by the Minister earlier this year. These are significant concessions for people who are suffering

from cancer or who undergo regular renal dialysis. However, that still leaves many who suffer from other severe chronic conditions and who have regularly to attend hospital or clinics facing considerable charges.

In his response, the Minister spoke of charges as small and token. However, that “token” charge is a considerable burden for people on low incomes who find it difficult to pay.

**Mr Easton:** Does the Member agree that it is bizarre that since the Minister has come into office he has announced more than £600 million of new investment for capital projects and free prescriptions? He seems to have money to burn, but he has a problem with providing a small amount of money for free car parking at hospitals across Northern Ireland. He has not denied the accuracy of the figures that I presented, which show that it would cost £1.2 million to provide free car parking. Given the scale of his expenditure, should not the Minister be able to find scope for free hospital car parking for the people of Northern Ireland?

**The Minister of Health, Social Services and Public Safety:** It is important for Members to understand that I deal with two budgets: one for capital projects; the other for resources. Members must observe the distinction. The income from car-parking charges is a resource item and is included in the £4 billion that pays the salaries of doctors and nurses.

I also have a capital budget, which is less than half of what I need, but which nevertheless contains substantial funds. I have announced capital projects, and I would like to announce many more. A children's and women's hospital is a prime example of something that I cannot afford with that budget. After 18 months of devolution, it is important that Members understand how the health budget works and that there is both a capital budget and a recurrent resource budget.

There is a difference, and the capital budget and recurrent resource budget cannot be mixed. The Department is not allowed to mix the two, and the first person who could tell Mr Easton that is his party leader, who was Finance Minister and who understands that situation very well. Perhaps Mr Robinson needs to have a chat with Mr Easton about that.

**Mrs O'Neill:** I thank Members for their interventions. The motion is not before the House because it is something that the Health Committee thought up on its own — it is a response to demands from the public.

I have mentioned car parking at the RVH in Belfast, which is provided under a PFI agreement and is subject to a contract that still has nine years to run. I accept that it may be too expensive to buy out that contract, as the Minister has stated, but a way must be found to at least reduce the charges that are faced by patients, visitors and staff.

Other Members have referred to problems faced by people arriving at accident and emergency departments who are not able to find a space in which to park in a hurry. Such people could be arriving with a very ill relative — a mother with a sick child, for example — and their first priority, quite naturally, is to get the patient into the casualty department for treatment. They might have to literally abandon their car because there is nowhere convenient for them to park, or there is not another passenger in the car who may be able to park it for them. I agree that trusts need to consider that issue. Such circumstances may not occur very often, but when they do, they add pressure to an already very stressful situation.

One of the three common themes of the debate has been consistency. The reason that the motion is before the House in the first place is because we want to see consistency across the board. The review into car-parking charges stated clearly that consistency was necessary.

Funding was also discussed, as well as concerns about where any money that is collected from car-parking tariffs should go. Should that money be reinvested in front-line services, does it go into car-park maintenance, or is it paid to private companies? We need answers to those questions. Another issue that was raised concerned the NHS being free at the point of delivery — either it is or it is not. That is the black and white of the situation.

The Committee welcomes the steps that were taken by the Minister earlier in the year, but believes that those steps did not go far enough — that is why we are debating the motion. Hospital car-parking charges are being abolished in Scotland and Wales. We can learn from their experience, and I urge the Minister to take the necessary steps to introduce free car parking at hospitals as soon as possible.

I note the Minister's commitment to review the situation in respect of exemptions, and I welcome that — it was a very positive response to the debate. I also note the Minister's statement that he has no desire to create hardship. No Member wants to create hardship, but if we are to tackle the burden that has been placed on people, and provide a Health Service that is free at the point of delivery, we have to address those issues. I ask Members to support the motion.

*Question put and agreed to.*

*Resolved:*

That this Assembly notes the announcement by the Minister of Health, Social Services and Public Safety in May 2008 on the introduction of free hospital car parking for very ill patients and their families; and, while welcoming this announcement, further calls on the Minister to abolish all hospital car-parking charges.

**Mr Speaker:** The Business Committee has agreed to meet at lunchtime today. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm.

*The sitting was suspended at 12.54 pm.*



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

2.00 pm

## PRIVATE MEMBERS' BUSINESS

### Occupational Therapy Services

**Mr Deputy Speaker:** In accordance with the Business Committee's agreement to allocate additional time when two or more amendments have been selected, up to one hour and 45 minutes will be allowed for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. Two amendments have been selected and published on the Marshalled List, and the proposer of each amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr P Maskey:** I beg to move

That this Assembly calls on the Minister of Health, Social Services and Public Safety to recognise that there is a lack of occupational therapy services which is adding to the waiting times for assessment and completion of urgent works within patient homes; and further calls on the Minister, in conjunction with the Minister for Social Development, to look at ways in which the Housing Executive can carry out minor works, including ramps, handrails, outside lighting and showers, without an occupational therapy assessment.

Go raibh maith agat. I thank the Business Committee for supporting the motion. Members from all constituencies will have had experience in dealing with the concerns expressed in the motion. Over the years, all our offices have been contacted by families with loved ones who are ill, some with minor illnesses and others with more serious illnesses.

When an individual becomes ill, it is a very stressful time for the family and, indeed, the patient. Family members want the best for their loved ones and want to make their lives more comfortable.

When families contact our offices, we advise them to get an occupational therapist to assess their needs and benefits and to provide a report. When an illness is less serious, we advise the family to contact the Housing Executive, which can carry out minor repairs. However, in many cases, the shortage of occupational therapists increases the period before which a patient is seen. That has happened in many cases in my constituency. I commend occupational therapists for their hard work, under pressure, and for the services that they have provided over the years while under-resourced. Credit must be given to them.

Through the motion, we are seeking measures that will alleviate the pressures on individual staff members.

The motion calls on the Minister of Health, Social Services and Public Safety to recognise that there is a shortage of occupational therapy services. The amendment tabled by Pat Ramsey, Carmel Hanna and Dolores Kelly adds to the motion, and, therefore, we will be supporting it. There is a clear need for more occupational therapists and resources to solve the problem.

The motion also calls on the Minister of Health, Social Services and Public Safety to work closely with the Minister for Social Development to allow the Housing Executive to carry out more minor works without an occupational therapy assessment. Many cases are specialised and clearly need assessed by an occupational therapist — that is why only occupational therapists can advise the relevant authorities about what measures are necessary and on what works can be carried out to suit the needs of the patient.

Major adaptations, such as bathroom or bedroom extensions or major internal and external rearrangements, must be approved by an occupational therapist. However, the process can be, and should be, speeded up. Planning Service staff could approve applications as soon as possible to alleviate pressures on individuals and their families. When the Planning Service receives a doctor's note or an assessment from an occupational therapist with an application, it should process that application as quickly as possible so that the necessary works can be carried out for the benefit of all involved.

The issue is about easing the problems people face when they become ill or are getting on in years; it is about taking the pressure off them and their families. It is about getting much-needed work done in a fast and effective manner.

However, there is an abundance of cases in which services can be dealt with by another body, such as the Housing Executive. The Housing Executive can deal with minor adaptations, such as handrails at the front and back of homes, stair rails, additional lighting, accessible window openings, clothes lines and other aids.

The Housing Executive must be given more responsibility to carry out minor adaptations for people with disabilities. The widening of doors for wheelchair access in family homes is crucial and must not be delayed for bureaucratic reasons. The provision of ramps for wheelchair-bound people to get in and out of their homes is also essential. Showers must be fitted for people who find it difficult or impossible to have a bath. The waiting list has recently come down, but there must be more co-ordination between Departments to reduce it even further.

The excellent research pack produced by the Assembly's Research and Library Services contains a lot of good information, facts and figures that highlight the number of cases that the Department deals with

annually. That information includes the cost of failing to carry out home adaptations in a speedy manner, which can lead to people being admitted to residential care. Those figures are startling; an average adaptation costs £6,000 in a one-off payment. However, if there is a delay in the assessment process, taking a seriously disabled wheelchair-user into residential care costs £700 to £800 every week — more than £40,000 a year. If the average adaptation is £6,000, and the cost of delaying that work runs to £40,000 per year, allowing other agencies to carry out work and recruiting more occupational therapists becomes much more cost-effective.

However, the research pack does not touch on the personal stories that, I am sure, all Members have had to deal with over the years. I was approached by a constituent whose mother had been diagnosed with a serious illness. The family wanted to make her home as comfortable as possible. They had contacted the occupational therapist, but, at that stage, no date was given for a house visit to assess the patient's needs. Weeks passed without any such visit. The family asked me to help to get their mother's home assessed in order that work could be done to make her life more comfortable.

I contacted the occupational therapist and was told that no date for an assessment visit could be given. I asked whether it might be a week, a month, six months or a year. The answer was that it would be sooner than a year, but not even a rough date could be given.

A lot of the work in that case was minor and could easily have been carried out by the Housing Executive without an assessment. However, other work that was required had to be assessed by an occupational therapist and as it was all within one house, all the work had to be assessed. The moral of the story was that as the occupational therapist was told, unless the work was carried out speedily, pressure would be piled on the family and on the patient. The reality is that the patient died before any work was carried out on her property.

I urge Members to support the motion and amendment No 1 so that, through our constituency offices, we can be more proactive and can ensure that relevant authorities and bodies carry out work more speedily. That will ease the pressure on families and the burden on the ill and it will enable them to live their lives much more comfortably. Go raibh maith agat.

**Mr P Ramsey:** I beg to move amendment No 1: Leave out all after 'homes' and insert

“; urges the allocation of increased resources to employ adequate numbers of occupational therapists and support their important work to meet the needs of people with disabilities living in the community; and further calls on the Minister, in conjunction with the Minister for Social Development and the Minister of the Environment, to co-ordinate their Department's responsibilities to streamline and fast track applications in respect of disabled persons' facilities and minor works.”

I thank Mr Paul Maskey and the other sponsors for bringing the motion to the House. All Members have had to make representations for people who require occupational therapy assessments or who have been waiting for work to be carried out to their homes by housing providers or health and social care trusts. The subject deserves attention on the Floor of the House. As Mr Maskey said, it is important that the Assembly debates, highlights and advocates on the issue.

The SDLP believes that the motion is inaccurate, out of date in places, and not always in the best public interest, which is why we tabled our amendment. We welcome Mr Maskey's statement that Sinn Féin will accept our amendment.

I want to discuss the specific parts of the motion about which my party is concerned. The motion fails in several areas: it does not acknowledge, or recognise, the importance of occupational therapists' contribution to housing and community-care provision, although Mr Maskey did so when he moved it. The profession has an ongoing statutory responsibility to assess and identify needs, including housing needs, of disabled people under section 1 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 on behalf of health and social care trusts and to make arrangements for the provision of necessary and appropriate adaptations and equipment under section 2 of the Act.

The Assembly should acknowledge the work of the Department of Health to improve waiting times for occupational therapy services. I welcome the Minister to the debate. Later, he will inform us of more important areas of development. I understand that the target to April 2008 — 26 weeks — was met and that the Department is well on its way to meet next year's target of 13 weeks. Perhaps the Minister will advise us on the current situation of the waiting list and whether he envisages further reductions.

The motion implies that consideration has not been given to whether minor works could be carried out without occupational therapists' involvement. In fact, a list of minor works has already been agreed between the Department of Health, Social Services and Public Safety and the Northern Ireland Housing Executive, which can be undertaken by the executive — as landlord — for tenants on request and without requiring an assessment by the health and social care trusts. I understand that the list is quite extensive and is reviewed regularly. It includes many more works than those proposed in the Sinn Féin motion.

However, the list does not include the installation of ramps and showers, with good reason. The motion includes the installation of ramps on its list of improvements that would not require occupational therapy involvement. That is dangerous, and it is certainly not in the best interests of wheelchair users.

People who need a ramp installed in their home need a full occupational therapy assessment. They will almost certainly have had an initial occupational therapy assessment in order to get a wheelchair, and they are likely to need a range of housing adaptations, equipment and community-care provision, including possible re-housing.

The installation of showers is also a complex matter. If the Housing Executive was to have additional schemes for bath replacement on demand and without occupational therapy involvement, work may be specified incorrectly and may not meet the needs of individual users. In some cases, that would result in insufficient space to allow the use of shower and mobility equipment. There are also cost implications — for example, a shower being provided costing £3,000 when a health and social care trust bath-lift costing £400 would adequately resolve someone's bathing difficulties. Awareness must also be given to the needs of other family members, particularly children, for whom a bath may need to be retained in the home.

My final point is about the prioritisation of resources. If there are two disconnected processes, who decides which clients are most in need of home adaptations?

2.15 pm

The motion misses the point that the main bottleneck — in the provision of facilities for disabled people — occurs at the approval stage in the Housing Executive and the health trusts. For example, an increasing number of Housing Executive tenants still do not have a shower installed 10 months after the occupational therapist had made that formal recommendation. I ask the appropriate Minister to come back to the Assembly with figures for the amount of people who are on the waiting list for the provision of showers, and for the amount of showers that are installed within 10 months of the recommendation being made.

Occupational therapists have been getting through their assessments quicker, which has had an impact on the budgets for adaptations and installations, especially at a time of general budget constraints. The SDLP warned of the Budget's inadequate allocations for health and housing, which is why we voted against the Budget. There is a postcode lottery in that waiting times for adaptations vary widely between health trusts. Indeed, that matter has been the subject of previous questions in the Assembly. Will the Minister assure us that there are equitable and adequate resources to deal with occupational therapy services across Northern Ireland?

As a result of the delays, many people require prolonged carer assistance with bathing, getting up and down stairs, and so on. Paul Maskey eloquently outlined some particular cases. Delays in the installation of adaptations result in additional social-care costs for

health and social care trusts. People are at risk of accidents in the home without those adaptations, which also increases health-care costs that should be avoidable.

Housing, health and social care are interdependent, and we need joined-up Government and well co-ordinated public services. Interdepartmental and interagency arrangements must be strengthened to ensure that there is an efficient and well co-ordinated process. The two Departments must be given an adequate Exchequer allocation to ensure that, in future Budgets, the Housing Executive and health and social care trusts are allocated the additional funding that they require to carry out work quicker. It is welcome that the Executive are meeting again so that such cross-departmental issues can be sorted out in the interest of older people and those with disabilities.

I ask the Minister to further consider strengthening the arrangements for interdepartmental and interagency work — between the Department of Health, the Department for Social Development, the Northern Ireland Housing Executive and the health and social care trusts — to build on the good work that has already been done. The SDLP also requests a formal interdepartmental review of how the review of public administration affects housing, health and social-care structures, and how it impacts on the delivery of housing and community-care services for older or disabled people. I ask the Minister to advise the Assembly on that matter when he and the Minister for Social Development have had time to consider it.

As Paul Maskey outlined, the provision of occupational therapy services is important for so many people. Unfortunately, we have all probably championed the cause of a disabled person who has then died before the recommended adaptations have been carried out. That happens too often, and it is due to the Departments' lack of a focused approach. Hopefully, the motion — which was tabled by Paul Maskey and his colleagues — will lead to a greater dedication from the Departments to give peace of mind to disabled people and their carers who have to undertake a lot of physical work to continue to keep that person at home.

**Mr McCarthy:** I beg to move amendment No 2: Leave out all after "Executive" and insert

"can accelerate the assessment process by improving co-ordination with those who provide occupational therapy services while carrying out minor works, including ramps, handrails, outside lighting and showers."

This is a United Community group amendment that is designed to ensure that the professionalism of occupational therapists remains a part of the process of delivering appropriate works to properties. It also seeks to solve the problem that was rightly raised by those who tabled the motion. We call on the Executive to report to the Assembly on how they will accelerate the assessment process for minor works while leaving



the procedure for major works as it is. We are happy to support the SDLP amendment as an attempt to give extra detail to the motion.

The work of occupational therapists is vital and must be used to assess the needs of disabled people. The motion cites "minor works" that could be carried out without the say-so of an experienced occupational therapist. That may be a simplistic way to speed up the process, but such works must be carried out with the help and knowledge of an experienced occupational therapist.

Occupational therapists are qualified people who are employed by the health and social care trusts, which have a statutory duty to assess people's needs, including housing. An occupational therapist is qualified to assess the problems encountered by disabled people and to recommend the best possible remedy. That qualification simply cannot be ignored.

I put on record my party's thanks to, and appreciation of, all the occupational therapists throughout Northern Ireland and the Housing Executive for the work that they have done and continue to do. All Members have been frustrated by the long waiting lists and the delays — for whatever reason — in having adaptations or aids, and so forth, installed in the homes of disabled people. We all know about the volume of paperwork, such as estimates, that is involved before any work can begin. Perhaps if a method existed to speed up some of the processes, that would go some way to relieving the frustration of the recipients of those adaptations.

It is worth nothing that some minor adaptations to help disabled people do not require the services of an occupational therapist, such as handrails, outdoor lighting, paths and smaller work around the house.

The work of occupational therapists is important, and the services of additional professionals across Northern Ireland would be of undoubted benefit. I refer Members to the information packs that include a report commissioned by the Office for Disability Issues. In 'Better Outcomes, Lower Costs', the Audit Commission asserts:

"increased investment in housing adaptations and equipment would bring significant savings to the National Health Service and to social services budgets".

I am sure that the Minister will listen to that assertion. The commission continues:

"but funding and structures, compounded by the lack of clear evidence, have created barriers to such investment."

The report clearly states that adaptations produce a better quality of life for "90% of recipients" and also improve the quality of life for carers and other family members. Substantial evidence exists that in the case of an average older applicant, an adaptation package will pay for itself within the life expectancy of that

individual. Indeed, it will produce better value for money through the improved outcomes for the applicant.

The report states that the sooner a disabled person is supplied with the necessary assistance, the better the quality of life he or she will enjoy. More importantly, early assistance reduces the risk of a disabled person acquiring further disabilities, perhaps from a fall, that may require hospital attention. That would place an additional burden on the hospital and an added financial strain on already stretched budgets.

The message is to get help to people who need it as early as possible. Members should ensure that all occupational therapy services are fully equipped to deal with requests for assistance as quickly as possible.

**Mr Buchanan:** I support the motion, and, as Members know, the recognition of a problem is the first step towards redressing it. Would anyone challenge the motion's assertion that there is a lack of occupational therapy services and that, as a consequence, people face delays in assessment and thereafter a delay in the completion of identified urgent work in their homes?

Where possible, when bringing problems to a Minister's attention, one should seek also to identify solutions. Accordingly, it is impossible to underestimate the need for the Minister for Social Development to introduce methods to enable minor work in Housing Executive property to occur without an occupational therapy assessment.

It would be remiss of me not to acknowledge the dedicated professional work of our occupational therapists in my own constituency of West Tyrone and across Northern Ireland. I pay tribute to their expertise, their understanding of disabling conditions, their knowledge of the impact of disability on the quality of life and their track record of removing environmental barriers that prevent the effective enjoyment of everyday life. Many of my constituents pay ready testimony to the positive impact that occupational therapy services have had in enabling them to live more easily with disabling conditions. I join them in thanking the men and women of our occupational therapy services, without whose expertise we could not manage.

Many people face the challenge of living with disabling conditions, and essential items such as a ramp, a handrail, outside lighting and a shower are critical to their full enjoyment of day-to-day life. Those items are not optional extras — they are requirements. As of June 2007, 6,309 people in Northern Ireland were awaiting an occupational therapy assessment, of which 1,232 had been waiting for more than six months. That is a staggering waiting list. That backlog must be urgently addressed and the Assembly must take the matter seriously and ensure that people are properly assessed and the required adaptations provided. Those statistics demonstrate that



the Minister of Health, Social Services and Public Safety and the Minister for Social Development must give the motion due consideration.

Everyone understands the maxim “prevention is better than cure”. Non-provision of adaptations is not an option. My office in Omagh has dealt with several cases where constituents have waited lengthy periods for simple adaptations that could have been installed in weeks, rather than taking months — and, sometimes, years — by which time some applicants had already died.

Given that health trusts in Northern Ireland have proposed to close residential homes and to keep people in their own homes for longer, it is essential that assessments and adaptations are conducted more quickly and efficiently. I echo Mr McCarthy's comments: disabled people's lives will be much better the sooner they receive necessary adaptations. However, the continuing undue delay frustrates workers who want to fast-track the job, the applicants themselves and their families. I support the motion.

**Mr B McCrea:** It is always a pleasure to follow Mr Buchanan; he provides opportunity for further discussion and gives food for thought. He challenged Members to question whether there is a lack of occupational therapists; I will provide information that might arouse some thought.

The Ulster Unionist Party thanks Sinn Féin for proposing the motion. We understand — as all Members will, no doubt, agree — that there is a need to provide a built environment that assists people who have trouble getting around the house because of disability or restricted capabilities.

However, on closer examination, Sinn Féin's motion has perhaps been overtaken by the success of the Minister of Health, for, under his stewardship, waiting times and lists for assessments by occupational therapists have reduced sharply. Occupational therapists are an important part of the story, but they are the front half, if you like. Just as important is implementation, which is largely carried out by the Housing Executive; it delivers improvements by commissioning the work for the public-housing sector or through grant aid in the private-rented or owner-occupied sector.

2.30 pm

Complete service and delivery require joined-up government and joint action by the health trusts and the Housing Executive. As Mr Pat Ramsey pointed out, the Housing Executive is already empowered to carry out minor works, although not the installation of ramps or showers, without a prior assessment.

Let us look in detail at how waiting lists and times for home visits have improved since Mr McGimpsey took office. At the end of December 2006, the waiting list for home visits stood at a significant 7,847; by September 2007, it had fallen to 6,215; and by the end

of December 2007, it had fallen by a further 1,500 to 4,718. Consolidated waiting time statistics are not collated centrally; however, in answer to a question by Mr O'Dowd it was reported that in Craigavon and Banbridge the longest waiting times for home assessments in December 2005 had been 15 months, with 695 people on the list; by December 2006 that had reduced to 12 months, with only 590 people on the list; and by December 2007 it had reduced to six months, with 330 people on the list. On 28 January, those statistics had further reduced to 225 on the list, with a maximum waiting time of 21 weeks. I think that we can all agree that that is a significant improvement.

We would all like to see shorter waiting lists — 21 weeks is still too long — but a wait of 15 months, which was the legacy of the direct rule Administration, was unacceptable. The improvements in waiting lists and times since the Executive was formed have been extremely encouraging and provide a clear example of how successfully the devolved Administration can work for the benefit of the people of Northern Ireland. That has been achieved against a background of requirements having risen by 8% since 1998. It appears that even when a Minister delivers improvements, some people refuse to be constructive or acknowledge those improvements.

Sinn Féin's motion, which Mr Buchanan supported, implies that there are too few occupational therapists and that a substantial increase in the number is required to deal with a growing backlog. However, all the evidence points the other way — to a rapid improvement, in fact. Furthermore, given the time taken to train and develop occupational therapists, waiting lists and times are likely to have reached an acceptable level before any effective increase in capacity could be brought about.

Of course we should all try to do better. The job is not complete until further actions have been undertaken. An assessment is the first part; the other, equally necessary, part of the job is implementing the recommendations. The Housing Executive is responsible for the work in the home. Of course we would like the Minister and his colleagues to work together on more improvements; therefore I am pleased that we are having this discussion. The Minister of Health is delivering, and I have no doubt that he intends to deliver more.

**Mr Bresland:** I support the motion. The present set up, in which every little detail must be brought before an occupational therapist and the lack of occupational therapists available to conduct those assessments, has led to unacceptable waiting lists.

As it is, all proposed work — even something as minor as installing outside lights or handrails — must be assessed by an occupational therapist, which results in unnecessary and unjustifiable delays in carrying out that work. In April of this year, a constituent of mine

was released from hospital in a wheelchair and was told that she would have a ramp from which she could access her property within a matter of weeks. However, that lady is still waiting for that assessment to be carried out. As Members will appreciate, entering a property that does not have a ramp is a rather difficult and time-consuming task for someone in a wheelchair.

By allowing minor work to be carried out without the need to have an assessment by an occupational therapist, the lives of the people involved could be significantly improved as they would not have to go through the intermediate period of suffering and distress. That is something that they could all do without. In addition, if that work could be carried out more quickly, it would mean that people could return to their homes sooner after a disabling incident.

As well as saving the Health Service thousands of pounds that could be redistributed, it would mean that those who have been through a life-changing event could adjust to the situation in a comfortable and familiar setting surround by their family, rather than in an unfamiliar building surrounded by strangers.

I therefore support this motion and call on the Minister to investigate all possible ways by which minor work could be carried out without the need for an assessment from an occupational therapist.

**Ms Anderson:** Go raibh maith agat. I greatly welcome the opportunity to support the Sinn Féin motion with the first amendment as it is an issue about which I feel very strongly. I know that many others in this Chamber do so as well. It is an issue that should unite all Members, because it affects every constituency and every creed. We all have a responsibility to make a real and positive difference to the lives of those who need our assistance the most.

According to the Health Department's own statistics, despite improvements in waiting times over recent years, 4,718 people were waiting for assessment by community occupational therapists at the end of last year — 1,346 of those were priority cases. Last year, 28% of people waited between three and six months for assessment, and 11% waited for more than six months. That is simply not good enough, and I think that everyone here will agree. Many of those cases involve people who are critically or terminally ill. It is simply intolerable for people in those circumstances to be waiting for over six months for the vital assistance that they need.

Along with my sisters and brothers, I care for my mother who suffers from Alzheimer's disease. I know only too well about the difficulties that we encountered while we waited for the alterations that needed to be carried out on our home. Thankfully, the adaptation was eventually completed, but the process took years to complete.

Unfortunately, that experience is not unique. This issue is being raised time and again on doorsteps. I am sure that many other Members hear the same message from their constituents. Therefore, I hope that all parties will support the motion as amended, which recognises the reality of the failures in the system.

As a first step, the bureaucratic barriers that we and many others are experiencing must be removed. Those are delaying and preventing assessments from taking place. That includes the very obvious need to employ more occupational therapists, but also to consider broadening — where possible — the number of adaptations that can take place.

As the motion recognises, there are no services to ensure that urgent work is completed without delay. We must go even further. I have spoken to several building contractors who told me about their intense frustration because of the delays that they face, even after assessments have taken place. In particular, there seems to be a major issue concerning private householders. Many people believe that there is an even greater resistance in the system to provide the adequate resources to ensure that work can be done.

I have been told about the wall of bureaucracy that contractors routinely encounter in carrying out work that occupational therapists have deemed necessary. It is hard to escape the conclusion that that is all part of a policy to frustrate and delay works simply to save a few pounds, and that has tragic consequences for some of the most vulnerable people in society. I know of many cases in my home city of Derry in which builders arrived to carry out work after many months of delay, only to find that the patient had died.

Clearly, the solution is not to be found in just speeding up assessments. Reducing the assessment waiting time to a single day would not, in itself, remove the problems in the system, and that is reflected in a statement by the College of Occupational Therapists:

"waiting lists are developing at other points within the system of delivery and delays are occurring post-occupational therapy assessment and involvement".

As amendment No 1 states, the Minister of Health, Social Services and Public Safety, the Minister for Social Development and the Minister of the Environment must work together to remove all the blockages, delays and unnecessary bureaucracy at all levels of the process. In addition, they must develop new and innovative measures — as they are committed to do by the Programme for Government — to ensure that the work that is necessary to make vital improvements to the lives of vulnerable people is carried out without the scandalous delays that occurred in the past.

I support the Sinn Féin motion and amendment No 1. Go raibh míle maith agat.

**Mr Kennedy:** I am grateful to have the opportunity to contribute to the debate. All Members are probably on the same side with regard to this matter — everyone wants to see more people involved in a more efficient and effective service that produces the desired results for our constituents in need.

The best way to describe the Health Department's approach to occupational therapy services is a work in progress, and progress, like all other health issues, is constrained by budgets and by competing priorities. Nevertheless, there has been significant progress, although Members are, like everyone else — and like the Minister himself, I am sure — keen to see more. My colleague Mr Basil McCrea outlined statistics that demonstrate the real and significant improvements that Michael McGimpsey — the Ulster Unionist Party's Health Minister — has brought to this important aspect of healthcare.

Occupational therapists play an important role in helping the Northern Ireland Housing Executive to carry out improvements to its properties that reflect its tenants' health requirements. Those improvements include bathroom extensions, ground-floor showers and toilets, bedroom extensions and major internal rearrangements, the redesign or reorganisation of kitchens, and installing stairlifts or other types of lifts.

At present, referral depends on clear priorities, such as people who are coming out of hospital; those who are, perhaps, at risk; those who live alone or who live with a carer who is elderly, disabled or who has limited life expectancy. Given that public money is being spent, it is right and proper that clear procedures are set out for spending that money, including the initial evaluation; the agreement of plans; obtaining statutory approvals; the appointment of contractors; and checks on the progress of work. Regulations specify that work should be carried out within a reasonable time span and they identify schedules under which normal adaptations must be made, and that helps to speed up the whole process.

2.45 pm

At the end of last year, the Minister told the Assembly that an audit of the occupational therapy service was already under way and that it would look at ways to improve the speed of response and performance. Therefore, given that the service's efficiency has been improving — as statistics prove — and that public money is being spent, which requires a proper audit process, and given that an audit to sharpen the delivery of the service is already well under way, I suggest that we wait for that audit to make hard recommendations before we embark on a course of action that would permit bodies such as the Northern Ireland Housing Executive to undertake building work without sanction. That is risky and might set a dangerous precedent.

There is broad support for the spirit of the motion, and I have no doubt that, in his response, the Minister will give the House proper assurance.

**Mr Shannon:** I support the motion and amendment No 1, which solidifies what we are trying to achieve. Over time, elected representatives deal with, literally, hundreds of occupational therapy referrals, and I too have been involved in the process, from filling in forms to chasing referrals from the occupational therapist, to the Fold Housing Association — which is normally the way it goes in my part of the country — to the architect, to the Housing Executive and, ultimately, to the grants office.

I suggest to the Minister that the proposal being made today is to see how we can make the system more accountable, more applicable and more urgently responsive to the needs of the people. That is the angle that I am taking.

For the record, I wish to express my thanks to occupational therapy staff for what they do for people, based on my experience. In particular, I wish to mention Anne Stewart, the manageress of the office in Bangor that looks after north Down and Ards. Her staff have been most responsible, very receptive and very professional.

Hoooiniver A 'hm consained aboot hoo lang hit taks tae get the OT referral maide. A wheen o' yeirs sine hit wusnae raire tae hae tae wait fer atween 18 monthts an twa yeirs an' in a wheen o' caases A hae tuk' a han' in quhar the visit hes tuk nae mair nor 3 ir 4 weeks.

However, I am concerned about the time that it takes for an occupational therapy referral to be made. I can only speak from my experience, but a few years ago, it was not unusual to have to wait for 18 to 24 months for a visit. That has now been reduced, in many cases, to two or three months. In some cases in which I have been personally involved, it has taken three to four weeks for a visit to take place. That is my personal opinion; I must reflect the cases that have come to my office.

Receiving a visit is only the start of the process; then the nitty-gritty of it all begins. The Housing Executive must examine the plans, and one must have a home visit and a full assessment of one's circumstances. The plans are sent to an architect, and quotes must be obtained from at least three builders, depending on what the project is. A means test is carried out, and that takes ages.

In the middle of that paperwork nightmare — I have removed from my speech the term "guess what", because the whole speech could have been entitled "guess what" — one of the boxes might not have been ticked. Some of the necessary information might not have been filled in and the whole application is put on hold. Forms go back to the applicant to fill in all the



bits and bobs, and they must then be returned. The application can go to and fro for some time — weeks or even months.

In the middle of the process is the applicant, who needs his or her occupational therapy, aids and recommendations immediately, not when the paperwork is processed. A person who is in agony and suffering from restricted mobility might be living downstairs in a two-storey house and using a commode, or even living in his or her kitchen. I am concerned, because such people have no privacy and their quality of life is reduced.

Handrails and banisters should be put up immediately, but it takes months. Members may know what a nightmare it is to install a ramp at the front or back of a house. Even getting the angle correct, whether it is at 45 degrees or whether it is split-level, is difficult. The whole thing is difficult to understand.

While discussions are being held and decisions are being made, the poor applicant — who is in agonising pain and looking for help — is caught in the middle, and the process lingers on.

The installation of outside lighting should be a simple process. However, officials ask whether it should be put at the back door or at the side of the house, or whether two lights should be installed. I wish that they would get the job done and stop messing about, because the applicants want the job done today, not tomorrow. I get frustrated with the system. In the middle of the process, the poor applicant finds himself or herself in bother.

I could talk about the issue for 10 minutes, but I will not have the opportunity. If someone interrupted me, I would be granted another minute.

It takes even longer for decisions to be made on shower adaptations than it does for outside lighting. Applicants who cannot get into or out of the bath without help approach the Housing Executive. It is possible to get a seat for the bath.

Mr Buchanan, interrupt me, please. I will give way to my colleague if he wishes to make an intervention. Go ahead, and I will get another minute.

**Mr Buchanan:** The Member will agree that the authorisation to adapt a bath to a shower can take some time. Furthermore, he will agree that the Housing Executive, as well as the Minister of Health, Social Services and Public Safety, must examine ways to speed up the process.

**Mr Shannon:** I thank the Member for his intervention and for his help. The applicant may not be able to get out of the bath; in fact, dare I say it, he or she may not be able to get their leg over the side of the bath without assistance. Many of the applicants require a seat in the bath. They fill in the appropriate forms, but — believe it or not — it takes ages to get through the red tape.

They are required to get three estimates, and they are subjected to a means test. During that time — which can amount to four or five months — the applicant will not have had a bath or a shower. He or she will have been washed by a son or daughter, but that is not good for the dignity of the individual. It bugs me that the processes take so long to complete.

I have been involved in people's applications for a shower, and there is an unbelievable amount of trouble involved. For instance, applicants are told that it is not permissible to build an extension on the back or on the side of their house, because it might affect their neighbours. The whole process drags on.

We require a system that will expedite urgent works and take the hassle out of the process relating to such minor works as the building of ramps and the installation of handrails, outside lighting and showers. Urgent solutions to the prolonged process must be found, and it is imperative that the system provides help to the applicants and clears the red-tape nightmare that we face daily. I support the motion.

**Mr Deputy Speaker:** Mr Shannon, your time is definitely up.

**Mrs McGill:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion and the SDLP amendment; we are singing from the same hymn sheet. However, I want to pick up on what Mr Kennedy and Basil McCrea said about improvements in the Health Service. There have been reductions in waiting lists, for instance, since Minister McGimpsey came into office, but yesterday's debate on Health Service vacancies provided other statistics. On 31 March 2008, there were 48 occupational therapist vacancies. Those figures comprise current and temporary vacancies, and I think that there are 38 current vacancies and 10 temporary vacancies. It is imperative that those occupational therapist vacancies are filled.

Mr Bresland, who comes from my constituency of West Tyrone, spoke about a situation of which he had experience. We have particular situations in which constituents, or their families, come to our offices, and each case is difficult. It is good that we are all thinking along the same lines.

Mr Shannon said that he could talk about the issue for a long time, and he said that he wanted to tell the authorities to get the job done.

There are some anomalies in relation to occupational therapy services. For instance: a referral is not required for the widening of a path, but one is required for the widening of a door to allow for wheelchair access; a referral is not required for additional storage space in a kitchen, but one is required for the provision of storage space for a wheelchair; and a referral is not required for an outdoor paved area for a wheelchair, but one is required for the provision of non-slip surface inside the house.



Although Mr Kennedy said that we must wait and ensure that all elements are in place before work begins, I am of the view that several bits and pieces of work could be carried out without referral.

As regards the time frame, Mr Shannon said that if a box on the form is not ticked, the form is sent back in order for that box to be ticked. That process can take days or weeks. As I understand it, at least six months are allowed before the matter goes back out to the consultee. That covers three months at the start of the process, and a six-month period is allowed until the assessment begins. Believe it or not, the assessment does not kick in until the person has his or her first visit from an occupational therapist. Some things could be improved in the short term — not just in the long term, as other Members suggested.

A Member said earlier that improvements have been made. Of course that is the case. However, at 31 December 2007, the Western Health and Social Care Trust had the highest proportion of priority cases waiting six months or longer for assessment — and “or longer” are the key words — while no priority cases waited six months or longer in the Belfast Health and Social Care Trust. That is good for the Belfast Health and Social Care Trust, but it is not good for the Western Health and Social Care Trust, which covers my area. There is room for improvement there. Go raibh maith agat, a LeasCheann Comhairle.

**The Minister of Health, Social Services and Public Safety (Mr McGimpsey):** Our Health Service exists only because of the commitment and skills of staff across all areas, including clinical, managerial and support staff. Occupational therapists play a key role in providing essential services, particularly to those with a disability. They work to assist people to live independent lives by modifying their environment in a way that enables patients to carry out daily activities, and they work in a wide variety of settings and with an extensive range of people. People with physical and sensory disability and older people are significant users of occupational therapy services.

Across Northern Ireland, we have around 840 occupational therapists, and of those, around 160 work on assessing housing adaptations. A point was made about yesterday's debate on Health Service vacancies. That debate demonstrated that the Department and the Health Service handle their vacancy levels extremely well — it is at 2·4% — which is one of the best performances anywhere. If my memory serves me right, occupational therapy vacancies are less, at around 2·1%. In fact, that reflects that workforce planning is working; indeed, human resources departments in the Health Service should be congratulated for that.

Domiciliary community occupational therapy services receive around 50,000 referrals for adults each

year. Although some assessments will be relatively simple, around one in three is complex and may require up to 30 hours input from an occupational therapist. For example, someone who has suffered severe disability as the result of a stroke may require a great deal of support, including adaptations to a bathroom and the installation of a ramp and a lift.

Following referral and assessment, over 21,000 recommendations were made for home adaptations in one year. Almost 15,000 assessments were classified as minor — for example, the addition of stair and grab rails — and of those, over 10,000 were provided directly by the Health Service trusts.

My Department has brought about very significant reductions in waiting times. Since April 2008, no one is waiting longer than 26 weeks for assessment, and from April 2009, no one will wait longer than 13 weeks. In October 2007, over 4,000 people were waiting longer than 13 weeks. In November 2008, that number had decreased to 56, which is a vast improvement on the position of one year ago. Older people with continuing care needs are assessed within eight weeks, and the main component of their care is provided within 12 weeks.

However, I am not complacent about the improvements that have been made in waiting times for assessment — far from it. I am well aware that following a stroke or a fractured hip, waiting three months before one's home can be assessed would be much too long for some people. But, for many people whose cases are deemed a priority, assessments can take place within days or weeks.

3.00 pm

A key issue in considering occupational therapy assessments is ensuring that staffing levels are adequate to meet our needs. I must stress that the numbers of occupational therapists in Northern Ireland compare favourably to the numbers in other parts of the UK. We have been able to deliver significant improvements. Workforce planning for allied health professionals, including occupational therapists, is an area of work that is to be developed over the next 12 months.

Assessment of workforce needs will, of course, need to take into account our changing population. More people are living into old age, and some of them will experience some disability. We can expect that many more people will need their homes adapted to provide a safe environment that facilitates independent living, which is a key priority. I can assure Members that I will take the necessary steps to ensure that the provision of occupational therapy services meets our future demands. Clearly, it is not simply a health matter.

I want to refer to some points that Members made. Martina Anderson talked about the extensive waiting list for services. That list has been reduced to 54, and I plan to reduce it further. I will make announcements

on that matter in due course. Jim Shannon complained about the bureaucratic problems that arise when people try to extend their houses. That is a planning issue for the Minister of the Environment — guess who that is.

Kieran McCarthy mentioned the document 'Better outcomes, lower costs', which came from the Office for Disability Issues. I am happy to consider that, the approaches that it recommends and the lessons that can be learned from it. Pat Ramsey asked me whether resources were available. As the Member is aware, we do not have adequate resources to do all that we need to do in the Health Service. We must prioritise, and that is where the tough decisions come in. However, I consider occupational therapy a priority area.

As for interdepartmental working, there is a Joint Housing Adaptations Steering Group, which involves the Department of Health, Social Services and Public Safety; the trusts; the Housing Executive; DSD; and others. I am happy to review that with Margaret Ritchie to ensure that we are hitting the standards that everyone expects. I am happy to give the Member that assurance.

However, assessment is only one element of the matter. Following assessment, people quite rightly want their adaptations to be completed as quickly as possible. The current position is that trusts can normally progress such works within weeks, if the required adaptations are minor. However, major adaptations take longer, and priority is afforded on the basis of defined need, particularly if adaptations are needed to help with access to toilets. I will consider that issue in the coming months to identify ways to improve the speed at which adaptations can be provided. In particular, I want to develop a target that sets a maximum waiting time for the provision of housing adaptations by trusts.

The provision of major adaptations is predominately the responsibility of the Northern Ireland Housing Executive, either in its capacity as a landlord or through the provision of grant-aided work in privately owned homes. I must emphasise that the assessment and provision of housing adaptations is only one aspect of services for people with disability; there are many other services. Disabilities can arise at any stage in life, and it therefore follows that housing adaptation, in whatever form, must respond to the person's underlying conditions and circumstances.

In addition to providing essential housing adaptations, my Department is making progress on a wide range of other developments to improve services for those with a physical or sensory disability. My Department is currently developing a physical and sensory disability strategy. I secured £10 million in the comprehensive spending review for the physical and sensory disability programme of care. The regional review of wheelchairs has been completed. Service improvements arising from the review that have been piloted in the Southern Health

and Social Care Trusts have already led to dramatic reductions in waiting times for basic wheelchairs.

I have also secured £1.6 million in the comprehensive spending review for wheelchair services, which will provide additional wheelchairs and reduce waiting times to 13 weeks.

In 2006, £4 million of recurrent funding was provided to trusts through the children and young people funding package to establish teams, which include speech and language therapists, occupational therapists, nurses, psychologists and social workers. I have also secured £14 million over the next three years, and £9 million recurrently from year four, to enhance services for those who have suffered a stroke, which is a major cause of disability. Therefore, we are taking several steps to address the issue. The children and young people's funding package causes me concern — I will say no more than that, but we are taking an essential step with that.

The wide and varied range of service developments demonstrates my commitment to improving services for people with disabilities. Members have asked that, in conjunction with my ministerial colleague Margaret Ritchie, I consider how minor works can be done without an occupational therapy assessment. I emphasise that several minor works can be — and are — done without an occupational therapy assessment, including the installation of stair rails, outside lighting and other items that have the potential to improve independence.

In determining the progress that can be made without an occupational therapy assessment, several factors must be considered. My Department and the trusts have a legal duty of care to people who are assessed as disabled. We also have an obligation to ensure that the health and safety of older and disabled people are assured in our arrangements with other agencies. My Department continues to work closely with DSD and the Housing Executive on that matter through the joint steering group on housing adaptation, which considers minor adaptations that can be provided safely without the need for assessment. Where appropriate, the joint steering group will recommend extensions to the list of minor works.

As a landlord, the Housing Executive has a duty to make appropriate provision for its tenants, and it can exercise such duty without recourse to the Department of Health, Social Services and Public Safety. For example, stair rails and external lighting can be installed by the Housing Executive in its role as a landlord. However, we must also be aware that one size does not fit all. The unique requirements of disabled individuals and their carers must be considered, and such assessments may require the expertise and experience of an occupational therapist.

I remain committed to improving access to housing adaptations. In the health and social care sector, I will ensure timely access to assessments and timely adaptation work where it is considered necessary. I also remain committed to ongoing inter-agency work. Where it is appropriate for minor works to be done without an occupational therapy assessment, I want them to be progressed by the joint steering group.

I am committed fully to providing people with support and help in their homes, including physical adaptations, to allow them to live independent and fulfilling lives. We not only want to add years to life, we want to add life to years.

**Ms Lo:** Mr Paul Maskey, Mr Pat Ramsey and Mr Buchanan expressed fears about delays, which sometimes mean that a disabled person passes on before they receive the benefit of any adaptation.

Mr Basil McCrea said that the waiting list has been reduced sharply. I welcome that improvement, but I still regard the 21-week waiting time as too long. Mr McCrea also said that he would like to see an improvement in the way that the Housing Executive carries out adaptations.

Mr Bresland said that he wants to see a faster response in the implementation of decisions.

Martina Anderson talked about the long waiting time being unacceptable and about the need to remove bureaucratic processes. More occupational therapists are needed; however, the Minister mentioned resourcing of posts, and 700 nurses are to be axed. Again, priority is a major issue.

**The Minister of Health, Social Services and Public Safety:** On a point of information, Mr Deputy Speaker. It is worth repeating the point that I am not axing 700 nurses, but there are proposals in the trust to reduce nursing posts by 700. There is a difference. The proposals are at consultation stage, and I have given an undertaking that if they proceed, I will strive to ensure that there will be no compulsory redundancies. It is partially about service improvement, but it is also about resources, which Mr Ramsey mentioned.

If Members do not want those steps to be taken, they will have to tell me how I can fund the Health Service. If they have better ideas about how such efficiencies can be found, I am very keen to hear from them.

**Ms Lo:** I thank the Minister for his intervention.

Danny Kennedy suggested that we should wait for the outcome of the current audit of occupational therapy services, but he mentioned that there is broad support for the motion.

Jim Shannon expressed frustration and called for the system to be made more accountable and more accessible to users. The paperwork has clogged up the process, as boxes have had to be ticked, which has delayed

adaptations being made to homes. In fact, some people have to live downstairs and use commodes. They are waiting for an unacceptable length of time before they are assessed and the work can be carried out to their homes.

Claire McGill said that we are all singing from the same hymn sheet, and she highlighted the differences between criteria for referrals. In some cases, a referral will require certain criteria to be met, but in other cases, it will not. She mentioned that there may be room for improvement in the Western Trust. I refer also to yesterday's debate on Health Service vacancies.

The Minister mentioned many issues. The main point that I want to reiterate is his willingness to work with the Department for Social Development and the Minister for Social Development through the joint steering group to find ways of improving the system and to see how the Housing Executive can carry out minor work without referral to occupational therapy services. However, I caution that there is a need for the expertise of those who provide occupational therapy services. They should be consulted on the issue.

**Mrs D Kelly:** I will begin by declaring an interest as a qualified occupational therapist.

I welcome the Minister's presence. It is refreshing that some Ministers give the Assembly the authority and the respect that it deserves, so I want to thank the Health Minister.

3.15 pm

I also welcome Sinn Féin's acceptance of the SDLP amendment, which sets out to widen the debate by recognising the fact that the motion should be addressed not only to the Minister of Health, but to the Minister for Social Development and to the Minister of the Environment, who has responsibility for planning. Those three Ministers and their Departments must work together to ensure that there is much quicker decision-making on the provision of aids and adaptations. In that regard, Ms Anderson was quite right to point out that bureaucracy is a substantial barrier to timely interventions.

Several Members set out in detail their families' and constituents' personal stories about the impact that occupational-health services have on patients and, indeed, their carers. It goes without saying that there is also a substantial financial burden on health and social care providers if aids and adaptations are not put in place. The audit report included in the research pack that was provided to Members shows that monies can be saved in the longer term by the provision of adaptations to the home.

This Friday is carers' rights day, and I am sure that that is a day on which we will all want to recognise the contribution that carers make to society in looking after those who are suffering as a result of disabling conditions.



I must commend the Minister's party colleagues for their robust defence of his improvements to occupational therapy waiting times. The Minister spoke about the number of occupational therapists currently in post. Occupational therapy is still primarily a profession in which many women work. From speaking to my occupational therapy colleagues, I know that although posts are filled, quite often women go out on maternity leave and there is not enough flexibility, at times, in the different trusts to cover those absences. Perhaps the Minister might look at ways to resolve that matter.

Other Members made reference to the housing adaptation liaison manager, who has a responsibility for drawing together Housing Executive officials and occupational therapists to look at where minor repairs can be resolved without needing an occupation therapy referral. Some Members provided other examples of how that can be improved. It is right and proper that both Ministers should ask the housing adaptation liaison manager to extend the list of repairs that do not require occupational therapy interventions. Other Members also made that point.

The motion talks about the installation of showers. However, that is possible only if the physical infrastructure is there. Building works require the permission of building control, which falls into the ambit of local authorities or, indeed, the Planning Service. Therefore, there is a real need to get all the agencies round the table.

Is the Minister in a position, at this stage, to confirm that there are 48 vacancies in the occupational health services, to which Mrs McGill referred? If possible, it would be interesting to see a regional breakdown of where those vacancies exist. If posts have been vacant for some time, will the Minister give some consideration to the Flying Start initiative that is used in Scotland to address shortages in some professions in the Health Service?

Under that initiative, radiographers in Edinburgh receive an incentive of £1,500 to remain working in the trust area or local authority area where they were trained. That is something that the Minister should consider, because occupational therapy students, unlike nursing students, exist on student loans and student grants. Furthermore, they are not paid for their services, and many work throughout the summer months. As with other professions allied to medicine, trainee occupational therapists do not receive any form of grant or payment, and often their courses entail 35 hours a week of class and study time. I ask him to take that on board.

I am happy that Sinn Féin has accepted the SDLP amendment. Inter-agency and interdepartmental work is necessary.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. I apologise for the fact that I had to leave

the Chamber temporarily and missed the Minister's contribution. However, I did listen to it.

I welcome the fact that all Members who have spoken during the debate have, to various degrees, supported the motion and the amendment. All elected representatives have experience of dealing with occupational therapists, the Housing Executive and the Planning Service to try to improve the lot of elderly people and some of the most vulnerable people in society. That is not to question the commitment of any of the staff, including occupational therapists, who work in any of those departments. They do an excellent job, but they are largely under-resourced.

I acknowledge that the situation has improved for occupational therapists and that the timescales in which assessments are carried out have improved. However, an assessment is only the start of the story. Once an assessment is carried out, the client is met with a quagmire of bureaucracy when trying to get the simplest adaptations made to their home to improve their life.

The motion is not concerned with setting traps or criticising a Minister from a different party because it is convenient to do so. It seeks to highlight and debate the issue in order to introduce proposals that will assist with improving services on the ground and with co-ordinating Departments and Government agencies. Although the amendment is not substantive, it is welcome. One of the reasons why Sinn Féin will accept the amendment is because we do not want to split hairs and divide the House on the issue. The Chamber has a united voice, and it would be more useful for the motion to go through unopposed than it would be to have a vote for a vote's sake.

During the debate, the Alliance Party said that it wished to ensure that occupational therapists are involved in all levels of assessment. Although I understand those comments, that would not be the best use of occupational therapists. An enhanced role could be provided for Housing Executive staff and other staff in order to ensure that minor improvements to people's homes can go ahead. That would allow occupational therapists to look after more substantive adaptations and ensure that those are more speedily assessed through the process. I have nothing against the Alliance Party amendment, but, as I said, I will support the SDLP amendment.

Jim Shannon and his DUP colleagues outlined the personal experience of elected representatives in trying to ensure that improvements can be made to people's homes and, therefore, improve people's daily lives and help with the difficulties that they face.

Basil McCrea outlined details of the fall in numbers on the waiting list, and he was quite correct to do so. He highlighted a question that I asked the Minister earlier this year on waiting lists in my constituency of Upper Bann. The figures clearly show a noticeable fall



in numbers on the waiting list, and the service has improved in Upper Bann. I welcome that, but the service can get better. I welcome the fact that the Minister said that he wishes waiting times to fall again across the North to ensure that improvements are made.

**Mrs D Kelly:** I omitted to mention the proposed closure of residential homes in the Upper Bann constituency. Does the Member share my concern that such closures can only put an increased burden on community services and, therefore, on occupational therapy waiting lists?

**Mr O'Dowd:** I agree. Mr Buchanan said that the closure of nursing homes across the North puts pressure on occupational therapy waiting lists. Quite correctly, the Health Service is trying to encourage as many people as possible to stay at home for as long as possible. However, that will put pressure on occupational therapy waiting lists, and it is timely that the motion and the amendments call for extra resources for occupational therapists. People will stay at home for longer, and they will require adaptations, and the cost of all of that adds up.

I return to Mr Basil McCrea's comment about waiting lists, and I welcome the fact that waiting lists have reduced. Assessment is the first step in the process. Martina Anderson outlined her personal experience: once the assessment has been completed, planning begins; the Housing Executive and the Department for Social Development may also be involved. Far too often, by the time planning permission and a grant have been approved, the person who required the alteration has died. I have had personal experience of that: I have witnessed workmen arriving up to build an extension to a house while the wake was in progress.

It is not possible to avoid every unfortunate circumstance, but we have to ensure that, where necessary, resources are put in place; the review to which the Minister referred in a written response to Mr McKay is brought forward; and that co-ordination between the Department for Social Development, the Department of Health, Social Services and Public Safety and the Department of the Environment is enhanced so that we can ensure that services are delivered as swiftly as possible.

I heard the Minister say that in some emergency cases assessment can be made in one day. I have no experience of that, and I am sure that it is the exception. However, it is a target to which all elected representatives want the system to aspire — impossible though that may be. However, the wait for assessment should take weeks rather than months, and no one should have to wait for years for assessment by an occupational therapist.

I welcome the fact that the motion and amendment will garner cross-party support. I emphasise that the debate is not about pointing the finger at any Department;

rather, it is about the Assembly, as a body, offering suggestions and solutions to a serious problem. I welcome the fact that the Minister has reduced waiting times and lists; I hope they continue to improve. The Minister said that there is a 2·1% vacancy rate among occupational therapists; the number is about 48. To call for further occupational therapists is to start from a position of disadvantage, because we have fewer therapists than we need to begin with. We need to recruit occupational therapists. I perfectly understand that the Minister thinks: this morning I was asked for free car-parking, and yesterday I was asked for a range of services — where will I get the money? It will take a co-ordinated response from the Executive to ease many of the problems that have been highlighted today.

I welcome the debate and thank all the Members for their contributions. I welcome the fact that the motion and the amendment are unopposed. Go raibh maith agat.

**Mr Deputy Speaker:** Before I put the question on amendment No 1, I advise Members that if this amendment is made, amendment No 2 will fall, and I will proceed to put the Question on the motion as amended.

*Question, That amendment No 1 be made, put and agreed to.*

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

*Resolved:*

That this Assembly calls on the Minister of Health, Social Services and Public Safety to recognise that there is a lack of occupational therapy services which is adding to the waiting times for assessment and completion of urgent works within patient homes; urges the allocation of increased resources to employ adequate numbers of occupational therapists and support their important work to meet the needs of people with disabilities living in the community; and further calls on the Minister, in conjunction with the Minister for Social Development and the Minister of the Environment, to co-ordinate their Department's responsibilities to streamline and fast track applications in respect of disabled persons' facilities and minor works.

*Adjourned at 3.28 pm.*



# **Committee Stages**





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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR THE ENVIRONMENT

11 November 2008

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### GOODS VEHICLES (LICENSING OF OPERATORS) BILL (NIA 15/07)

#### Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)  
Mr Cathal Boylan (Deputy Chairperson)  
Mr Roy Beggs  
Mr Trevor Clarke  
Mr David Ford  
Mr David McClarty  
Mr Ian McCrea  
Mr Alastair Ross  
Mr Peter Weir

#### Witnesses:

Mr Donald Armstrong	} Department of the Environment
Mr John Brogan	
Mrs Gillian McIntyre	

**The Chairperson (Mr McGlone):** Do any members have any interests to declare?

**Mr Beggs:** I declare that I own 25 acres of agricultural land and assist on my parents' farm, which may have a bearing on some of the issues.

**Mr Weir:** I was going to declare that I was stuck behind a goods vehicle on my way to Stormont this morning so I may not be well disposed towards them today.

**Mr Ford:** Was it a properly regulated one?

**The Chairperson:** The Committee will continue its clause-by-clause consideration of the Goods Vehicle (Licensing of Operators) Bill. The Committee has been provided with copies of the departmental response on the issues paper, the amendments to be moved at Consideration Stage, the letter dated 23 October about the position of operating centres in relation to planning requirements, and the Department's response regarding further information on the secondary-legislation-making powers of the Bill, dated 5 November.

The Committee has also received letters from Karen Magill, Federation of Passenger Transport; Aodhan O'Donnell, the Consumer Council; and Tom Wilson of the Freight Transport Association (FTA) on the issue of an independent regulator, which will inevitably bear on our discussions later. Those letters have been circulated by email to Committee members and I am aware that, like myself, other members will have received further correspondence from Mr Wilson about that issue.

The key documents that will be used to scrutinise the clauses are the Goods Vehicle (Licensing of Operators) Bill, the summary table of issues paper, and the list of proposed departmental amendments.

John Brogan of the departmental Bill team will introduce each clause, starting at clause 12. I direct members' attention to column 2 of the issues paper that lists the key issues raised in relation to each clause. After each clause has been introduced, members will have a brief period to familiarise themselves with the issues. John Brogan will then provide us with comments from the Department.

I welcome Donald, John, Gillian, who are here to help us work our way through the Bill. We will start where we left off, at clause 12, unless there are any specific issues that the departmental representatives want to draw to our attention.

**Mr Donald Armstrong (Department of the Environment):** No; I know that the Committee wrote to us about the other issues — we are currently putting together responses to those, and they will be with the Committee shortly.

**Mr John Brogan (Department of the Environment):** Clause 12 sets out the factors or requirements that the Department will take into account when processing an application. The Department must be satisfied that the applicant fulfils those requirements before it can approve the application. It is a complicated clause, in that some of the requirements relate to standard licence holders only and some relate to restricted licence holders only. There are also requirements that are common to both.

Taking the example of the standard licence holder first, clause 12(3) states that the Department must be satisfied that the applicant is of good repute, appropriate financial standing and professionally competent. Those are EU requirements that are already in place here through the Transport Act (Northern Ireland) 1967 and relate to those involved in the hire-and-reward sector.

Clause 12(4) relates to the restricted licence. The Department must be satisfied that the applicant is not unfit to hold a licence, although the requirement is slightly less onerous in relation to restricted licence holders.

Clause 12(5) relates to both standard and restricted licence holders. Under clause 12(5), the Department will examine several arrangements and facilities to ensure that they are satisfactory: the system of monitoring drivers' hours; the arrangements to ensure that vehicles are not overloaded; adequate facilities to maintain vehicles in a fit and serviceable condition, and the availability of a suitable operating centre. In determining any application, the Department must take account of any objections or representations that have been made. It may include conditions to be attached to the licence to enable any outstanding requirement to be met.

I must draw the Committee's attention to one particular point. In Great Britain, the Goods Vehicles (Licensing of Operators) Act 1995 does not have the power to apply professional competence requirements to a restricted-licence applicant. In clause 12(12), the Department includes a provision to allow it, at some time in the future, to apply the more stringent professional competence requirement to applicants for the restricted licence. We have talked about that at previous meetings, because it is one of the regulation-making powers that we must decide whether to make subject to affirmative or negative resolution. We parked that issue for discussion on another day anyway, but I needed to draw it to your attention. Quite a few issues were raised about clause 12, and the Committee may want to consider those.

**The Chairperson:** Does any member have a query about clause 12, given that quite a lot of issues emerged from the consultation exercise? Do members not have any major issue with it? Take a minute or two to study the papers because there is quite a bit of information, which can be found on pages 16 to 18 of the overview document.

**Mr T Clarke:** I have a question to ask while others are reading through that. The Department's response states that it is likely that it will have to exercise "discretion". Will you give me some idea of what you mean by discretion?

**Mr D Armstrong:** The current system of licensing involves civil servants exercising a non-discretionary role. In other words, everything is tightly tied down in legislation or guidelines. Members will know from having heard the presentation by the Traffic Commissioner for north-west England that Great Britain operates very much on a discretionary basis. The rationale for that is that it allows the commissioner to negotiate and discuss with operators how they can be licensed, as opposed to the present system here in which boxes are ticked to give a yes or no outcome.

In the case of GB, such discretion allows the commissioner to apply conditions and grant a licence, as opposed to refusing an application on the grounds that the standards have not been met. Therefore, it

is a much more discretionary system in which the Department will be disposed to grant, rather than withhold, licences by trying to receive undertakings from the operators that they will comply with the requirements of the licence. That system is more generous to the operator and, at the same time, it allows the Department to regulate in a much more flexible way.

**Mr T Clarke:** It is nice to hear that the Department has discretion, but I do not see how it could work in practice. Operators would be at the mercy of an individual's discretion. I do not know how that could be measured.

**The Chairperson:** You are talking about the consistency of discretionary powers. Donald, will you please talk us through how an application would work in practice?

**Mr D Armstrong:** Say, for example, a person makes an application for a licence, and the paperwork that the Department receives reveals that the drivers have not complied with drivers' hours and tachograph records show that they have not been up to scratch. Under the current system, the Department would have to refuse to issue a licence. What the Department could do in the future, and what happens in GB, is that conducting an inquiry with the applicant the traffic commissioner could decide to grant the licence but could demand to be provided with the tachograph records for the next six months, on a monthly basis, to prove that the applicant will maintain their undertakings.

Instead of a situation in which the Department would have to refuse to issue a licence, it could issue one with certain caveats. That is what we mean by discretion in this case. It allows much more flexibility, and it allows agreement to be reached between the Department and the applicant.

**The Chairperson:** Will one individual exercise that discretionary power, or will it be exercised by a panel, to ensure that the application of discretion is consistent — if that is not a contradiction in terms?

**Mr D Armstrong:** The power will rest with an individual, whether that person is a traffic commissioner or someone who is appointed by the Department to carry out that task. However, the decisions that that person makes will still be open to appeal. Ultimately, those appeals will be handled by the Transport Tribunal — as it is currently called — in London, so the checks and balances that currently exist will still be in place.

**Mr Weir:** I am concerned about the Department's response to some of the issues that were raised. Although some of the issues were reasonably general, others asked quite specific questions, and it does not seem that any of those were answered properly. One



person asked whether local-government vehicles could be kept at home. Another raised the matter of whether operating centres must be large enough to allow vehicles to drive in, turn around and drive out forwards, as is the case in GB.

Other questions are quite specific and effectively require a yes or no answer, or at least a qualified answer. However, if I were an operator who was trying to work out whether specific circumstances applied to me, I would be none the wiser after reading the Department's response. It states that discretion must be applied to the cases against the consideration issues, but the specific answers to those questions do not appear. Are you in a position to at least answer some of the more specific questions that are asked between 12.3 and 12.7 in the document?

**Mr D Armstrong:** In relation to 12.3 — whether a person can use a private house as an operating centre — the answer is yes, provided that the requirements of being able to park the vehicle are satisfied, and depending on what type of vehicle it is.

**Mr Boylan:** Can I interrupt?

**The Chairperson:** We should focus on that issue.

**Mr Boylan:** My point is about that issue. In essence, that sounds OK, but the problem that I have with it is regarding people's right to object. It is fine to say that a private house can be used as an operating centre, but somebody 100 yards away could have an objection. The Department's answer is that it is down to discretion. Somebody may intend to operate a business from their own home. That is why we are talking about independence and people having opportunities to question that decision. I want more information about how the discretion of a single person or body is defined, and how people could challenge those decisions independently if they are refused permission.

**The Chairperson:** That was the same issue that Trevor raised.

**Mr T Clarke:** Donald said that people can work from their own home provided that they satisfy requirements. Now provisos are being attached. Do we not have a black-and-white answer setting out when that is allowed and when it is not?

**Mr D Armstrong:** Essentially, that will be the case. In the case of a person working from home, a four-ton van may well fit into the driveway, but a 40-ton lorry will probably not. A carte blanche answer cannot be given for every situation — the regulator has the discretion to decide to what degree that can take place. In essence, that is the nature of the system, as opposed to what we have at present. The question is whether we are considering the ability of the person to decide fairly.

**The Chairperson:** I remind members that we will suspend the meeting at 10.55 am for 10 minutes in

order to facilitate those who want to attend the Armistice Day ceremony.

**Mr Boylan:** What weight would an objection carry?

**Mr D Armstrong:** Objections can be made only by those who are listed as statutory objectors in the context of the Bill — local government, police, and so on. Representations can be made by people who believe that their enjoyment of their property, which may be adjacent to the operating centre, is affected. The onus and the burden of proof will be on them: they must show that they are, in fact, disadvantaged by the operation.

Another matter to which I must draw attention, because it may have a bearing on members' views, is that the Bill is written as a piece of legislation for the ongoing regulation of operators. It is not written specifically for the transitional period — in other words, between now and April 2011, when many existing operators will join the system. The legislation must be written as though it will stand for ever and a day and will advise new operators of the criteria that they must fulfil before they can obtain a licence.

We must consider in fair detail what transitional arrangements are needed for those who currently operate outside the regulation, namely the own-account sector, who will have to join the regulatory regime when it is introduced. Obviously, we must examine issues such as grandfather rights. If someone has operated a business and parked a vehicle at their home for the past 25 years, can the Department suddenly come along and say that because of new legislation, the person cannot do that any more?

We must, therefore, consider carefully what transitional arrangements will be provided, as opposed to what arrangements the Bill, in essence, will provide for the system to work, from day one onwards, for new operators who wish to come into the business. That must be kept in mind when we consider discretion. For example, if 15,500 own-account operators must apply for a licence in order to come into the system, which is what we envisage will happen, must we go through the whole process of asking them to advertise and holding inquiries for every single one of them before we grant them licences? Frankly, that is not practical.

That is why we must consider what transitional arrangements we want to introduce. For example, repute, which is dealt with under clause 12, is determined by the number of convictions that a person or his or her employees have. Clearly, there may well be many own-account operators who have a list of convictions. Can the Department suddenly say to them that they cannot have a licence because they have already triggered the level? We cannot do that. We must consider the introduction of cut-off dates,

for example. Discretion is, therefore, needed even for transitional arrangements.

The Bill aims to establish arrangements for the future. We must examine how we will feed in existing operators through a short-term process. I am not sure whether my comments have clarified the issue. The Bill deals with the permanent situation.

**Mr Beggs:** Does discretion ensure consistency in the adoption of that system, regardless of whether a traffic commissioner or a politician is ultimately responsible? How can you ensure that there will not be inappropriate political interference in the event of there not being a traffic commissioner?

**Mr D Armstrong:** First, the line of appeal leads to the Transport Tribunal, which is non-political. Secondly, at present, the Department exercises the function through the agency and there is no political interference. It does not exist and I have no reason to believe that that would be any different if a regulator were appointed in the Department.

**Mr Beggs:** What will happen if the regulator receives representations from the Minister, which occurs in planning matters, for example?

**Mr D Armstrong:** Representations from Ministers have certainly not been our experience. However, MLAs have made representations to the appeal panel, which I chair. We deal with those representations as part of the process. To date, there has not been a problem with the process as it currently operates.

**Mr Ross:** Point 12.7 asks whether operating centres will be required to allow vehicles to drive in, turn around, and drive out forwards as they are in GB. We have previously discussed that matter. Can you provide further guidance on that? If an operating centre is someone's home, for example, it is unlikely that that will be possible.

**Mr D Armstrong:** That standard is currently applied in GB when operators make applications for new operating centres — for example, when someone joins a firm and the operator wants that person's address to become an operating centre because the vehicle will be parked there.

**Mr D Armstrong:** That is the standard that is currently applied in GB. It means that if new operators want to use their address as an operating centre because they park their vehicle there, or if existing operators want to establish a new operating centre for someone who joins their firm, the standard applied in GB is that they must be able to show that they can drive the vehicle in and out of the proposed operating centre in a forward direction. Given that there are approximately 9,000 single-vehicle operators in Northern Ireland, it would probably be silly to apply that standard here. We could not do that, because it

would have such a high impact. We must examine the issue. However, I do not think that we would be able to sustain that, and we are not pushing for it. We want to examine safety issues.

**Mr Ross:** Presumably, one of the reasons why you do not want to adopt the same standard is because you do not want big lorries reversing out of driveways.

**Mr D Armstrong:** That is correct.

**Mr Ross:** Is it possible to include a clause in the Bill that would get round that issue and improve road safety?

**Mr D Armstrong:** At a previous session, I mentioned that the issue of driving in and out will not be governed by regulation. Rather, the regulator will take a line on how he or she will exercise the function. We certainly do not envisage that the standard used in Great Britain would hold here. From examining the Bill, I cannot see that. It would not be sustainable here. That particular line would feed into our impact assessments if it were adopted, and I do not think that we could hold it up. It would be far too strict.

However, we must be very careful about road safety. If that standard is used in GB for road safety reasons, we need to be careful that we do not simply turn our backs on it. We may include something in the Bill that would allow drivers to reverse in but not out. We may have a look in detail at how that pans out. We do not yet know the detail of that, Alastair. However, I cannot see us holding that line. I do not think that is fair, because it would rule out an awful lot of operators.

**Mr Boylan:** Obviously, people would object if traffic to an operating centre intensified as the result of a licence being granted. It is a roads issue because vehicles will be entering and leaving the operating centre. Have you taken that into consideration? Obviously, a neighbour would object to an operator using their home as an operating centre? Which clause deals with that issue?

**Mr D Armstrong:** Clause 20 deals with conditions of licences.

**Mr Boylan:** I have a problem with that issue.

**Mr D Armstrong:** We will be addressing the conditions of licences under clause 20.

**Mrs Gillian McIntyre (Department of the Environment):** Roads Service is a statutory consultee, and it will have an opportunity to comment on submitted applications.

**Mr Boylan:** In the round, part of the problem is that traffic may or may not intensify at an operating centre as a result of someone getting their operator's licence. You said that the Roads Service will have the discretion to decide whether a road will be able to facilitate that, which will be a problem. We must take

that on board, because we are talking about people's livelihoods.

**Mr D Armstrong:** In the normal run of the mill, when considering an application for an operator's licence, a proposed operating centre must meet three criteria: it must be at a suitable location, on a suitable road, and have suitable access. The transitional side to this is that many operators already have operating centres. We will have no choice but to grant licences to the vast majority of operators, unless there is a clear road-safety reason why we cannot.

If 15,500 people apply for a licence for 1 April 2011, our workforce would not have enough time to interview people, to hold inquiries, and to inspect all the operating centres. There will have to be some form of transitional arrangements whereby we grant those licences, because there is no way that we will be able to visit all those sites and decide whether they are suitable. It simply cannot happen.

Therefore, a transitional mechanism must be put in place whereby we bring people into the system without applying the strictest sense of the standards. For example, we could work on the basis of undertakings. Obviously, some people might want to make representations. However, the vast majority of people will not pay the slightest bit of notion, because the undertakings are already working. However, if people do make representations, it will be the responsibility of the Department to examine those at that particular time.

The Department will probably not pay much attention to operating centres unless representations are made to it, and that will probably occur only in a very small percentage of cases. In GB the Department does not become involved with operating centres at all unless objections or representations are made. It is accepted that the undertakings are fine, and that if there is a problem it will arise in the process of time.

**Mr Boylan:** I take your word that the Planning Service will not receive a large number of objections about operating centres.

**Mr D Armstrong:** I notice that you are referring to objections made to the Planning Service, but the issue we are discussing is the possible objections to the obtaining of a licence.

**Mr Boylan:** I know that, but I am making the point that objections to the Planning Service will be part and parcel of the consequences of the Bill. We will see.

**The Chairperson:** That is an issue that is coming trundling down the line; we cannot get away from it.

**Mr Boylan:** We need to be aware now that that is what is going to happen. It may be, hopefully, that there will not be that many objections, but we will see what happens.

**Mr D Armstrong:** At the moment there are around 2,800-3,000 licensed operators with operating centres, and roughly around 15,500 operators in the own-account sector. When the Bill is enacted I do not envisage that that will change much. It is not the aim of the Department to implement legislation that will have a catastrophic effect. It will affect the livelihood of a large number of people, so the Department cannot introduce legislation that will force those people out of business.

**Mr T Clarke:** The Bill defines an operating centre as a place of work, which is not the current definition. At the moment people are parking their vehicles outside their houses, but under the new definition an operating centre is that place from which the operator works. Under that definition, the operator's home becomes a legitimate business, and thus there are grounds for someone to complain.

**Mr D Armstrong:** The last time we attended a Committee meeting we offered to redefine an operating centre as not only a place from which work is carried out, but as a place where a vehicle is parked. That would provide clarity on that issue.

**The Chairperson:** If that definition of an operating centre were included in the Bill, would it then be outlined in any press advertisements, or other information that was put into the public domain as part of the consultation process? I presume that the definition of an operating centre as including any place in which a vehicle is parked would have to be put into the public domain.

**Mr D Armstrong:** Yes.

**The Chairperson:** The point I am making is that, as those of us who have sat on local councils will know, when something is put into the public domain and advertised as such, objectors will immediately zoom in on that. I can see a possibility that that definition of an operating centre, and even the title of the Bill itself, will attract like a magnet those people who are quasi-permanent objectors. That possibility is lurking at the back of my mind — there is a need to tie that down a bit.

**Mr D Armstrong:** To be fair, if a person does object about an area in which a vehicle is parked, that objection should not stand. That will be taken into account anyway.

**The Chairperson:** But those people know when and who to object to in order to cause maximum impact. They may have valid cases, they may not, but the extent of their objection will not be solely confined to the granting of a licence — it will be referred to the Planning Service.

**Mr D Armstrong:** There is an example of a statutory advertisement for the public consultation, and we may be able to include in the context of that what is



meant by an operating centre, that it includes the place where vehicles are parked, and that it can be defined what each centre is used for. An operator could, for example, name the Boghill Road as an operating centre, and could specify that that is where the vehicles will be parked. That could be examined in more detail, and has relevance to a later part of the Bill, which sets out what kind of notice is required when applying for a licence.

**The Chairperson:** Does any other member have anything that they wish to raise in relation to clause 12?

**Mr Ford:** I note that Mr Armstrong used the term “traffic commissioner” so often that I do not need to mention it.

**Mr Weir:** The issue of local-government vehicles has been raised; what can be said specifically on that?

**Mr D Armstrong:** That is dealt with in clause 1 of the Bill. The Department will not differentiate between public-sector and private-sector vehicles. A vehicle that is parked at home will be, currently, subject to scrutiny as regards income tax as well as anything else.

**Mr Weir:** Did the people who raised that issue obtain that level of clarity in answer to their questions?

**Mr D Armstrong:** Yes. The question was asked by people who take local government vehicles home and who wondered whether they would be affected, and the answer is yes, it will affect them.

**The Chairperson:** There are people who work for Northern Ireland Water and the Rivers Agency who may be on call. Rivers Agency staff, in particular, may be on call to deal with flash flooding, for example. They may temporarily go back and forward from home, thereby dipping in and out of the definition of an operating centre. They may only have the van temporarily when they are on call. It might be one weekend in four, or one weekend in two, or, perhaps, not at all, unless there are specific times at which it is estimated that excessive flooding could occur.

**Mr B Armstrong:** We have to use the definition “normally”, because a vehicle may normally be parked at a certain place at night, but could be parked somewhere else on its journeys. Our lawyers may have to fight in court over what defines normal — whether that is 50% of the time, or more than that — but we have defined it as “normally”, so that if a vehicle is taken home over a weekend, say, in the event of an emergency —

**Mr Weir:** There may be a certain threshold which counts as normal, but I presume, whether or not there is a higher threshold, that circumstances in which a vehicle was parked in a certain location for less than 50% of the time would not be considered as normal. There may be an argument as to whether the threshold should be set at 51% or 75%, but if the threshold is set

below 50%, a vehicle could not be considered as being “normally” parked, by any definition.

**Mr D Armstrong:** A separate judgment was made in relation to what “primarily” meant — whether a vehicle was primarily an own-account vehicle or classed as a hire-for-reward vehicle. The magistrate defined “primarily” as 51%, so “normally” would certainly be below that.

**The Chairperson:** If there are no further issues in relation to clause 12, we will move to clause 13.

**Mr Brogan:** Clause 13 deals with the right to make an objection, or make a representation, as set out in clause 11, on environmental grounds. An application may be turned down on the grounds that parking in or around the operating centre would have an adverse effect on environmental conditions, or because the centre would be unsuitable on other environmental grounds.

However, there are safeguards that provide protection from refusal for an existing operating centre. I refer members to clause 13(3); if an application is based on an operating centre that is already specified on another operator’s licence, the application cannot be refused on general environmental grounds, as long as the centre has been transferred by the time the application has been determined.

Alternatively, if the centre is not specified on another licence, and the applicant produces proof that its proposed use satisfies planning legislation — in other words, a certificate of lawful use — then refusal on general environmental grounds will not occur.

**The Chairperson:** We are going back into it again. We cannot get away from this one; it has happened so many times.

**Mr Boylan:** We have been talking about environmental grounds, and mention was made of grandfather rights. I have a problem with the idea that if those rights are passed on, there might come a time when an objection is submitted and the Department would have to assess it. Although we want people to pay into a fair system across the board, I am concerned about the independent checks that would have to be made. The objector has a right to object, but if the business has been operating for some time, and its circumstances have changed somewhat, where is the mechanism for the challenge?

**Mr Brogan:** We will discuss the review of operating centres. Where representations have been made, the Department will carry out a review. There are powers available to the Department, which we will discuss in due course.

**Mr T Clarke:** Was there not a measure to review licences every five years?



**Mr D Armstrong:** That is what we were discussing. When a licence is granted, it is done so indefinitely. However, there is provision in the Bill to review licences every five years, which we will discuss later.

**The Chairperson:** That concludes our discussion on clause 13. There do not appear to be any issues on clause 14, but John Brogan can provide an overview.

**Mr Brogan:** Previous clauses have dealt with the application process and the determination of an application, so clause 14 deals with the issuing of the licence. It allows the Department a degree of discretion in determining the outcome of the application process — although it generally will issue a licence on the terms that were applied for, the Department can issue a licence on different terms. To do otherwise might mean that certain applications would be refused. The power to issue a licence on terms other than those under which it was applied for, allows some difficulties to be overcome and the licence to be issued.

**Mr D Armstrong:** I will use the example that I already quoted. That measure can be used in circumstances where someone had a poor record and had previously been refused a licence.

**The Chairperson:** We move on to clause 15.

**Mr Brogan:** Clause 15 is short and completes the part of the Bill that deals with the processing of an application and provides for the duration of a licence. Licences will run on a continuous basis and, subject to revocation or another form of termination, it is open-ended once it has been issued.

**Mr Beggs:** Paragraph 3 states:

“If the holder of an operator’s licence requests the Department to terminate it”.

Why would an operator terminate his or her licence?

**Mr Brogan:** He or she may be retiring or selling the business, or there may be other circumstances in which the business comes to an end.

**Mr Beggs:** If an operator has a licence for one location, can it be passed on to a subsequent operator?

**Mr D Armstrong:** The business could pass on, but the new owner must have his or her own licence. A licence does not come with grandfather rights. I am not sure that I like the term grandfather rights in its truest sense. Although a licence is indefinite, it cannot be transferred from generation to generation.

**Mr T Clarke:** The only difficulty is that you would have difficulty refusing it in regard to a centre.

**Mr D Armstrong:** Yes, and that is catered for.

**The Chairperson:** We move on to clause 16.

**Mr Brogan:** Clauses 16, 17, 18 and 19 deal with circumstances where an existing licence holder —

**The Chairperson:** We can consider those clauses collectively, as there does not seem to be a wile pile of issues.

**Mr Brogan:** Clauses 16, 17, 18 and 19 deal with circumstances that arise when a licence holder applies for his or her licence to be changed or varied. There is a replication of earlier material that deals with first-time applications.

Clause 16 relates to the application process and provides the right for someone who already holds a licence to apply for the variation and lists the various circumstances in which the existing licence can be varied. The most common reason would be to increase the number of vehicles authorised at a particular operating centre; to change or delete any condition attached to the licence; or to use a new operating centre.

Clause 17 deals with the publication of notice of applications for the variation in any locality affected, and it is very similar to clause 10, with which we have already dealt.

Clause 18 is very similar to clause 11 in that it deals with the objections to, and refusal of, applications to vary operators’ licences on environmental grounds. It sets out the circumstances in which the Department should or should not refuse an application.

Finally, clause 19 provides for a specific regulation-making power that relates to the application for the variation. It deals with the conversion from a restricted licence to a standard licence or from a standard national licence to a standard international licence.

**The Chairperson:** Do members have any comments or queries on clauses 16 to 19?

**Mr Ford:** I take it that those clauses are in direct parallel with the GB legislation, except where they mention traffic commissioner?

**Mr Brogan:** Yes, they are.

**The Chairperson:** I think that you have made your point, David.

**Mr Weir:** I hope that you are not going to become a one-trick pony. *[Laughter.]*

**The Chairperson:** Has anyone any further comments? It might be appropriate to take a break before turning to clause 20, which has a fair bit of detail in it. We will resume at 11.10 am.

*Committee suspended.*

*On resuming —*

**The Chairperson:** We will move on. There are a number of clauses that we can group together, just as we did previously. In that way, we will be able to get an overview, and use our time more efficiently.

Please give us an overview of clause 20.

**Mr D Armstrong:** May I first return briefly to clauses 11 and 12? We had a chat about that during the suspension. For those clauses, which concern operating centres, we can specify the form in which people have to advertise their intentions in the local newspaper. We will specify a template, so that they must supply the following information: who they are, what their business is, where their operating centre is, and, specifically, where vehicles will be parked only. Technically and in law, those places will be regarded as operating centres, but they will be advertised as places where vehicles will park only. If we can specify that in regulations, it might answer the Committee's questions in relation to planning and use of the site. That would deal with clauses 11 and 12 more helpfully. We can provide a template for the Committee, of what we will be suggesting in regulation.

**The Chairperson:** That would be great, Donald.

Can we look at clause 20 please, John?

**Mr Brogan:** Clause 20 allows the Department to attach conditions to a licence, either at the time of issue of the licence, or at the time of varying it. Under clause 20(1), conditions generally relate to road safety in and around the operating centre. Those road safety conditions are limited to dealing with danger to the public at the point of access to the public road or along any private-access road linking the operating centre with the highway.

It also deals with the operator's duty to inform the Department of any event that might affect the licence. That will include notification of any relevant convictions or prohibitions — for example, as a result of overloading or use of a defective vehicle. It deals too with environmental conditions around operating centres. That could include limiting the number of lorries in the centre or, for example, the hours of operation of refrigerated units. The Department also has the power to impose other conditions as it thinks fit. We spoke about that in one of our earliest evidence sessions.

In the interests of consistency, I must highlight that it will be an offence to contravene a condition with a fine up to level 4, which is £2,500.

**The Chairperson:** As members do not have any questions or require any clarification of clause 20, we will move to clause 21.

**Mr Brogan:** Clause 21 gives the Department power to issue an interim or temporary licence to an

applicant. That will remain in force while the application for the main licence is processed. It will allow the operator to get on with business, especially if a contract has been offered at short notice.

Clause 22 relates to interim variations. When a licence holder applies for a variation of a licence under clause 16, he can, at the same time, ask for that variation to be applied immediately, pending the outcome of the full application.

**The Chairperson:** As no one wishes to raise any issues about either clause 21 or clause 22, we will move to clause 23.

**Mr Brogan:** Together, clauses 23 to 26 contain a set of important disciplinary powers to take action against a licence holder in a range of circumstances. Revocation, suspension and curtailment will serve as an effective back-up to enforcement action, and it is important that those operators who continually break the law will find that their licences are taken off them and that they will not be able to stay in business. That is only fair to those operators who continually stay within the law. We already have similar powers to revoke and suspend licences issued in Northern Ireland, although the power to curtail will be a new one for us.

I am not sure in how much detail you would like me to deal with each particular clause. I could run through each of the clauses if you wish.

**The Chairperson:** Can you give us just a brief overview of them, please?

**Mr Brogan:** Clause 23 deals with the power to revoke, suspend or curtail both standard and restricted licences. Those powers are discretionary, and in the next clause, there are powers to specifically revoke standard licences. The powers are actually mandatory.

Clause 24 deals specifically with the revocation of a standard licence. The Department must revoke the standard licence if the holder no longer fulfils the requirements of good repute and financial standing. There is — up to a point — no discretion available in those cases. That provision is already in place in Northern Ireland and stems from EU requirements for those involved in haulage for hire and reward. The Department proposes an amendment to clauses 24 and 26. It may be better if I raise that at clause 26; it would make more sense then.

**Mr D Armstrong:** On a point of interest regarding clause 24, the Department must revoke the licence if repute is breached. There is no discretion around that — it is a European requirement. In taking that back to the powers and conditions, what we would be able to do in the future that we cannot currently do is to give the licence back. If an operator had been running a business for 10 years, and, say, for some reason one of

his five or 10 drivers racks up a number of transport or traffic offences, the operator's reputation is breached and must, by law, lose the operator's licence. We do not have a mechanism at present to enable that person to come back in until a number of years have passed. What would happen then is that we would have the discretion to apply conditions, under clause 20, in order to grant a licence and put conditions on that licence.

**The Chairperson:** Would that be dependent on the nature of the breach?

**Mr D Armstrong:** Yes, it would. The Bill will give us the discretion to let a person function, whereas at present we do not. We have had the situation in Northern Ireland where we have taken licences from people simply because we have no choice but to do so. They have then had to transfer the business into someone else's name, and submit another application, so in putting together clauses 24 and 20, we will have a greater flexibility around discretion.

**Mr T Clarke:** If someone has breached the regulations, and has a track record, why would you want to give the licence back?

**The Chairperson:** Could you put the situation in context and possibly give us an example of the sort of thing that could lead to a breach and total revocation of the licence where, under other circumstances, you could display discretion? I understand where you are coming from, but I am not clear on the specifics.

**Mr D Armstrong:** Suppose someone has an operation with 10 drivers, and some of those drivers breach the regulations on drivers' hours: they are travelling across the channel, rushing for the boat to get home and are caught — that quite often happens. The operator could exercise discipline on those people. He could tell the driver to go, that he could not have someone like that working for the organisation. However, that breach still stands against the operator's name. Under law, therefore, he must lose his licence. If the operator can show that he has taken appropriate action in relation to that breach, then we would have the discretion to say that he could have a licence.

**The Chairperson:** That makes sense. Thank you for that. Did you have something further to add, Donald?

**Mr D Armstrong:** Members had queries about discretion. I just wanted to make the point that, in that situation, discretion is clearly used to its best advantage.

**Mr Brogan:** Clause 25 deals with disqualification and is another disciplinary tool available against individuals whose licences have been revoked. It disqualifies a person from holding or obtaining a licence for an indefinite or defined period. Moreover, it outlines that it is an offence to apply for or obtain a

licence when disqualified and that offenders will be fined at level 4, which is £2,500.

Clause 26 outlines the supplementary provisions of the revocation and disqualification process. It establishes a number of additional provisions designed to complete the disciplinary process, including the licence holder's right to request a public inquiry and to make an appeal to the upper tribunal. The Department proposes an amendment to remove an anomaly in clause 26(1). As currently drafted, the clause does not give a direction to revoke, suspend or curtail the licence without first holding a public inquiry if the licence holder requests the Department to do so.

**The Chairperson:** The clause says "without first holding an inquiry". It does not say "public inquiry".

**Mr Brogan:** Inquiries are, generally, held in public. I want to emphasise the phrase:

"if the holder of the licence ... requests the Department to do so."

How will the licence holder know to request an inquiry if the Department is not required to inform him that it is considering making such a direction? That is the problem.

The requirement for the Department to notify the licence holder that it is considering giving a direction is included in clause 24(3). We want that requirement to apply to all situations, not to standard licence holders only. In order to ensure that clause 26 works correctly, we must include the specific duty to inform the licence holder.

**Mr D Armstrong:** The requirement in clause 24 applies to standard licences only?

**Mr Brogan:** Yes.

**Mr D Armstrong:** John is suggesting that the clause be amended to cover all licences.

**Mr Beggs:** Must notice be formally served to that individual or simply delivered to the business premises? In some instances, people give the authorities the runaround. Will the amendment create a difficulty? What is the nature of the informing process?

**Mr Brogan:** That is a good question. I presume that notice will be posted by recorded delivery. That would be appropriate.

I will discuss the list of amendments supplied for the previous meeting. In clause 24, on page 20 at line 36, we propose to omit subsection (3). In clause 24(4), on page 20 at line 39, there is a reference to "a notice under subsection (3)", which — given that subsection (3) will be omitted — must be removed. We propose to replace "subsection (3)" with "section 26(1)".

In clause 26(1), on page 22 at line 17, after the word "first", we propose to insert:

“giving the holder of the licence or (as the case may be) the person concerned notice that it is considering doing so and”.

**Mr Ford:** Do you want to delete all of clause 24(3)?

**Mr D Armstrong:** Yes. Clause 26 will cover standard and restricted licence holders.

**The Chairperson:** Does anyone require clarity on anything else before we proceed?

**Mr Ford:** If a company's licence is revoked, are all the directors of that company disqualified from holding licences in the future? Clause 25, which deals with qualification, does not make clear whether such a disqualification prevents a director from setting up another company.

**Mr D Armstrong:** A particular person would be disqualified from setting up another company.

**Mr Ford:** That should be the case, but I am not sure that it reads that way. If the company that holds the licence is disqualified, there must be a way of ensuring that directors are disqualified.

**The Chairperson:** If, for example, a disqualification is issued because the company has fallen into ill repute — or disrepute, or whatever the term is — and it was determined to be as a result of the actions of one or two of the directors rather than all the company directors, can discretion be used if one of the directors reapplies for a licence?

**Mr D Armstrong:** Disqualification and revocation are two different things. Disqualification applies to a company, and an individual in that company can be disqualified from being part of a licence.

**The Chairperson:** Does disqualification apply to all directors of the company?

**Mr D Armstrong:** It could be particular. Disqualification does not apply, necessarily, to the whole of a company; the company or named individuals could be subject to the disqualification.

**Mr Ford:** Can that disqualification ensure that a disqualified individual director cannot become a director of another company that holds a licence?

**Mr D Armstrong:** That is what this is saying.

**Mr Ford:** If you are assuring me that that is what it says, I will take your word for it, but it is not the way that I read it.

**The Chairperson:** If a disqualification is issued, named directors will be disqualified if it is deemed that they were the individuals who had fallen down. That would leave the other directors who acted in good faith, as determined by the Department, unaffected.

**Mr D Armstrong:** That is correct. However, if, for instance, a company with three directors had its licence revoked due to the fault of one director, it, minus the director who was at fault, could apply for and be

granted another licence. The director who was at fault in that instance would be barred from being granted a licence with another company.

**Mr Brogan:** Clause 25(3) may answer Mr Ford's query. If a person who was disqualified in one company becomes a director in a similar business — or even a subsidiary or partner of the company that holds the licence or operates the goods vehicles — the licence of that company or the partnership will be liable to revocation, suspension or curtailment. The Department would look at the company to which the individual moved.

**Mr T Clarke:** Mr Beggs asked why anyone would want to give up their licence, and you said that the licence was for the person, not the business. Surely that is contradictory, because if someone were to sell a business, the licence would transfer to the buyer. Roy, did you ask about that earlier?

**Mr Beggs:** I asked whether the new owner of the business would have to apply for an operator's licence.

**Mr T Clarke:** If Roy was to sell a business called Beggs Transport, Donald, you said that the business, not the individual, would have the licence.

**Mr D Armstrong:** You would be transferring the business to new ownership, and the new owners would require a licence.

**The Chairperson:** The new owners would require a new licence?

**Mr D Armstrong:** Yes.

**Mr I McCrea:** How can you check the names of owners who move back and forward between companies?

**Mr D Armstrong:** The names are specified on the application.

**Mr I McCrea:** What if they are not specified?

**The Chairperson:** We are talking now about the names of the company directors.

**Mr I McCrea:** Do all directors have to be named on the application? I would not have thought so because an individual could apply on behalf of the company.

**Mr D Armstrong:** I think that all directors must be named, but I am checking the draft application form. Yes, it states that all directors of the company must be listed. Therefore, all names must be specified.

**Mr I McCrea:** What happens if they are not all specified? You have to take their word for it that they have listed all the directors of the company.

**Mr D Armstrong:** The application is, to some degree, taken on trust. However, we will come to later clauses in the Bill that deal with false declarations, forgery, and so forth, for which severe penalties apply.



**Mr Weir:** Is there a duty on the company to notify the Department of any change of directors?

**Mr D Armstrong:** There is such a duty, but I am not sure where that is specified.

**Mr Brogan:** It may not appear on the face of the Bill, but it will probably be contained in the regulations that apply to the application.

**The Chairperson:** If no further clarity is required, we can move on to the three amendments. Are we agreed on the amendments to lines 36 and 39 of clause 24 and line 17 of clause 26?

*Members indicated assent.*

**Mr Brogan:** Clause 27 relates to the periods of review for an operating centre. Once granted, the operator's licence will continue in force for the lifetime of the operator without having to be renewed. However, the clause allows the Department to review all operating centres with a licence at least once every five years. What happens after any review is dealt with in clauses 28 and 29.

Clause 28 contains the more extreme measures available to the Department. The review is a check by the Department on the continued suitability of the operating centre. At that review, the Department may decide that no action is needed but clauses 28 and 29 give the Department the power to act if necessary. Clause 28 states that where an operating centre is found to be unsuitable, the Department will be able, in extreme cases, to remove it from the licence. That will be done only for non-environmental reasons: for example, road safety considerations, or because the parking arrangements for vehicles make the operating centre environmentally unsuitable.

**The Chairperson:** Will you explain how that will happen only due to "non-environmental reasons"? The clause goes on to explain what would make the operating centre environmentally unsuitable? Is that a glitch?

**Mr Brogan:** No, that is an attempt to describe the provision in the same way that it is set out on the Bill; it can be quite technical.

**The Chairperson:** It states that a licence can only be removed for non-environmental reasons but goes on to talk about reasons that would make an operating centre environmentally unsuitable.

**Mr Weir:** I wonder about the words used to convey the meaning. Is it more a case of the location being unsuitable, rather than the operating centre being environmentally unsuitable? Perhaps "environment" is being used in two different senses of the word.

**Mr Brogan:** Clause 28(1)(a) states:

"on grounds other than environmental grounds".

Sorry, I referred to it as non-environmental reasons, for example, road safety considerations, or the ground referred to in subsection (2), which is environmental. I was trying to describe it in the way that it is set out in the legislation, but less technically.

**The Chairperson:** Does one not contradict the other? The legislation says that this will only be done for non-environmental reasons, and then it goes on to list an environmental reason for it being environmentally unsuitable.

**Mr Brogan:** Subsection (2) refers to the parking of vehicles, which may have an adverse effect on environmental emissions.

**The Chairperson:** One subsection lists the unsuitability of the place "on environmental grounds" and the other says:

"on grounds other than environmental grounds".

There is an inconsistency: the two do not square readily with each other.

**Mr Weir:** Is it that it is either on non-environmental grounds or a specific environmental ground?

**Mr Brogan:** Yes; relating to the parking of vehicles used under the licence.

**The Chairperson:** It does not say that: that is the interpretation of it. The legislation states that: "The Department determines that the place is unsuitable—

(a) on grounds other than environmental grounds, or

(b) on the ground mentioned in subsection (2)."

which is:

"(2) ... the parking of vehicles used under the licence ... causes adverse effects on environmental conditions in that vicinity."

At line 25, clause (3) it states:

"as to the unsuitability of the place on environmental grounds for continued use as an operating centre for vehicles used under any operator's licence."

One is not entirely consistent with the other. One part says:

"on grounds other than environmental grounds"

or "on environmental grounds".

**Mr Armstrong:** We need a lawyer to clear it up for us. Do you understand it?

**Mr Weir:** I do, yes.

**Mr Ford:** He is a lawyer. *[Laughter.]*

**Mr Armstrong:** Subsection (1) is either environmental or non-environmental and that is referred to at paragraphs (a) and (b). However, when it is environmental, subsection (2) relates to the specifics.

**Mr Weir:** It is not all environmental grounds; it is one specific environmental ground.

**The Chairperson:** It refers at subsection (2) to parking of vehicles under that licence causing adverse effects. However, line 25, subsection (3) states: “the unsuitability of the place on environmental grounds for continued use as an operating centre for vehicles”.

That seems pretty broad-brush.

**Mr Weir:** Is that not qualified by an earlier part of subsection (3)?

**The Chairperson:** I do not know. It appears to me that it starts out on the premise:

“on grounds other than environmental grounds”,

but it then goes on to list the environmental grounds. The two do not necessarily square one with each other. In other words, why bother to mention it at all?

**Mr Brogan:** If one did not specify in clause 28(1)(b) and explain it in subsection (2) it would then apply to all environmental grounds. There are a host of environmental grounds; it could be noise or excessive light.

**Mr Armstrong:** On the specific environmental ground of car parking, subsection (3) states that that issue would not be dealt with unless there had been a representation.

**The Chairperson:** However, subsection (3) refers to: “the unsuitability of the place on environmental grounds”.

Why have subsection 1(a) at all — it seems superfluous?

**Mr Weir:** Is it not meant to cover situations on the basis of it not being on environmental grounds; for example, if it referred to road safety, which would not necessarily be counted as an environmental ground?

**Mr Boylan:** I agree with that. However, there is also a major point. We are talking about established businesses which have grown. I referred earlier to intensification. Non-environmental and environmental grounds were mentioned, and I understand that, but at the end of the day, we are talking about operating centres, which are established businesses. That is the whole point of the operating centres. Operators will not get a licence if they cannot comply with this provision. We are talking about turning down applications on environmental grounds, but these are established businesses.

**Mr D Armstrong:** This clause is about removing an operating centre from a licence. It says that on an environmental ground — particularly that of car parking — it will not be removed unless there is a representation. If no one raises any query about the parking of vehicles on a site, the centre will not be removed —

**Mr T Clarke:** That is the whole problem. Someone will raise concerns. The industry objection to this is noted in the issues paper against clause 28(1):

“There was concern about an operator who has an established centre — and over a period of time, there are significant changes to the surroundings [development of housing etc.] — how would the Department view the situation. Would people who have moved into an area where there had been an operating centre have the right to object...”

You are saying that they have such a right.

**Mr D Armstrong:** People have a right to make a representation. What this provision says is that, on the environmental ground of parking, the centre will not be removed unless there is a representation received. It is a legitimate objection. If a person has an operating centre and it is going to cause nuisance, it is proper that a person should have the right to make a representation.

**The Chairperson:** The parking issue is more — and principally — a road-traffic and roads-management issue, as opposed to an environmental issue.

**Mr T Clarke:** What about noise?

**Mr Boylan:** Noise is such an issue.

**Mr D Armstrong:** Not necessarily. It could be noise, but it could also be a refrigeration unit going all night, diesel fumes or excessive light. There could be other issues involved.

**The Chairperson:** I do not understand paragraphs 28(1)(a): “on grounds other than environmental grounds”

or 28(1)(b):

“on the ground mentioned in subsection (2)”.

Such environmental grounds and conditions exist for any business, location or house. They are mentioned again on line 25.

**Mr D Armstrong:** Subsections 28(1)(a) and (b) say that the Department has power on grounds other than environmental grounds, and on environmental grounds, to remove a licence.

Subsection 28(2) clarifies paragraph 28(1)(b): those environmental grounds relate about vehicle parking. It says:

“The ground referred to in subsection (1)(b) is that the parking of vehicles used under the licence”.

That clarifies what is meant by the particular environmental conditions. It does not refer to the wider ground; it refers to the ground of car-parking. Subsection 28(3) says that, where that is the only ground, the Department will not remove the licence unless there has been representation made. The Department will not, of its own volition, remove a licence on car-parking grounds.

Is that your understanding?

**Mr T Clarke:** As you said earlier, there are 15,500 applications, and the Department will not review all of them. The industry has pointed out this example; but the Department will not review that situation unless someone makes representations.

My point is that people moving into the immediate area of an operating centre will make representations; the Department will review the licence; and that operator will lose his operating centre.

**Mr D Armstrong:** Not necessarily. People may make representations, but then a decision will be taken on them.

**The Chairperson:** Do your consultees in the process include local councils?

**Mr D Armstrong:** Yes.

**The Chairperson:** There you are: environmental health will be involved.

**Mr Brogan:** *[Inaudible due to mobile phone interference.]* ...extra powers to attach conditions on review. Only in extreme cases will operating centres will be removed.

**Mr Ford:** Do we have a definition of the word “parking” or is there case law on that from GB? No. You have talked about a number of things. Does driving a lorry — or two or three lorries — into an operating centre at 3.00 am constitute parking? Does leaving a lorry overnight constitute parking? Does the running of a refrigeration unit, while a lorry is stationary in a yard, constitute parking? All those actions have different environmental impacts. No doubt there is GB case law on this; it would be helpful if we knew about it.

**Mr T Clarke:** For established businesses, should there not be an exemption from the clause?

**Mr Ford:** But someone might run an established business without refrigeration units, and if they then started installing them and left four or five fridges running all night, people might have a right to complain about that change.

**Mr Beggs:** I have come across constituency issues of that very nature, where people began to run half a dozen fridges from 3.00 am up against residential property. Such issues can arise.

**Mr Ford:** The installation of fridges is a significant environmental issue.

**Mr D Armstrong:** Mr Ford’s point goes beyond parking. It involves noise, vibrations, fumes and pollution. It is more than simply parking.

**Mr Weir:** On that basis, that is one of the areas that would not be covered.

**Mr Ford:** Yes.

**Mr Weir:** If someone, for instance, enters the fridge business, that is one of the areas that is not covered, because it is an environmental rather than a parking issue. Simply having a fridge running would not be considered as parking; that seems to be a separate matter.

**Mr D Armstrong:** The clause states that, unless there are representations, fridges are not a parking issue.

**Mr Weir:** There is a danger of getting the worst of both worlds. On one side there is a degree of uncertainty for operators because people who move into newly-built houses may complain about existing businesses. On the other side is the situation that was posed by Mr Beggs, in which a pre-existing operator with whom residents are happy switches to a business involving noisy fridges that disturb people. Those people may not have objected had it not been for that, but they now have a legitimate concern. Legitimate concern is one of the areas that is not covered under the clause.

**Mr D Armstrong:** Their legitimate concern is not parking, therefore that is a separate issue.

**Mr Weir:** That is the point that I am making. There is an arguable case that the people with the most legitimate concern are not covered, whereas someone who buys a house next to a pre-existing operating centre kicks up a fuss about it because they are unhappy, even though that centre has existed for years. They are covered by the clause and may succeed in having the operating centre removed. It seems that things are flipped on their head in terms of —

**Mr Brogan:** It may be appropriate, Chairperson, to move on to clause 29, because that deals with a lot of the situations that are being discussed by the Committee.

**The Chairperson:** I will ask one thing. In the case of a planning application, the final arbiter on approval or refusal is Planning Service rather than any of the consultees or their determinations; does the same apply here? If a relatively less significant issue arises during consultation with, for example, a council’s environmental health department, is the Department of Environment the ultimate arbiter?

**Mr D Armstrong:** Yes, and the regulator or traffic commissioner — whoever that might be — will exercise their discretion in relation to the final decision.

**The Chairperson:** From clause 29 to clause 35, there do not seem to be a lot of comments on issues that have arisen or departmental comments. Will Mr Brogan provide an overview on clause 29?

**Mr Brogan:** Clause 29 is a less extreme sanction than the removal of a licence from an operating centre. If on review the operating centre is found to be

unsuitable, the Department will have the power to attach new or additional conditions, or to vary existing conditions for environmental and road safety reasons.

The conditions would be dealt with in the same way that was set out in clause 20. Therefore, the conditions that are provided for in clause 20 may be the way to deal with many of the problems that have been articulated by members today, rather than the extreme measure of entirely removing an operating centre from the licence.

**Mr Ford:** Does clause 20(1)(c) allow the power to prohibit the parking of a working fridge unit?

**Mr Brogan:** I think that it would.

**Mr Boylan:** That is the problem. Roy mentioned an example earlier. A business that has been operating in a rural area for 20 years may find that nearby land is zoned for development. In such cases, the business owner is the person who will be challenged. I know that that is a planning issue, but the Committee must consider it seriously. It is OK to say that the business is already established and paying fees, and so on, but the next thing the business owner knows, people living in the development next door have complained about the fact that fridges are running on his premises. The Bill challenges the business owner to comply with the legislation by turning off his fridges. Up until now, that has not been the case.

**The Chairperson:** We must ensure that the operators, the Road Hauliers Association and so on are aware of this matter. Any of us who have been involved in that type of case know the difficulties that can arise. Not so long ago, I was involved in a case in which a working farmyard was situated beside lands that had been newly designated for housing development. Believe it or not, in that case, the onus was on the woman who owned the established working farmyard, with its milking machines and so on, to notify environmental health that she could foresee a potential nuisance further down the line if residents of the housing development were to object to the fact that the cows were roaring. It is a clash between the urban and the rural — people from an urban setting objecting to cows roaring and the use of milking machines, and so on. That is a reality with which we must live. That lady had to begin the lengthy process of flagging up the issue with environmental health to try to avert a situation whereby she could have been asked to milk her cattle at different times or even reduce the time spent milking cattle in a yard that has been used for farming for generations. Therefore, an issue arises: who should be responsible for informing people that they must register a potential objection with Planning Service? On whom is the onus to highlight potential objections?

**Mr D Armstrong:** A person can make a complaint at any time about an operating centre or a business that is currently running. Such a complaint does not have to involve a notice; if a person is not happy, they can make a complaint.

A couple of points are worth bearing in mind. When considering this clause, we checked out the experiences in GB. As a general rule, the guidance for traffic commissioners tends to steer them towards favouring the established operator. A separate issue arises when an operator changes the way in which he or she works — for example, if they start to use more vehicles, or change their work patterns or the yard becomes noisy at night when it was not in the past. However, the general view is that the traffic commissioners find in favour of the established operators. We teased out the issue and discovered that there was only one case in GB in which a traffic commissioner felt obliged to close a business because it was causing a nuisance. So, there is discretion there.

Before we put proposals out to public consultation, we talked to members of the Road Haulage Association, the Freight Transport Association and others. Many of them raised the concern that existing and established operators were suffering because housing developments were being zoned and built up against their properties. However, as I said, the general pattern in GB has been to favour the operator.

**Mr Weir:** I want to ask about the power to remove licences or attach conditions to them. I appreciate what you said about it being very rare for a business to be closed. However, should that happen, is there a mechanism through which an operator can appeal that decision, and, if so, to whom would they make the appeal?

**Mr D Armstrong:** We will come to that provision later in the Bill, but, yes, there is scope for an operator to appeal any decision.

**Mr Weir:** When you say any decision, do you include the power to remove a licence?

**Mr D Armstrong:** Yes; the matter ultimately goes to the upper tribunal. Virtually all of the appeals with which we are currently dealing are lodged by operators who are seeking to overturn curtailments and so on of their licences.

**Mr Weir:** It could be problematic if this scenario arose, but is there an opportunity for what might be described as third-party appeals; in other words, when somebody who is disgruntled about an operating centre has put in a complaint, and you have considered that the situation is fine the way it is

**The Chairperson:** We could perhaps deal with that issue when we reach clause 35. John, please give us an



overview of clauses 30 to 34, and then we can perhaps deal with clause 35 separately.

**Mr Brogan:** Clause 30 simply gives effect to schedule 2, so we will deal with that at a later stage.

Clause 31 places a duty on the Department to take certain factors into account when deciding on environmental matters concerning operating centres. The details of those factors will be set out in regulations. The duty comes into play when the Department has to make a determination on the environmental suitability of a place to be used as an operating centre; on attaching a condition relating to the prevention or minimisation of adverse effects on environmental conditions; or on how the use of an operating centre may affect the environmental conditions in its locality. Any undertakings given by the applicant, or any conditions attached to the existing licence, can be taken into account at this stage.

Clause 32 introduces a power for the Department to hold inquiries to enable it to properly exercise its functions under the Act. Details about the procedure of inquiries will be outlined in regulations. The first type of inquiry allows the Department to learn more about the application in question and gives the applicant a chance to justify the application. The second type of inquiry is one that deals with disciplinary issues, where the Department is considering the revocation, suspension or curtailment of an existing licence. It will be an offence to disclose any information about a trade or a business that is given during a private inquiry. The associated fine will be up to level 4, which is £2,500.

**The Chairperson:** Was it said earlier that most of the inquiries are held in public?

**Mr D Armstrong:** The inquiries are normally held in public. However, an inquiry may be held in a closed session, for example if it concerns commercial confidence.

**Mr Brogan:** Clause 33 provides a power for the Department to appoint an assessor to consider any financial questions that arise from its functions under the Act, but I anticipate that it is unlikely that it will be used very often.

Clause 34 is the first step in the appeals process. If it appears that the due procedural process was not complied with, the Department will be able to review a decision to grant or refuse an application for a new licence or an application to vary an existing license. Generally, a review will be triggered by a request from anyone who has an interest in the decision. The Department can also trigger a review if it feels that it is necessary.

Clause 35 is the second step of the appeals provision. The applicant or licence holder will have the right to appeal to the upper tribunal against the refusal of a licence or the terms of a licence variation.

**Mr Beggs:** The planning commission, for example, has to be outside the parent body. What is the upper tribunal's position in the overall structure?

**The Chairperson:** Who are the people on the upper tribunal? Are they departmental officials or external people?

**Mr Brogan:** The upper tribunal is an independent judicial body set up to listen to appeals and make decisions on them.

**The Chairperson:** Are the people on the upper tribunal legally qualified?

**Mr D Armstrong:** They are probably lawyers and experts in transport law.

**Mr Brogan:** The more familiar title for the upper tribunal is the transport tribunal. Indeed, that is the title used throughout the GB Goods Vehicles (Licensing of Operators) Bill 1995. The tribunal has a specific transport slant to its work. Following last year's reform of the entire UK tribunal system, a number of tribunals have been brought together into a new two-tiered system.

The first tribunal will be known as the first-tier tribunal, and there will also be an upper tribunal. The Transport Tribunal will be subsumed into the upper tribunal, and the Bill has been drafted with that in mind. The new arrangements for the tribunals are due to come into force in April 2009, which should be well before the new system of operator licensing is introduced in Northern Ireland.

**Mr Weir:** Will the upper tribunal be part of a UK-wide transport tribunal? Presumably, it would not be cost effective to set up a tribunal in Northern Ireland, as there would only be a limited number of appeals here.

**Mr D Armstrong:** We anticipate that that will be the case. However, members of the tribunal have indicated that they are content not only to cover Northern Ireland, but to hold a tribunal in Northern Ireland if it is appropriate.

**Mr Weir:** I was merely thinking that it would not be cost effective for Northern Ireland to have its own full-time tribunal, with members being paid full time.

**Mr Brogan:** Clause 35 establishes the right of appeal, and it sets out who can appeal and what he or she can appeal against. In essence, the appeal can be made by the applicant against the refusal of an application or by a licence holder against a refusal to vary, or the revocation, suspension or curtailment action, or the removal of the operating centre from a licence, which Mr Weir asked about earlier, or, indeed, the addition of a condition to a licence.

**Mr D Armstrong:** The Transport Tribunal, which will be subsumed into the upper tribunal, has the same authority as a Crown court or a county court. The

tribunal is chaired by a senior circuit judge, and it usually draws in members from the transport world.

**The Chairperson:** What is the time frame for the right of appeal?

**Mr D Armstrong:** I think that it is 21 days.

**The Chairperson:** I would be grateful if you could take me through the appeals process. How much detail is required to submit an appeal? Is it just a matter of people filling in a simple form stating that they wish to appeal against a decision? If that is not the case, and applicants must supply a substantial amount of detail with their appeal, 21 days may be insufficient time in which to engage an expert, a consultant, or someone who is legally qualified, to provide that level of detail on their behalf. I am anxious to establish what level of detail is required to ensure that people can lodge an appeal within 21 days.

**Mr D Armstrong:** Under the current system, when an appeal is lodged to the Department, it is simply a matter of writing a letter broadly stating the grounds for the appeal. When that has been established, the appellant and the agency then put together the relevant papers. Therefore, the whole package does not have to be in place within 21 days.

**The Chairperson:** Is it only the broad nature of the appeal that must be in place within 21 days?

**Mr D Armstrong:** The appeal must be lodged within 21 days, and, after that, papers can be gathered to substantiate the case.

**The Chairperson:** These things can often become quite technical, depending on the person who is interpreting the information at the other end. No disrespect to any legal person, but, sometimes, a certain amount of nit-picking goes on. For example, if members of the public lodge an appeal, they could inadvertently leave out a technicality that should have been included in the initial letter. Indeed, someone referred to the Planning Appeals Commission, which has become incredibly technical. Therefore, the average operator driving a vehicle will not be fully apprised of such information. Therefore, an appeal could be lodged, but the person could be left hung out to dry on technicalities.

**Mr D Armstrong:** When someone lodges an appeal, it is for them to decide how they want to be represented. There have been some recent appeals where legal representation has been brought to bear and their skills have been applied, but there have been other cases where people have done exactly what you said.

**The Chairperson:** My point is that 21 days may not be adequate. It is necessary to establish how an appeal should be lodged. For example, is it simply a matter of outlining the broad nature of the appeal? The time frame of 21 days may make it complicated for

someone to lodge an appeal. Indeed, the average person will simply want to lodge an appeal without getting into the technicalities of it. If the appeal were required to be anything other than simply a general, broad appeal, it would take more than 21 days to engage a competent person with expertise to formalise that appeal. We do not want the process to be made extraordinarily complex and for the 21-day period to be tied up in legal technicalities. If, after that period, someone requires legal expertise to represent them at the appeal, that is well and good.

**Mrs McIntyre:** Guidance from GB on appeals to the Transport Tribunal states that the appeal is based on the evidence that was presented to the Traffic Commissioner. The case would have already been made to the Traffic Commissioner for that decision to have been reached, so the only additional information would be the grounds for an appeal.

**The Chairperson:** That guidance refers to the Traffic Commissioner in GB. By that stage, should all of the information have been supplied to the Department?

**Mr D Armstrong:** The Department would conduct an inquiry into the decision.

**The Chairperson:** Would that be done before an appeal was even lodged?

**Mr D Armstrong:** Yes. The Department would have gathered and submitted all the information, which would be chewed over and deliberated on. The material would already be with the Department; an appeal would be made on the basis that the decision was wrong. According to the GB guidance, the appeal can be lodged within 28 days, and the Traffic Commissioner in GB, or, in the case of Northern Ireland, the Department, would have 21 days from the date of decision to inform the appellant of that decision. That is our current process, and the proposed tribunal would carry that on.

**The Chairperson:** Does the guidance refer to that period as 21 working days, or as 21 calendar days?

**Mr D Armstrong:** The guidance does not specify whether the 21-day period is counted as working days. It says that the decision is published within 21 days of the date of decision.

**The Chairperson:** If you have nothing further to add on the issue of appeal times, we will move to clause 36.

**Mr Brogan:** The provision that is covered by clause 36 is fairly common in licensing legislation, and it reflects similar provisions to those that are contained in the Taxis Act (Northern Ireland) 2008. It deals with the offence of forgery of documents, plates or marks. Under clause 36, it will be an offence to forge, alter, lend or allow someone else to use any one of a list of documents. Clause 36(2) sets out that list, which

includes an operator's licence and any document, plate or mark that relates to a licence, or any general documents that are related to operator licensing. On summary conviction, the penalty is a fine of the statutory maximum of level 5, which is £5,000. On indictment, the penalty is imprisonment of up to two years and a fine.

**The Chairperson:** We will move to clauses 37 to 45; I note that there is not much observation on those clauses.

**Mr Brogan:** The provision that is covered by clause 37 is also fairly common is licensing legislation. It will be an offence to make a false or misleading statement in order to obtain an operator's licence.

Clauses 38 to 45 set out the powers of enforcement. All but one of those powers is currently in operation in Northern Ireland for enforcing road-freight licensing and road-passenger licensing. The powers have been lifted from the Transport Act (Northern Ireland) 1967 and are reproduced in the Goods Vehicles (Licensing of Operators) Bill. It is important that all of the powers that relate to goods vehicle licensing are contained in the same Bill. The powers will also remain in the Transport Act (Northern Ireland) 1967 so that they can continue to apply to road-passenger licensing.

Clause 38 relates to the powers of entry. It provides power to enter and inspect premises and vehicles, but restrictions will be placed on that power, and responsibilities will be placed on officers when they leave the premises.

Clause 39 deals with the power to seize documents, which would be used on visits to premises. It provides the power for officers to seize certain documents or articles that they believe have been forged or obtained through making a false statement. It also includes provision for the release and return of those documents.

Under clause 40, the authorised officer will be able to obtain certain information relating to operator licensing under the Bill. Under clause 41, it will be an offence for a person to obstruct an authorised person from carrying out certain functions under the Bill. The fine will be made at level 3, which is a £1,000 fine, six months' imprisonment, or both.

**The Chairperson:** Are members happy that they do not require further clarity on anything relating to clauses 37 to 41?

*Members indicated assent.*

**Mr Brogan:** Clause 42 imposes a duty on the authorised person to produce proof of his authority if required, and allows a police constable in uniform to also carry out the functions of the authorised officer.

**Mr Beggs:** In the comments on clause 42(1), you indicated that the Department consulted on the options for operator licensing, and the outcome of that was that Northern Ireland will not have an independent traffic commissioner for the time being. Will you advise the Committee of who you consulted and what comments were made by the different individuals? Or was it the case that you consulted people and someone gave you direction?

**Mr D Armstrong:** The issue of the traffic commissioner was consulted on in the original consultations on the Bill.

**Mr Beggs:** What specific responses came back on that issue, and from which groups?

**Mr D Armstrong:** I cannot detail the responses to the consultation now, but the Committee will have been given those.

**Mr Beggs:** Do you feel that the responses were overwhelmingly in support of one option rather than another?

**Mr D Armstrong:** No; the responses were not overwhelming on any issues in the consultation.  
[Laughter.]

**The Chairperson:** The issue of the traffic commissioner is one to which the Committee will be returning. It seems that the FTA people gave their support for the overall Bill on the understanding that there would be a traffic commissioner.

**Mr D Armstrong:** The Freight Transport Association is very keen to have an independent traffic commissioner for Northern Ireland. However, the FTA knows that that is not included in the Bill and has still been very supportive of us — representatives from it attended our briefing sessions throughout Northern Ireland and supported us in all of those. The FTA's preference is to have an independent traffic commissioner; the Road Haulage Association is not as supportive of that view. That does not mean that it is not happy with it, but it is supporting the Bill as it is, in its entirety.

**Mr Ford:** Has the Committee supplied the copies of the three letters that were circulated to members this week to the Bill team? I was going to mention that later because I thought we were still expecting the Department to come back to us on that issue. In particular, the suggestion in Tom Wilson's letter that, as a result of discussions with the Department, the FTA had an expectation that there will be an independent commissioner seems to be something that must be teased out. I would have considered it appropriate that we gave the Bill team copies of those three letters so that it could provide the Committee with a reasonable response.

**The Chairperson:** I agree; the FTA appears to have understood the Department to have committed to quite



a specific undertaking. We will email those letters to the Bill team.

**Mr D Armstrong:** We are drafting our response on that issue.

**Mr T Clarke:** With respect to the role of the commissioner, if we take the example of David's goddess from England — *[Laughter.]* Can you tell us what size of an area that Traffic Commissioner is responsible for or how many vehicles come under her area?

**Mr D Armstrong:** I honestly do not know.

**Mr T Clarke:** We are discussing an area that has around 15,500 vehicles. I want to compare the area size or the number of vehicles that that commissioner would be governing with Northern Ireland.

**Mr D Armstrong:** There are approximately 18,000 vehicles in Scotland and in Wales there are in the region of 20,000. There is one Traffic Commissioner for each of those areas, so that should give some idea, as a comparison.

**Mr Weir:** She covers the north-west of England; an area that I presume includes Liverpool, Manchester, Lancashire, and so forth. The situation nationwide probably does not differ greatly from that.

**Mr D Armstrong:** That area is approximately the same size as Northern Ireland. In considering whether a traffic commissioner is required, we tagged Northern Ireland as a traffic area on to Wales, Scotland and north-west England. We considered those options, but we will explain more about that in a paper for the Committee.

**The Chairperson:** John, if it squares with your information, can we move on now to clauses 43 to 49?

**Mr Brogan:** In proving that any offence under the Bill has been committed, the Department must be able to produce a certificate of evidence, and clause 43 sets out what information will appear on that certificate.

Clause 44 simply gives effect to schedule 3, and we can deal with it at that time.

Clause 45 limits who can instigate prosecutions and the time within which they should be brought. That provision is already in place here and in GB.

Clause 46 deals with the disclosure of information under the Bill. It curtails the use or disclosure of any information gathered for the purposes of the Act. It is worth noting that it will be an offence to contravene the clause. Such contravention is penalised by a level-4 fine of £2,500, a period of imprisonment of up to six months, or both.

Clause 47 provides the Department with the power to charge fees for the administration of the operator

licensing system. Details of the fees will be outlined in regulations.

Clause 48 directs that, in general, an operator's licence is not transferable or assignable. However, the Department will have the power to make regulations to give it an element of control over the use of a licence in certain circumstances. In particular, the Department will be able to allow another person to use a licence if the holder has died or has become a patient within the meaning of the Mental Health (Northern Ireland) Order 1986.

Clause 49 states that if a person wants to work in the road-transport business in a member state other than the UK, he or she can apply to the Department for a certificate of qualification. The certificate will include details of applicants' repute and professional competence and, in so far as the Department is satisfied that it can be properly certified, their financial standing.

**The Chairperson:** As members have do not have any questions about clauses 43 to 49, we can move on to clauses 50 to 55.

**Mr Brogan:** Clause 50 gives effect to schedule 4, and we can deal with that in due course.

For the purposes of the Act, clause 51 sets out how the weight of a vehicle will be calculated. Perhaps, at this point I should ask whether the Department may propose an amendment to the Bill by inserting a new clause 51(A), as detailed in the list of amendments supplied to the Committee.

At an earlier meeting, the Committee expressed concern about the impact of the Bill on small businesses. The addition of clause 51(A) provides the Department with the power to pay grants to persons or bodies in connection with the provisions of the Bill, and that may allay some concerns. It is, in fact, a replication of a provision included in the Taxis Act (Northern Ireland) 2008.

**Mr Beggs:** By grants, do you mean money that comes from other licence holders or from the block grant?

**Mr D Armstrong:** The money does not come from anywhere in particular. Clause 51(A) gives the Department the power to give grants, should there be an opportunity to do so — for example, in GB, the Department for Transport gives grants for the modal shift of freight. That does not exist here, but the clause gives the Department the equivalent power, but money has not been set aside for that purpose. It is an enabling thing; it is not as if we have a lot of grants up our sleeve or in our back pocket that we want to give out.

**The Chairperson:** Are members happy for that amendment to be included?

*Members indicated assent.*



**Mr Brogan:** Clauses 52 to 55 deal with how the Bill will apply in certain special cases.

Clause 52 is a regulation-making power, and those regulations will enable a company with one or more subsidiaries to hold an operator's licence. The vehicles listed on the licence may belong to any of its subsidiaries.

Clause 53 concerns the application of the Act to partnerships, and other regulation-making power to enable the Act to apply in a partnership situation.

Clause 54 concerns the application of the Act to the Crown. You will notice that there is no Crown immunity. The Act applies to Crown vehicles; however, we will have the power to make exceptions in the use of certain Crown vehicles in regulations under clause 1.

Clause 55 deals with the application of the Act to harbours. The Department proposes an amendment to clause 55. The use of the phrase "on a road" in clause 1 and elsewhere, combined with the definition of "road" in clause 58 of the Bill means that roads within Belfast harbour estate and other harbour estates would not be covered by the legislation. Given the large number of goods vehicles using the harbours, it is important that the Bill applies within harbour areas. We have expressly applied the Bill to those areas, and the requirement to hold a licence while using a vehicle on the road will apply to roads within the Belfast harbour estates and other similar harbour estates.

Following the drafting of the Bill, it came to our attention that the term "harbour commissioners" would not cover all harbour areas, particularly Larne and Warrenpoint harbours. They are not under the control of commissioners, so those two harbours would be outside the scope of the Bill, as currently drafted. We inadvertently, used the term "harbour commissioners" when we would now prefer the term "harbour authority", which would ensure that the Bill will cover all harbours in Northern Ireland. It is a simple amendment to remove "harbour commissioners" and insert "harbour authority".

**Mr T Clarke:** Did you say that they were not happy with that?

**Mr Brogan:** I was not covering that.

**The Chairperson:** Are members happy with that amendment?

*Members indicated assent.*

**Mr Brogan:** The remaining clauses — 56 to 61 — are grouped together as supplementary clauses to the Bill. Clause 56 contains a general power for the Department to make supplementary changes as it thinks necessary for the implementation of the new

Act. Any changes would be made by an Order that is subject to affirmative resolution.

Clause 57 contains a general regulation-making power for the implementation of the Act. It is a standard entry in many primary Bills, including the Taxis Bill, and will allow the Department to outline the detail of the application forms, what a restricted licence will look like and how the national standard licence will differ from an international licence. Clause 57(12) is important —

**The Chairperson:** I am conscious that we are about to become inquorate. At least two members have made arrangements to attend a Business Committee meeting at 12.30 pm. We will continue for a few minutes and then allow members to go. Anything that remains will be dealt with at Thursday's meeting.

**Mr Brogan:** Clause 57(12) is important in that it allows the Department flexibility in how it manages the introduction of the Bill. Given the large number of operators who will be applying for a licence for the first time, that is an important point.

Clause 58 contains general interpretations of the terms used throughout the Bill, and that is standard practice in primary legislation.

Clause 59 gives effect to schedule 5, which lists a series of amendments and repeals.

**Mr Weir:** Given that some general interpretations in clause 58 appear to relate to statutory definitions, could some form of words be devised to cover the definition of parking, which was mentioned earlier?

**Mr Brogan:** Given that I am unable to answer that question, I am more than happy to park the matter.

**The Chairperson:** I suggest that we stop at clause 59 and conclude the business on Thursday.

I draw members' attention to the item on the agenda concerning secondary-legislation-making powers in the Bill. The note from the Examiner of Statutory Rules has been emailed to members.

On Thursday, we will continue our informal clause-by-clause scrutiny until we have considered the whole Bill. Clarification was sought about parking, and Donald has taken note of that and will get back to us. I am not sure whether Thursday's meeting need extend into the afternoon, but we will see how things go and attempt to conclude then. I thank members for giving of their time today.

**Mr D Armstrong:** I wish to come back on small point. Earlier, the matter was raised of whether it is necessary for operators to inform the Department about change of directors. Under clause 12(8), one of the undertakings that an operator gives is to inform the Department about any changes, including financial and personnel changes, so that matter is covered there.

**The Chairperson:** I thank Donald, Gillian and John for taking the time to go through the Bill with us. We will return to it on Thursday, when we will do our best to resolve the hardy-annual matters that cause us most difficulty.

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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR FINANCE AND PERSONNEL

12 November 2008

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### PRESUMPTION OF DEATH BILL (NIA 23/07)

#### Members present for all or part of the proceedings:

Mr Mitchel McLaughlin (Chairperson)  
Mr Simon Hamilton (Deputy Chairperson)  
Dr Stephen Farry  
Mr Fra McCann  
Ms Jennifer McCann  
Mr David McNarry  
Mr Declan O'Loan  
Mr Ian Paisley Jnr  
Ms Dawn Purvis  
Mr Peter Weir

#### Witnesses:

Mrs Patsy McAteer Mr Kieran Megraw Mrs Anne Morgan Ms Sandra Peake	}	WAVE Trauma Centre
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**The Chairperson (Mr McLaughlin):** The WAVE Trauma Centre has provided the Committee with a written submission on the Presumption of Death Bill. Members have also been provided with copies of the DFP response to that submission, which was forwarded to the Committee after last week's meeting. Some issues may arise from that response.

I welcome Ms Sandra Peake, chief executive officer of the WAVE Trauma Centre, who is accompanied by Mrs Anne Morgan, Mrs Patsy McAteer and Mr Kieran Megraw. I invite you to make your initial comments.

**Ms Sandra Peake (WAVE Trauma Centre):** Good morning. We are pleased to be here today, and we are grateful for the opportunity to speak to the Committee about the Presumption of Death Bill.

Although all the families of the disappeared have known for some time that the proposed legislation was being prepared, not all of them wanted to engage in the process. That was not because they felt that the process was unimportant; it was because they felt that such

legislation could close the door on substantial forensic work before it was completed. Although, at this stage, those families have decided not to engage in the consultation, they may wish to examine the proposed legislation further down the road.

Anne Morgan will say more about the opinions of the families. Nevertheless, they want the process to be as easy and as straightforward as possible, given all that they have been through already.

#### **Mrs Anne Morgan (WAVE Trauma Centre):**

Thank you for having us. Taking into consideration the views of the families of the disappeared, I believe that the proposed legislation should be straightforward, and should encompass the emotional considerations that have been expressed. When the time comes for us to obtain death certificates, they should be made available to us in a clear and accessible manner.

We put it to the legal experts who were preparing the Presumption of Death Bill that the families of the disappeared are different. We were bereaved as a result of the Troubles in the North of Ireland, but we are a specific group, and we feel that we should be treated as such. Our loved ones disappeared — as far as we are concerned, they are not missing. People might find a quandary in that.

The legislation should, by whatever means, make the process as easy as possible for us. My family has suffered for 23 years without success. The search for my brother, Seamus, began in France in the summer of this year, but his body was not found.

Our family has a different outlook on the issue. The legislation applies to those who have lived in Northern Ireland, but, because Seamus lived in France, we face an extra problem. Our concerns were raised when the Presumption of Death Bill was first drafted, because it stated that the deceased had to be domiciled in Northern Ireland for a year before their death, and Seamus was not. My family has lived through 23 years of uncertainty, and I feel that if things are made difficult, I will not come forward to request a death certificate.

Our solicitors have told us that we would have to obtain affidavits to prove that although Seamus was not living here, he was planning to return. It is unbelievable that we should have to contemplate affidavits in order to obtain a death certificate. I know that there is a need for the Bill to be placed on the legislative books because there is currently no legislation to deal with the issue, but I feel that the process should be made much easier for the families of the disappeared. There should be provision for those families to receive a death certificate without all of those complications.

I really do not see why the families of the disappeared should have to prove that their loved ones

are disappeared — it is awful to even hear the word “disappeared”, because it reminds us that no body has been found. Those deaths were due to the Troubles, and I believe that society has a responsibility to look after us.

**Mr Kieran Megraw (WAVE Trauma Centre):** All the families of the disappeared, apart from Anne’s, have been told that the bodies are in the Republic of Ireland, so they would have been taken from the North — we are not sure whether they were killed in the North or the South. Does that mean that they will have to be registered in the South as well as the North? We do not want to be involved in the process in then South if the bodies are found there, only to have to go through the entire process again up here.

My family went to the courts, and the NIO informed us about the procedure that had to be followed. However, in the end, that procedure could not be completed, and the NIO had to telephone our solicitor to find out about the process. We got as far as the magistrate’s court, but a death certificate could not be issued. We would like the process of certification to involve no complications whatsoever.

The Bill mentions the need for an application to be uncontested — we do not want to apply for death certificates as a group only to have someone contesting some of the information. The Independent Commission for the Location of Victims’ Remains is a Government body, and it has all the relevant details and information, so the process should be straightforward.

Legal aid has also been mentioned, but it should be noted that, as all of the parents of the disappeared are now deceased, it will be the siblings who make the application for the certificate. The Bill makes reference to where the deceased was resident when they were killed. All of the disappeared, apart from Seamus Wright, were living in the North, so hopefully that would be straightforward. On the issue of the disclosure of information, if other Government bodies or sections of the security forces are aware of information, we believe that it should be made available.

**Mrs Patsy McAteer (WAVE Trauma Centre):** I want to reiterate what Anne has said. A lot of time has passed for the families of the disappeared. We were all young when this situation began, and even I am getting older.

I would like to think that I will see the day when Seamus’s remains are returned to us. My father was not alive when Seamus disappeared, but my mother was. She watched and waited at the window for him to return. However, she died without getting to see him again. I would like to think that this process will be

made as easy as possible for us, because we are not fit for any more hassle — we have had enough.

**Mr O’Loan:** Thank you for addressing the Committee today; I am sure that it was not easy for you. You are conferring a considerable benefit on the Committee, and on society as a whole, in dealing with this very difficult issue. I am very conscious of the huge ordeal that you have gone through over many years, and I am aware that the re-enactment of that ordeal in public is not an easy thing. From your submission, I am also aware that there are families who, for very good reasons, do not want to engage in this process. You made that clear, and we must be very conscious of their sensitivities.

I take on board Patsy’s point that the process ought to be made as easy as possible for the families involved. I also take on board Anne’s point about the fact that Seamus lived in France at the time of his disappearance. The circumstances surrounding each case are individual, but the particular circumstances surrounding Seamus’s case are unique. The people who create the legislation must consider ease of process where such complications exist.

Your submission states:

“that in the event that one of the disappeared is located and their death has been registered on the Register for Presumption of Deaths, consideration needs to be given to how their death may be re-registered.”

As I understand it, a process is in place that allows that to be done if someone is discovered to be alive after a presumption of death certificate has been awarded. I know these are sensitive areas in which we are treading, but are there some among the families of the disappeared who have hopes that their loved ones will be found alive?

**Mrs Morgan:** No.

**Mr O’Loan:** I am not clear about the meaning of that part of the submission.

**Mrs Morgan:** If we get the body back, we want consideration to be given to the re-registering of the death.

**Ms Peake:** It is about the process for registering deaths, and whether, as explained, bodies found in the South would still remain on the register of presumed deaths or whether they would be re-registered as having been found in those circumstances.

**Mrs Morgan:** Say, for example, the body that was found yesterday is that of Danny McIlhone, which I hope it is. If he had been placed on the register for deaths, his death must be re-registered, and the family provided with a death certificate. That is a process that that family would have to examine.

**Mr O’Loan:** I understand. Officials have told the Committee that there is a process for that. We will give



further thought to that matter. You spoke about the important issue of disclosure of information, and said that there ought to be a duty on anyone or any organisation that has information about the disappeared to bring it before the courts.

I take it, therefore, that you are not content with indications that the Department will present a draft clause to the Committee that would allow the court to demand information from someone if it so chooses.

We are discussing a broader duty of disclosure that will mean that there is an immediate duty on anyone who has information — and who is aware that the case is going through the court — to come forward. Do you agree that that is what is required?

**Ms Peake:** That is correct. Anyone who has information relating to an issue that is before the court should be called on to provide evidence. That would make things easier for us.

**Mr O'Loan:** You said that any information held by the Independent Commission for the Location of Victims' Remains should be made available. As I understand it, people who provide information to that body are offered a degree of protection. We will have to consider whether that information can be passed to the court.

**Ms Peake:** If the Independent Commission for the Location of Victims' Remains has information to suggest that a person is dead, it should provide it. That is preferable to families having to find the proof and evidence that a person is dead. Families were concerned about information coming under a duty of disclosure, but the absence of any mandate for it to be provided to the independent commission. The families want the independent commission to work as fully as possible.

**Mr O'Loan:** It seems that the commission could hand over information that was not privileged or hand over relevant information, without declaring the source, in certain cases. Do you agree with that?

**Ms Peake:** I agree with that — providing that nothing is done to compromise the independent commission and its ultimate aim.

**Mr O'Loan:** I agree with that.

**Mr Weir:** I add my thanks to you for attending, and for your evidence. I appreciate that the majority of cases that are dealt with by the independent commission happened a long time ago, but not all, including, for example, the Lisa Dorrian case. Is the list of cases being dealt with set in stone, or can it be added to? Of course, it is hoped that there will not be any need to add cases.

The legislation deals with two different areas: first, the specific cases, which, in your case, are the disappeared; and secondly, the more general cases in

which people go missing. Would the cases that are dealt with by the independent commission be ring-fenced if the legislation were amended to mention them specifically? Would such an amendment to the legislation mean that those cases could not be switched between the two areas covered by the legislation? If amendments or provisions were made for your cases, could they be defined sufficiently by way of the connection with the independent commission? Could it be catered for under that route?

**Ms Peake:** The independent commission examines all cases up to 1998; that does not include the cases of Lisa Dorrian or Gareth O'Connor, who was subsequently found. They would not be included in the cases covered by the independent commission.

**Mr Weir:** I am considering what routes can be taken, as part of the provisions. You referred to the domicile rule and queried whether a clause could be inserted that would allow for a rule to be waived in cases where there was a supporting letter from the independent commissioner, for instance.

It is most likely that the bodies — with one exception — are in the Republic of Ireland. Has your group had discussions with the Irish Government with regard to what registration procedures would be followed if any of the bodies were discovered in the Republic?

**Ms Peake:** We have talked to families whose loved ones have been discovered in the Republic of Ireland and who have experienced the process. We know what mechanisms are available.

**Mr Weir:** I appreciate that the matter is outside WAVE's remit. However, the Committee could, perhaps, ask the Department of Finance and Personnel whether it has consulted with the Republic of Ireland. The legislation is partly designed to minimise procedural difficulties and trauma for families, albeit to a small degree, given the deep hurt involved.

**Mr Hamilton:** Thank you for giving evidence to the Committee. As Declan said, I am sure that it is difficult, especially given this week's unfolding events in Wicklow, which bring the situation to the forefront of our minds.

The Bill's intention is to provide some closure for families. It is apparent from your evidence that obtaining closure is a severe problem. The loss of anyone in the Troubles is difficult, but it is particularly difficult for those who have been unable to bury their loved ones. I understand your pain.

Your responses to Declan and Peter touched on the jurisdictional problems. Seamus's case seems to pose a problem that the legislation might be unable to remedy easily. Your submission, and some of your comments, mentioned costs. In response, the Department said

that legal aid could be available in cases that are taken to the High Court. Does that, in any way, ease concerns about cost or are you still concerned about the potential cost of a difficult and lengthy process that could involve registering and re-registering?

**Mr Megraw:** That probably does not ease concerns. As Anne said, we want, if possible, all the families to attend in the same day or two days. Some people might receive legal aid, and others might not. I am unsure how it will operate. However, we have already been through the process. It would be better if the Government handled the situation.

**Mrs Morgan:** There are only nine families, and, therefore, the Assembly could cover the costs in order to allow the process to proceed as easily as possible. As Kieran said, the majority of us would not receive legal aid anyway because we are siblings of our loved ones. The families should not have to pay.

**Mr Hamilton:** I take on board your point — the process of registering a death that you should not have had to register in the first place could, potentially, be a costly exercise.

**Mrs Morgan:** It is an emotive issue for the families of the disappeared. It is even emotive for me to attend this Committee meeting. It is too much to expect the families to initiate the process and go to solicitors' offices, and so on. I appreciate that it is important to include the disappeared in the legislation. However, the legislation must make the process easier for the families.

The situation would be completely different if the legislation simply referred to the disappeared as “the missing”. If that were the case, we would not be here. We are a defined group, and because we are accepted as that defined group, we should not have to prove our legitimacy to the courts. The cost is an issue that the families will shun, because that is just another hurdle that they must overcome. Having to prove something, and then pay for it, can be very daunting in the legal world. Perhaps the Assembly could take care of the cost that would allow the families of the disappeared to receive the death certificates.

**Mr Hamilton:** I do not know how that issue could be resolved, but it is certainly a point that we will consider during our discussions with the Department. The very technical nature of this Bill does not match up to the raw, human side of things.

You raised concerns about the possible re-registration in the event of a body eventually being found. The Department pointed out that a cancellation of a registration in the presumed death register can only be done by going through the legal process again. However, the Department also provided a further explanation that suggests that all of the families of the disappeared would fit within the scope of the

jurisdictional rules that are set out in the Bill. The Registrar General could make a note in the register of presumed deaths to the effect that the previous entry had been suspended. Does that help that situation in any way, or does it still present difficulties?

**Mr Megraw:** Who would have to make that application to the Registrar General? The legal process must be gone through again. If that could be done without having to go back through the legal process, then it might be helpful.

**Ms Purvis:** Thank you very much for attending and for giving evidence today. The Department claimed that a reason for introducing the Bill was to help the families, but — having listened to your evidence, and having studied the Bill's clauses — it seems that it will not help you in any practical sense. I tried to use the issues that you raised to evaluate whether there is some way that we can help to meet your specific needs.

Part of the Bill explains that people need to be domiciled in Northern Ireland or habitually resident in the preceding year. If the term “preceding year” were removed, and it was left as “habitually resident” in Northern Ireland, would that go some way towards helping your case?

**Mrs Morgan:** It would.

**Ms Purvis:** That is good. You already talked about the issue of legal aid. If a clause were included that suggested that the costs would be waived for the families involved — whom we would have to name — that could be a way of dealing with the costs that are involved.

Simon talked about the registration of deaths. The Department stated that the Registrar General will be able to make a note on the register of presumed deaths to explain that the entry has been superseded by the register of deaths. However, that only relates to a body found in Northern Ireland. Obviously, if the body is found in the Republic of Ireland, the death has to be registered in the Republic of Ireland.

Clause 5 of the Bill states that the entry in the register of presumed deaths can be cancelled only by the authority of the High Court. For ease of access, would it help the families if the Registrar General were to make the application to the High Court to have an entry cancelled, rather than the families having to go through that process again, if the body were to be found and registered in the Republic? That would mean that the families would not have to go through that process. The death will have been registered in the Republic of Ireland and, therefore, it will not need to be registered in the North. Would that help?

**Mrs McAteer:** I think that that would help. One has to be on income support to receive legal aid.

**Ms Purvis:** Some families may be working and not receiving income support, and they would not qualify for legal aid. As the Bill stands at the moment, is there anything else that would address your specific needs?

**Ms Peake:** The cost issue is important, as that is part of recognition and acknowledgement, and there is also the forensic process, which may run in parallel. Any help would be useful. One suggestion might be whether, within the Assembly, a special-measures mechanism could be established in respect of the memorial fund to assist families. As Mr Megraw said, very few parents are left, and the siblings will have to make the application. Any help for the families would be welcome.

**The Chairperson:** I am sure that it was difficult, but this has been a very interesting and helpful session. The Department is interested in this discussion and has been observing today's proceedings. As the meeting has been recorded by Hansard, does the Committee agree to forward the Hansard report to the Department in order to help convey the points that have been raised?

*Members indicated assent.*

On behalf of the Committee, I express our appreciation to the witnesses for attending today's meeting. I know that it has been difficult.

**Dr Farry:** Chairman, may I ask a question?

**The Chairperson:** I almost closed you out, Stephen.

**Dr Farry:** Coming before the Committee must have been an ordeal, and another hurdle to overcome in order to get the legislation right.

Clause 1 states that a person with a connection to the victim must make the application and, if that the person is deemed not to have a sufficient relationship, the High Court may refuse to take the matter forward. In the case of all of the disappeared, is someone still around who would be sufficiently close to make an application? Is there a case in any of the eight or nine victims' families where there is not such a person to take the matter forward?

**Ms Peake:** There are close family members, either brothers or sisters.

**Dr Farry:** What we are doing is different from other jurisdictions, bearing in mind that there is such a specific category in relation to the disappeared. It must also be borne in mind that the Commission has been set up through a treaty between the British and Irish Governments.

Do you agree that there is case for a provision in the legislation or, perhaps, in its explanatory notes, that defines the Independent Commission for the Location of Victims' Remains as a party that can take forward an application, rather than the families?

**Mr Megraw:** That is possible.

**Mrs Morgan:** That might help the situation.

**Dr Farry:** It is one exemption that could be made.

In respect of cases that occurred after 1998, particularly that of Lisa Dorrian — a case with which Peter and I are familiar, as representatives for North Down — and given the commission's current cut-off date of April 1998, which is considered to be a watershed because of the events that have happened since then, has there been any movement towards trying to extend the commission's remit? Are WAVE and the families happy for that to be brought about in order to take into account cases that have occurred since 1998? Are those families comfortable for their loved ones' cases to come under the remit of the disappeared?

**Ms Peake:** Certainly, from a family's perspective, that would be important. However, the commission was established by special legislation that was passed by both Governments. We have been informed that that is, therefore, not possible. It is a legislative matter. The commission has been clear with us about its remit, the span of its work, and the time within which it must carry out its work in locations.

**Dr Farry:** That problem must, therefore, be sorted out by the two jurisdictions. The families would have no objection to that?

**Mrs Morgan:** The families have no objection. We met Lisa Dorrian's family and offered them our support because their situation is similar to ours, although theirs is more recent and appears to have involved the LVF. Although their situation is totally different, Lisa has still disappeared. As far as we are concerned, she has disappeared, regardless of the commission's remit. As Sandra said, Lisa is not included in its remit because she had not disappeared by 1998.

**Dr Farry:** In your presentation, you stated that, given that it is unlikely that there will be a dispute about what has happened, you seek assurance that matters will be dealt with in chambers as opposed to having to go through the full rigours of an opening hearing in court. Can you expand on that?

**Mrs Morgan:** We mentioned that matters may be dealt with in chambers. Apart from Kieran, the families are not sure what that means. Kieran has been in court before to try to obtain his brother's death certificate, which he was unable to do. If matters were dealt with in chambers, which are private, that would help the situation. The critical issue for us is the process that must occur before matters reach chambers. When we spoke to Neil Lamb —

**Dr Farry:** He is behind you.

**The Chairperson:** He is paying close attention.

**Mrs Morgan:** He is my shadow. Neil explained the judicial process whereby we would have to obtain affidavits of various forms in order to justify our cases. After we spoke to Neil, I was still of the opinion that progress could be made to make the process easier. I understand that, under the legal remit, it must be done that way. However, the families need sensitivity to be shown with regard to their ability to acquire affidavits. A process must be put in place that cushions and supports us so that we are not caused any more trauma than that with which we live at present. That is what we seek.

**The Chairperson:** The Executive are trying to establish a process that is free from inconsistency and ambiguity. That brings with it the price of having to engage with the system and step through the legal and judicial process. However, the aim is to provide a sense of closure and a definitive outcome, which requires engagement with the process — you and Kieran must know well how difficult that can be. People want the outcome to be accessible, cost free and transparent. Those are guiding principles, but there are some unavoidable processes that must be gone through to give you the answers that you need.

**Mrs Morgan:** The Bill makes reference to people's insurance policies. However, when our Seamus disappeared, we received no insurance payout or property. The families of the disappeared are coming from a purely humane angle, not a financial one.

**The Chairperson:** That is a given.

**Mrs Morgan:** There could be a financial aspect for the families of missing persons, which is fine. For example, a mother who has a missing husband.

We belong to the disappeared group, and the Northern Ireland Assembly has accepted that our relatives are disappeared, rather than missing. The preamble to the Presumption of Death Bill acknowledges our group, but there should be further clarification that we exist as a defined group.

**The Chairperson:** The Committee has agreed to send the Hansard report of the meeting to the Department, and we will discuss this subject on 26 November 2008 when we consider the evidence that has been gathered. Thank you for coming to the meeting.



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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

12 November 2008

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### PUBLIC AUTHORITIES (REFORM) BILL (NIA 19/07)

#### Members present for all or part of the proceedings:

Mrs Naomi Long (Deputy Chairperson)

Mr Tom Elliott

Mr Ian McCrea

Mr Stephen Moutray

Mr Jim Shannon

Mr Jimmy Spratt

#### Witnesses:

Mr Jim Hamilton

Mr Neil Jackson

} Office of the First  
Minister and deputy First  
Minister

**The Deputy Chairperson (Mrs Long):** We now come to the consideration of the Public Authorities (Reform) Bill. We have received correspondence from the First Minister and the deputy First Minister concerning the Committee's request that the Agricultural Wages Board be included in the Bill as a body to be abolished. That has been tabled, and, as you can see, it advises that the First Minister and the deputy First Minister will not move such an amendment. Members now need to decide whether we want to propose an amendment, or refer it to the Committee for Agriculture and Rural Development. The Bill Clerk is here to give us any advice that may be required, as are officials from the Office of the First Minister and deputy First Minister.

**Mr I McCrea:** I am not surprised by this response. I think we knew what the answer would be. It would be worth sending this to the Agriculture Committee.

**The Deputy Chairperson:** That would happen at Consideration Stage. Are members happy with that approach?

**Mr I McCrea:** Does it make any difference whether it comes from this Committee or that one?

**The Deputy Chairperson:** The advice that we are getting is that it does not. It will be put down as a Committee amendment to the Bill at Consideration Stage. It will be tabled in the Bill Office as usual.

**Mr Elliott:** The only option now is to bring it up at Consideration Stage?

**The Deputy Chairperson:** Yes. Are members agreed that we should refer it to the Agriculture and Rural Development Committee?

*Members indicated assent.*

**The Deputy Chairperson:** We now have the detailed clause-by-clause scrutiny of the Bill. Members will have an opportunity to raise any concerns and suggest any amendments. I welcome Neil Jackson and Jim Hamilton from the Office of the First Minister and deputy First Minister, who are available for points of clarification.

Members should read the relevant clauses of the Bill along with the related commentary in the explanatory memorandum. This session will be recorded by Hansard for inclusion in the Committee's Bill report. The Bill has eight clauses and three schedules. Each clause, and any subsections, will need to be considered in turn, after which the Committee will have two options: to agree that the Committee is content with the clause as drafted, or to agree that the Committee recommend to the Assembly that the clause be amended.

The Bill seeks to abolish the Fisheries Conservancy Board and transfer its functions to the Department of Culture, Arts and Leisure, and to abolish the Disability Living Allowance Advisory Board for Northern Ireland. The Bill also carries several repeals of primary legislation relating to organisations that have already been abolished, such as Enterprise Ulster, the Pig Production Development Committee, and the Laganside Corporation.

#### ***Clause 1 (Fisheries Conservancy Board for Northern Ireland)***

**The Deputy Chairperson:** We shall discuss clause 1 of the Bill in conjunction with schedule 1. Clause 1 provides for the abolition of the Fisheries Conservancy Board for Northern Ireland and the transfer of the functions exercisable by that board to the Department of Culture, Arts and Leisure.

Part 1 of schedule 1 deals with the transfer of assets, liabilities and staff etc. Paragraph 2 transfers all assets and liabilities of the board to the Department. Paragraph 3 transfers the employees of the board to the Department. Paragraph 4 provides that in any statutory provision or document any reference to the board shall, in relation to time after the appointed day, be construed as a reference to the Department. Paragraph 5 provides transitional arrangements for accounts and reports.

Part 2 of schedule 1 deals with amendments. Paragraphs 1 to 14 detail the amendments to legislation to change references to the Fisheries Conservancy Board for Northern Ireland into references to the Department of Culture, Arts and Leisure.

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

*Clause 1 agreed to.*

#### **Clause 2 (Disability Living Allowance Advisory Board for Northern Ireland)**

**The Deputy Chairperson:** Clause 2 deals with the abolition of the Disability Living Allowance Advisory Board. Schedule 2 outlines the details of amendments to legislation to omit references to the Disability Living Allowance Advisory Board.

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

*Clause 2 agreed to.*

#### **Clause 3 (Northern Ireland Pig Production Development Committee)**

**The Deputy Chairperson:** This clause details a number of statutory provisions that are repealed as a consequence of the winding-up order.

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

*Clause 3 agreed to.*

#### **Clause 4 (Enterprise Ulster)**

**The Deputy Chairperson:** This clause details a number of statutory provisions that are repealed as a consequence of the dissolution order.

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

*Clause 4 agreed to.*

#### **Clause 5 (Laganside Corporation)**

**The Deputy Chairperson:** This clause details a number of statutory provisions that are repealed as a consequence of the dissolution order.

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

*Clause 5 agreed to.*

#### **Clause 6 (Repeals)**

**The Deputy Chairperson:** We will discuss schedule 3 along with clause 6. This clause repeals the statutory provisions listed in schedule 3.

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

*Clause 6 agreed to.*

#### **Clause 7 (Commencement)**

**The Deputy Chairperson:** This clause provides for the Department to make an Order or Orders bringing the Bill into operation.

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

*Clause 7 agreed to.*

#### **Clause 8 (Short Title)**

**The Deputy Chairperson:** This clause gives the short title of the Bill.

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

*Clause 8 agreed to.*

*Schedules 1 to 3 agreed to.*

#### **Long title**

**The Deputy Chairperson:** The long title of the Bill is: "A Bill to make provision for, or in connection with, the abolition of certain public authorities".

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

*Long title agreed to.*

**The Deputy Chairperson:** The draft report will be prepared for Committee consideration on 19 November 2008. I thank the officials for their attendance.

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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR THE ENVIRONMENT

13 November 2008

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### GOODS VEHICLES (LICENSING OF OPERATORS) BILL (NIA 15/07)

#### Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)  
Mr Cathal Boylan (Deputy Chairperson)  
Mr Trevor Clarke  
Mr David Ford  
Mr David McClarty  
Mr Ian McCrea  
Mr Alastair Ross  
Mr Peter Weir

#### Witnesses:

Mr Donald Armstrong	}	Department of the Environment
Mr John Brogan		
Mrs Gillian McIntyre		
Mr John McMullan		

**The Chairperson (Mr McGlone):** We shall begin our discussion of the Goods Vehicle (Licensing of Operators) Bill. Several issues have arisen. I want to thank Donald Armstrong and his departmental staff for burning the midnight oil in order to prepare the documentation that has been tabled, some of which arrived this morning. I propose that the Clerk of Bills gives us an overview of the first document — the note from the Examiner of Statutory Rules — because it is relevant to our deliberations.

**The Clerk of Bills:** The Examiner of Statutory Rules has responded to the points that were raised by the Department in response to the Committee's queries about the powers to make subordinate legislation in the Bill. Most queries centred on whether to use draft affirmative procedure, which is longer and requires a vote in the Assembly, or negative resolution procedure, which means that if no specific query is raised, the legislation is brought to the Assembly and goes through unchallenged. That, therefore, is the essential point for members to consider.

The response addresses some of the points that the Department raised. In particular, it addresses the Department's concern about a certain group of provisions: if the Committee were to use the draft affirmative procedure for the entire Bill, several provisions would bind the Department to using that in the future, even for small and insignificant drafts. However, the Examiner of Statutory Rules believes that that point can be addressed. One of the Committee's options is to ask the Department to reply to that response.

It is time to make a decision on some of those clauses. The Department has stated that it is happy to move to draft affirmative procedure on some of them. It is a question, therefore, of leaving those out.

**Mr Weir:** That seems to be a sensible approach. The Committee wanted certain amendments to be made to the legislation and required clarification on some elements. It strikes me, however, that on some points it is more a question of the Committee requiring some peace of mind and an assurance that it is not writing a blank cheque to the Department in relation to some of the regulations. If we were to press for the affirmative resolution procedure, that would be a safeguard and give us peace of mind. People would not come to us with concerns about future changes to the regulations. The Committee has the opportunity to say yes or no to that at this stage.

**The Chairperson:** Donald, will you and your team take the Committee through the individual items of correspondence? First, we have one more clause to discuss.

**Mr Donald Armstrong (Department of the Environment):** I was going to suggest that we discuss that first, and that would leave only the outstanding issues.

**The Chairperson:** We still have a fair bit to get through. Will you talk us through clause 60?

**Mr John Brogan (Department of the Environment):** Clause 60 is another standard feature in primary legislation, and it deals with the arrangements for commencing the various provisions in the Bill. Some may commence immediately on Royal Assent, and others — generally the majority — commence as and when the systems are in place to deal with them. The power in clause 60 will be used to bring provisions into effect at different times.

Clause 61 is the final clause and simply provides the name of the Bill.

Schedule 1, as drafted, would provide the definition of a small goods vehicle. The Department proposes to amend the Bill by removing schedule 1. That relates to the amendment to clause 1. The Committee has agreed to an amendment that would provide for the

Department to define in more detail the meaning of the term “small goods vehicle” in regulations. The removal of schedule 1 would happen during Consideration Stage: the Minister would oppose the schedule during the debate.

Schedule 2 deals with the transfer of operating centres. It outlines the detailed arrangements for transfer, and was referred to in clause 30. It provides for the transfer of an operating centre, either as part of an application for a new licence or for an application for a variation of an existing licence.

Schedule 3 is quite extensive, and introduces a major addition to the powers of enforcement. It has been in place in Great Britain since about 2000, and, in essence, it provides the power to impound any vehicle and its contents or load if that vehicle is detected as being used on the road without an operator’s licence. It is broadly an enabling power, and we will need a host of regulations to set out the details of the scheme. Those details would concern how a vehicle would be immobilised and removed from the side of the road, when and how it would be returned or disposed of, and what would happen to the contents.

The Committee may want to note that a number of offences are outlined in the schedule. Paragraph 4 explains that it will be an offence to remove or to attempt to remove an immobilisation device — commonly called a clamp — that has been fixed to a vehicle. Under paragraph 4(2), it will be an offence to remove or interfere with an immobilisation notice attached to a vehicle. Paragraph 16 outlines that it will be an offence to make a false declaration to secure possession of the vehicle. The penalty for that will be a fine of up to level four, which is £2,500, or imprisonment for two years, or both.

The Department proposes an amendment to schedule 3. It is another amendment taken from the Local Transport Bill [HL], which is going through Westminster. It relates to the return or disposal of vehicles that have been impounded. The amendment is to paragraph 7, and is designed to make it easier for the owner to have his or her vehicle returned. It will make it possible for the return of the vehicle without the need for the owner to apply to the Department in certain prescribed circumstances. We would like to replicate the amendment to reflect the GB legislation so that the systems in GB and Northern Ireland remain consistent.

**The Chairperson:** Is it the case that even if the owner was not guilty, he or she would still have to apply for the return of their vehicle? Do you mean that in circumstances in which no offence has been committed the vehicle would automatically be returned?

**Mr Brogan:** That is correct; they would not have to go through the process of having to apply to the Department for the return of the vehicle. It is hoped

that it will make it easier for the owner of the vehicle in certain circumstances. The amendment can be found in the list of amendments that have been provided: “Schedule 3, page 47, line 29, leave out from ‘for’ to end of line 30 and insert ‘authorising a vehicle detained by virtue of paragraph 1 to be returned to the owner, in prescribed circumstances, without the need for any application under paragraph 8.’”

**The Chairperson:** Are members content?

*Members indicated assent.*

**Mr Brogan:** Schedule 4 to the Bill defines a large goods vehicle, and it imposes a requirement on the driver of a large goods vehicle to carry certain documents. A large goods vehicle is one that has a plated weight over 16,260 kg or an unladen weight over 5,080 kg. The driver of a large goods vehicle will have to carry a consignment note any time that it is used for carrying goods, and the detail of what will be required in the consignment note will be outlined in the regulations.

Under paragraph 2(6) of schedule 4 to the Bill, it will be an offence to use a vehicle without carrying a consignment note. Furthermore, it will be an offence to fail to preserve the consignment note — when the journey has been completed — for a prescribed period. Any individual who is guilty of such an offence is liable to a fine not exceeding level 4, which is £2,500.

Paragraph 3 of schedule 4 to the Bill provides information on the power on an authorised person to have the document produced for inspection and copying. It will be an offence not to comply with that requirement, and anyone who does so is liable to a fine at level 3, which is £1,000.

Under paragraph 4 of schedule 4 to the Bill, it will be an offence to falsify any consignment note. Such an offence will be subject to — on summary conviction — a fine at level 5, or, on conviction on indictment, to up to two years’ imprisonment, or the fine, or both.

Schedule 5 and schedule 6 to the Bill contain a list of consequential amendments and repeals, arising from the implementation of the Bill. The Transport Act (Northern Ireland) 1967 will be heavily amended to remove references to Part III that currently provide for operator licensing.

**The Chairperson:** Does any member want to ask a question on anything from clause 60 to the schedules?

**Mr T Clarke:** Schedule 1 of the Bill provides a definition of small goods vehicles, and you have commented on large goods vehicles. Why is everything not the same, regardless of the size of the vehicle or the goods that they carry? Why is there a need for two separate parts — small and large vehicles?



**Mr D Armstrong:** It relates to the use of consignment notes, which will state what the vehicle is carrying. The differences are recognised in the hire-or-reward sector in GB, and we are transferring it from one Bill to another. Large loads, not the vehicles, will be subject to consignment notes. It is not about defining large vehicles per se —

**Mr T Clarke:** It is referred to in relation to large vehicles only.

**Mr D Armstrong:** It is not for small loads. It is for large vehicles and large loads only.

**Mr T Clarke:** What is the purpose of it? Are we using it because it is used in GB?

**Mr D Armstrong:** Small goods vehicles are exempt from the requirements of the legislation if they are under 3·5 tons, so they would not require it.

**Mr T Clarke:** What about vehicles that are over 3·5 tons, which are not defined as large vehicles.

**Mr D Armstrong:** That is correct; because it is between the two. I am not sure why it is tied down to the larger vehicles; I will have another look at it.

**Mr T Clarke:** If you are trying to regulate everyone, it seems silly to make a difference between two parts of the sector.

**Mr D Armstrong:** For the most part, the hire-or-reward sector carries the large loads; it does not affect the own-account sector. If we were to extend it, consignment notes would be a vast issue.

**Mr T Clarke:** Large vehicles are vehicles with a relevant plated weight of over 16,260 kg. Therefore all 7·5-ton vehicles will be excluded.

**Mr D Armstrong:** They would be excluded, because they do not fall within that gross weight. If the requirement for consignment notes were extended to those vehicles, there would be a massive increase in the amount used. However, I will go back and work out the rationale.

**Mr T Clarke:** Why are consignment notes required for the large vehicles?

**Mr D Armstrong:** I am not clear on the rationale for that. However, I will come back to you with details on their purpose. It might relate to the controlling of the movement of goods.

**Mr T Clarke:** I thought that that was the purpose of consignment notes. It is equally as important to know what goods are contained on a 7·5-ton lorry, as it to know what goods are contained on a 16-ton lorry or a 26-ton lorry.

**Mr D Armstrong:** I will examine the rationale behind that. Are you suggesting that we also require drivers of lower-weight vehicles to carry consignment notes in order to widen the scope?

**Mr T Clarke:** Despite the definition in the Bill, I do not think that there should be a differentiation between vehicles that need to carry consignment notes and those that do not.

**Mr D Armstrong:** The Committee can consider the issue once I have examined the rationale behind that.

**The Chairperson:** Before we move on to discuss other issues, I advise members that the Committee recently received letters on the issue of an independent regulator from Karen Magill of the Federation of Passenger Transport; Aodhan O'Donnell of the Consumer Council; and Tom Wilson of the Freight Transport Association (FTA). A letter, dated 12 November, was also received from Phil Flanders of the Road Haulage Association (RHA) on same issue.

**Mr D Armstrong:** Shall we first deal with the issue of a traffic commissioner, given that you just mentioned those letters?

**The Chairperson:** That might not be a bad idea.

**Mr Brogan:** In the letter dated 12 November 2008, the Department tried to set out in a table the main points to consider about negative resolution and affirmative resolution and to try to demonstrate the level of scrutiny that is in place for both.

The Department's position is that the scrutiny that the Committee gives to an SL1 is rigorous. Indeed, that scrutiny is crucial, regardless of whether a regulation goes through under negative resolution or affirmative resolution. The SL1 stage is the point at which most attention is given and most questions can be asked, and officials will be present to try to answer them.

The second part of the process is the point at which the two systems diverge. In the case of regulations that are subject to negative resolution, the regulations are laid before the Assembly, and Members still have the opportunity to vote against the negative resolution. In those circumstances, the regulation would fall and the Assembly would have to have the regulation annulled. It has happened. I have given an example of the Local Government Pensions Scheme (Amendment No. 2) Regulations (Northern Ireland) 2007. Therefore, the process works.

Following the Committee's scrutiny of the regulation, it becomes law when a motion affirming the regulation is passed in the Assembly. We have some experience of that as well. In particular, the Motor Vehicles (Wearing of Seatbelts) (Amendment) Regulations (Northern Ireland) 2008 went through on affirmative resolution. However, on that occasion — as in the case of the previous regulations that I mentioned — the Minister simply tabled the motion on the Floor of the House. No one really opened the debate, no questions were raised and the regulations were affirmed.

With regard to the Bill itself, for the convenience of everyone concerned in the latter stages of operator licensing legislation — that would be the individual operators, the associations, the legal profession, tribunal staff and the departmental staff who are asked to administer the new system — we had planned and hoped to develop one consolidated set of regulations that would include as much of the detailed administrative material as possible. We wanted to avoid a situation in which the regulations would be split into six or seven different sets, which would prove difficult to administer. We have taken further legal advice, as the letter says:

“to the effect that a mixture of affirmative and negative resolution requirements throughout the Bill is likely to inhibit the Department’s ability to produce ... consolidated set of general regulations.”

We really must set out those regulations that will be subject to affirmative resolution and keep them separate from those that will be subject to negative resolution. There should not be a mix. The Chairperson mentioned a pick-and-mix situation. It is clear that that must be avoided at all costs.

Members expressed some concern about offences that appear in clause 57(8) of the Bill. There was some concern that the Committee might be signing up to regulations that would contain details of those offences, but that the provision for the offence and the penalty would appear in the Bill itself. The concern seemed to be that the Committee was not aware of what exactly it was signing up to.

Clause 57(8) deals with offences against administrative types of material, and it might be very difficult to separate them from the main set of omnibus regulations. We tried to set out that where a provision in the regulation states that a licence holder must do x, the regulation would be subject to negative resolution procedure. On the other hand, where a provision in the regulation states that if the licence holder fails to do x, he commits an offence, the regulation would be subject to affirmative resolution procedure. Again, that would leave the matter quite hard to understand and the application of the law quite difficult.

In conclusion, although we have no particular concerns about the form of control, we are concerned about how it might affect the future development of regulations. Our key message is that, in our opinion, it is appropriate for regulations that seek to implement a policy or a change in policy to be subject to affirmative resolution, while it would be appropriate to make regulations that involve matters of a procedural or administrative nature subject to negative resolution. It should be borne in mind that the most rigorous scrutiny takes place at the SL1 scrutiny stage, regardless of whether the procedure used is negative or

affirmative. I am sure that quite a few colleagues will testify to the rigour of that scrutiny.

**The Chairperson:** They obviously have experience of it.

I would appreciate your views on the first document in the folder, which is a note dated 13 November from the Examiner of Statutory Rules on the Bill’s powers to raise secondary legislation. This is probably the first time that you have seen the document, so I obviously do not expect a response today. You will probably wish to consult the Department’s legal advisers. I am not in a position to adjudicate your response. Issues have been raised in the document, and we will get a bit more detail from the examiner, just to satisfy ourselves.

The next document, which contains a list of training centres, is simply to be noted. The following document gives an example of a statutory notice, and is an issue on which we had sought detail from the Department. We can simply note that document. We now move on to a document that gives a view on the independent regulator, and that will be dealt with later.

The next document deals with the designation of a property as an operating centre and the implications for the Planning Service. It is not really a matter to be simply noted. Donald, can you give us an overview on the progress that has been made to allay some of the concerns that were expressed in numerous Committee meetings?

**Mr D Armstrong:** Our understanding is that the main concern is the potential involvement of the Planning Service. The concern was that when a place is designated as an operating centre — irrespective of whether the premises are used for parking or as a base from which a business operates — that will in some way trigger the interest of the Planning Service, and, ultimately, lead to enforcement proceedings. I take it that, in essence, the worry is that if a place is designated as an operating centre, even if it is a private house, the Planning Service will take an interest. That is our understanding of members’ concerns.

**The Chairperson:** Yes, that is correct.

**Mr D Armstrong:** We sought to address that concern in the letter from the departmental Assembly liaison officer (DALO). Several steps were taken. First, we sought further legal clarification on the matter, and the finding is that there is no change in relation to planning issues. The Bill deals with goods vehicle licensing and its clauses relate to this particular Bill — or Act, as it will become when it is enacted. The first piece of advice was that that in no way, and cannot, affect what might happen within the planning system.

It was also suggested that calling something an “operating centre” does not affect how planning

rules apply to it. It could be called “the circus” or anything — the Planning Service is interested in what something does and its use, not what it is called. Therefore, the legal advice is that there would be a planning interest only if there were a simultaneous change to planning laws that refer to what we now call “operating centres”. The planning system is entirely separate and will continue to operate under its own rules; it has nothing whatsoever to do with this. That is the legal advice that was obtained by the Department.

That opinion also confirmed that adding clarification on the face of this Bill will not lead to a change to planning and would add no value to the system, because planning is under separate legislation. In order to allay the Committee’s fears, the Department took up the suggestion made by Mr Ford at the previous meeting to have the Minister make a declaration at Consideration Stage that would provide the assurance that the Committee seeks, and that would be recorded in the Official Report.

The Department has subsequently conferred with planning officials and produced a statement that the Minister might make during that debate. Obviously, the Minister must approve the detail of that statement, but it could be included in his speech. If that allays the fears of the Committee, it may be the way to progress. The Minister’s statement may read:

“Following a designation by the Department of a place as an “Operating Centre” under the GV (LOO) Bill, the issue of read-across into interest or action by Planning Service may be of concern to some.

I want to give you an assurance that the designation of a property as an Operating Centre will not in itself have any read-across to Planning action; nor will it be used by, or influence any action by Planning Service as to the use of the property.

Irrespective of this assurance, it is the responsibility of all land owners to ensure that the use of their property satisfies the requirements of planning law.”

The Department proposes that the Minister makes that statement in order satisfy the Committee’s concerns.

**The Chairperson:** Will you expand on the binding nature and the legitimacy of that statement in relation to planning law? I recognise that there is an opt-out in the last sentence.

**Mr D Armstrong:** The opt-out is not in relation to operating centres, it states categorically that anybody who owns property must be sure that their land use satisfies planning law.

**The Chairperson:** I appreciate that.

**Mr D Armstrong:** The statement is binding because it is being made by a Minister who is responsible for both planning and road safety.

**Mr T Clarke:** How does that statement compare with a previous guidance note from the Minister that the Planning Service did not understand?

**The Chairperson:** To be fair, Donald and his departmental team cannot answer for the Planning Service. I want to know what weight is attached to the statement in respect of the interpretation of planning policy by planning officials. If, for example, the Committee accepts this solution as read — and a statement made by a Minister is one thing — I want to satisfy myself about the weight attached to that statement in the interpretation of planning law.

**Mr D Armstrong:** The interpretation of planning law is separate, and what this statement is saying is that —

**The Chairperson:** No, sorry, maybe —

**Mr Weir:** The Chairperson is asking what effect the statement will have.

**The Chairperson:** Yes, in relation to the interpretation of planning law. I am probably asking the wrong person, but the answer will form an important part of the Committee’s deliberations.

**Mr D Armstrong:** From the Department’s discussion with planning officials, who are satisfied with the statement, the interpretation is that when a place is designated as an operating centre, that declaration means that planning will have no interest in it. The Planning Service is interested only in how a property is being used — what is materially happening on it.

**The Chairperson:** I appreciate that, but what is the statement’s import? In other words, will it be more than a public statement in the Assembly and have a bearing on the interpretation of planning policy?

**Mr D Armstrong:** The statement is a direction by the Minister that the Planning Service will not have any interest in a property because of its designation or any interest in the designation.

**Mr Ford:** My understanding is that the Minister’s statement goes further than that. I am slightly horrified that I cannot get clarification on the matter. My understanding is that if there is a lack of clarity in the Bill’s wording, the courts will take account of the statement that a Minister makes to introduce a Bill or a clause because it is the basis upon which the legislature passes the legislation. That is why I asked for the statement. It seems that the third paragraph raises all of people’s previous fears.

**The Chairperson:** It does.

**Mr Ford:** If the Department decides that the third paragraph must be included, it would be somewhat better to be recast and inserted as the second paragraph. People are interested in the read-across. Of course, people must satisfy planning law. However, nothing on the face of the Bill has anything to do with planning.



**Mr Weir:** Furthermore, it is a truism that it will be the responsibility of all landowners to ensure that their properties satisfy planning law, irrespective of whether that is written in the Bill. However, in the context of what appears in the statement, the problem with that is that it muddies the waters. I am not sure what the third paragraph adds. A greater degree of clarity is provided in paragraphs one and two.

**The Chairperson:** You are probably not in a position to interpret that.

**Mr D Armstrong:** John McMullan from our branch in Clarence Court can provide some clarity.

**The Chairperson:** You have not switched to Planning Service yet, John.

**Mr D Armstrong:** He has not, yet.

**Mr Boylan:** The problem that arises with the third paragraph is the change of use of a building or facility, which requires someone to notify the Planning Service. That is where the problem lies. An established business may have problems when it extends. Any new businesses must notify the Planning Service of a change of use.

**Mr T Clarke:** There is also the 10-year rule.

**Mr Boylan:** Yes, that is another part of it. The problem lies with having to notify the Planning Service of a building's change of use. That has been the problem from the start. That is why we have raised planning permission so often. It is all right to give someone an operator's licence, but what if that person has nowhere to operate? Perhaps, John can answer that.

**The Chairperson:** John, I do not ask you to pronounce on planning policy or its interpretation.

**Mr John McMullan (Department of the Environment):** I am not sure that I am qualified to do so. I am not sure whether I will clarify the matter or add to the confusion.

As regards a Minister's statement on a Bill as it goes through the Assembly or Westminster, for years, a Minister's comments could not be taken into account in the interpretation of the Bill. Eventually, a case went to the House of Lords at Westminster, namely *Pepper v Hart*, which changed the view on that. The House of Lords' judgement, which, therefore, also has effect in Northern Ireland, was that when a Minister makes statement in the House about the interpretation of the Bill, it can, as Mr Ford said, be used as the interpretation that is applied when the legislation is considered. It cannot be said that the Minister's statement is not worth the paper on which it is written.

**The Chairperson:** I understand that. We all understand what the problem is. Although it is not of your making, it has a knock-on effect.

**Mr D Armstrong:** Can you clarify whether the problem is with the statement itself or with its principle?

**The Chairperson:** The problem is with the interpretation and the weight that is given to the statement. The statement has a rider at the end of it and, perhaps, could be worded slightly differently. The issue is the weight that is given to the statement in the interpretation of planning policy. John referred to the *Pepper v Hart* case. Given the Committee's level of concern on the matter, we must seek opinion from Assembly Legal Services about the weight that is given to the statement and how it is worded — irrespective of its text — and how it may allay, ease or otherwise the interpretation of operating centres.

I want to expand on that so you are aware of the main issue, Donald. There are probably a lot of operating centres out there and our main concern is that once the legislation is advertised in the local press, objections to the Planning Service may be generated almost immediately, specifically regarding enforcement. Therefore, there is a need for clarity about the circumstances of the planning issue.

I am aware that you cannot answer on behalf of the Planning Service, and I would not ask you to second-guess its stance. You are working with the information that you have, but the Committee must get more detail on that, specifically with regard to *Pepper v Hart* — was it *Pepper* or *Peppard*?

**Mr McMullan:** It is *Pepper*; as in salt and pepper. *[Laughter.]*

**The Chairperson:** We need more information on the *Pepper v Hart* case so that we can relate it to the Legal Services here. We need that detail before we can consider the text of the Minister's statement.

**Mr Ford:** I was going to suggest that perhaps those two issues could go together. I am grateful to John for reminding me the name of the *Pepper v Hart* case — I will probably remember that from now on.

That point seems to build on what Peter and I said earlier — that we could at least ask the officials to examine whether it is possible to drop the third paragraph entirely and perhaps insert something at the start of the second paragraph, which reflects the Minister's responsibility for the Bill and the Planning Service.

**The Chairperson:** The third paragraph was taken as read.

**Mr D Armstrong:** The third paragraph stands without the Bill.

**The Chairperson:** It is superfluous, therefore.

**Mr Ford:** However, adding that paragraph results in a negative impression being given.



**The Chairperson:** I agree; it switches the import and the effect of anything that the Minister may say. In other words, on the one hand he is saying yes — or maybe — and on the other hand he is saying maybe not.

**Mr D Armstrong:** To clarify; does the Committee want us to work with the planning officials to redraft the statement in light of those remarks?

**Mr Ford:** Yes; perhaps Peter and I could write it for you, if that would help?

**Mr D Armstrong:** He has probably written it already.

**The Chairperson:** We will check how the paragraph affects the level of import and value of what the Minister says.

**Mr D Armstrong:** Another aspect is that if a person makes an objection and there is a material change in the use of a particular property, the Planning Service would certainly be interested, irrespective of whether we have designated it as an operating centre. If people have a legitimate reason—

**Mr Boylan:** That is the problem.

**Mr D Armstrong:** Yes; but that problem could exist already. All that we would be doing is providing the notification that would trigger someone's mind in relation to the issue. If a breach has happened already, the Bill is not triggering the problem; rather, it is making people aware of the avenue that they can take if they want to object to a problem.

**Mr T Clarke:** Currently, after someone finishes work, they can park their vehicle at their home at night. The Bill will deem the place where they now park as an operating centre.

**The Chairperson:** Yes, officially that will be the case.

**Mr T Clarke:** That means that the Bill will make a difference. When discussing another part of the Bill, you mentioned that people would be allowed to park emergency vehicles at their homes for a percentage of time and it would not be considered an operating centre. However, when they are not parking there, they are parking at their official operating centre, which nearly legitimises that as being the place of work. Therefore, you have created a problem because you have allowed those people to park at their homes for a percentage of time, so you have created a difference.

**Mr D Armstrong:** We were talking about the place where vehicles are normally parked when not in use?

**Mr T Clarke:** The place where it is normally parked would be the operating centre. However, you have distinguished between the operating centre and instances when someone is on call and takes the vehicle home occasionally.

**Mr D Armstrong:** Any people who take their vehicles home occasionally when they are on call would not nominate their home as an operating centre.

**Mr T Clarke:** I am unclear as to why you have made the difference.

**Mr D Armstrong:** The people who normally take their vehicles home would have to nominate their home as an operating centre. However, the Planning Service has said on several occasions that that does not in itself create a planning interest because there is no material change of use.

**Mr T Clarke:** To muddy the waters a wee bit more, there is also the issue of the numbers. The one-vehicle issue must be addressed.

**The Chairperson:** During last week's meeting, Mr Kirk suggested that the Planning Service's interpretation of how an operating centre applies to single and multiple vehicles may differ.

**Mr D Armstrong:** That concern already exists. If my memory serves me right, he discussed fact and degree. The fact of parking and the degree of it are two different issues.

**Mr T Clarke:** The problem only exists with heavier vehicles. It is no problem for people in rural locations who have two large vehicles on a farm. However, the introduction of the concept of smaller vehicles is a problem for people who are doing this already.

**Mr D Armstrong:** Simon Kirk said that if that will be an issue in the future, it must be an issue now. For example, if two vehicles caused a planning difficulty, it would exist irrespective of whether or not we designate an operating centre.

**The Chairperson:** The only reason that the Committee considered that issue is because of the Bill and its ramifications. We will seek further clarity.

**Mr D Armstrong:** We will return with the redefinition that Mr Ford is applying to us.

**The Chairperson:** We will move on.

**Mr D Armstrong:** The letter at tab 7 of the packs arose from the Committee's concern about clause 4(4), which states that a vehicle with an operator's licence must be registered in the United Kingdom under the Vehicle Excise and Registration Act 1994 (VERA). The Chairperson raised the issue that someone who operates a business situated near the Irish border may employ people from both jurisdictions.

**The Chairperson:** It would apply to someone who has a business that operates on the entire island. I know many people do that.

**Mr D Armstrong:** The paper, which is quite extensive, outlines the reasoning behind that clause. The first reason concerns enforcement. We have access

to the records of vehicles registered under VERA and, therefore, can take enforcement action against the owners of those vehicles. However, enforcement against owners of foreign vehicles is different from enforcement against owners of vehicles that are registered in the United Kingdom or Northern Ireland. Owners of foreign vehicles can commit offences, drive across the border and avoid detection; we have no access to their record base.

**The Chairperson:** We must determine how to gain access to that record base, rather than discuss the registration process.

**Mr D Armstrong:** Yes, that is the enforcement issue.

**The Chairperson:** We are discussing parity with GB. However, without getting into the politics, we have a land border here. There are two jurisdictions and, because of the EU, people operate businesses on the entire island. The issue is why we do not have the access to information, not as a reason for including this in Bill.

**Mr D Armstrong:** That is one solution to the enforcement difficulty. For example, if a vehicle registered in the Irish Republic is working in Northern Ireland and is breaching tachograph rules, we have no power to visit the operating centre and demand to see tachograph and maintenance records.

**The Chairperson:** If the operating centre is here, it could be coincidental that the vehicles are registered in the rest of Ireland.

**Mr D Armstrong:** I will address that legal issue later. I am talking about a foreign-registered vehicle that is based in its own operating centre across the border, where the vehicle is normally kept when not in use. When considering a foreign vehicle based at a centre in Northern Ireland, we come to legal issues, and we can deal with those.

I want to comment on parity with GB. At the last meeting, we said that the clause that we were considering was not on the face of the GB Act. That is true, however, it is still a requirement in GB. For example, in an appeal concerning Reids Transport, the transport tribunal in London stated that:

“when an operator obtains an operator’s licence in Great Britain, there is an on-going obligation to comply in every respect with the domestic law of Great Britain, including vehicle excise duty legislation.”

Foreign vehicles cannot comply with that.

The Vehicle Excise and Registration Act 1994 states that:

“A duty of excise (“vehicle excise duty”) shall be charged in respect of every mechanically propelled vehicle which is used, or kept, on a public road in the United Kingdom and shall be paid on a licence to be taken out by the person keeping the vehicle.”

Again, a foreign vehicle cannot comply with the requirements of VERA if it is normally kept within the United Kingdom.

Fairness is one of the basic underlying principles of operator licensing, and it is recommended that all operators licensed in GB be treated equally, and to the same standard and requirements met by them. By taxing vehicles abroad, a company will not have paid the vehicle excise duty and thereby cannot contain competitive advantage.

The strongest point, in relation to the requirement, can be found in paragraph 9 of the letter that we received, which states that:

“In addition to the requirement for vehicles to be within VERA, vehicles used under a GB road freight operator’s licence must have an operating centre in Great Britain.”

If the operating centre is not in Great Britain, we cannot enforce that; that is the point that has been made.

An operating centre is the place to which a vehicle is normally returned when not in use — its home. Under licensing law, vehicles registered in Ireland cannot be regarded as being normally kept within the UK. The vehicle licensing has to be transferred, and that applies to any vehicle, including a car. If a vehicle is normally registered in the United Kingdom, by law, it must be on the registration system within the United Kingdom. A visiting vehicle can stay in the country for a limited period of time, but, without registering within the United Kingdom, it cannot stay as a permanent vehicle.

A further element is introduced if that vehicle is from another member state, irrespective of whether it is from Ireland, France or Poland. Under EU cabotage rules, that vehicle cannot take on contracts, of which operating licensing would be one; it can only do ad hoc work within the United Kingdom for a limited period of time. Vehicles from the South, which as part of their business operate from an operating centre in Northern Ireland, would be in breach of EU cabotage rules.

For all those reasons — enforcement, legal and European — we suggest that the clause remain as it is, and that it is in keeping with what is happening in the rest of the United Kingdom.

**The Chairperson:** Is it in keeping with what is happening in the rest of the EU, where there are quite clearly land borders involved?

**Mr D Armstrong:** I do not know what is happening with the rest of the EU; however, the cabotage rules apply across the EU and a person cannot be resident in one member state and operate a business in another.

**The Chairperson:** Is that not the nature of economies and businesses within the EU?

**Mr D Armstrong:** There is nothing to stop an operator having, for example, drivers from across the border; there are lots of foreign drivers.

**The Chairperson:** There are also foreign drivers from other parts of the world.

**Mr D Armstrong:** The issue is having the vehicle registered in another EU state.

**The Chairperson:** I am interested to find out about this issue a like-for-like situation. For example, in France and Spain, where there is a shared land border.

**Mr T Clarke:** Why not compare it with our neighbours? They have the same rules, and do not allow Northern registered vehicles to stay in the South.

**The Chairperson:** I understand that; however, just because they are doing one thing does not necessarily mean that that is the right way to approach it.

**Mr Boylan:** I agree.

**The Chairperson:** I am anxious to hear how this is applied in areas where a land border is shared with other jurisdictions; we are not like for like with GB.

**Mr D Armstrong:** The capitage rules still apply across the board.

**The Chairperson:** The EU legislation is being cited a lot, I want to hear how it works in application.

The proposed introduction of a traffic commissioner is the next topic for discussion.

**Mr Boylan:** What procedures does the South have for the traffic commissioner?

**Mr D Armstrong:** In the South, the traffic-commissioner function is carried out by the Road Safety Authority.

**Mr Boylan:** Is the traffic commissioner completely independent or is it Government funded?

**Mr D Armstrong:** The system in the South is very similar to Northern Ireland's current system — a Government agency carries out the traffic-commissioner function.

Members have raised the issue of a traffic commissioner at several meetings. The Committee has also forwarded letters that it has received on the matter to the Department. We have noted the views expressed in those letters, and I will refer to them shortly.

As I indicated at the previous meeting, the Department is in the early stages of a review of the management of operator-licensing regulation. That review will consider bus and taxi operators as well as goods-vehicle operators. We are assessing how operator-licensing regulation is managed in other countries.

We are considering the several options that have been suggested, and more suggestions will follow.

One such option is to appoint a dedicated traffic commissioner for Northern Ireland. Members have discussed that option on several occasions, and it is preferred by the people who have written to the Committee. Another option is to attach responsibility for Northern Ireland to one of areas of GB where a traffic commissioner is already in place — Wales, Scotland or north-west England. A further option is to retain the traffic-commissioner function in the Department but detach it from the agency; in many senses, the Bill steers us towards the last option. We are happy to engage with the Committee as those options are fleshed out.

Members had asked whether it would be possible for the Bill to provide for the appointment of a traffic commissioner. We received legal advice, and the Department's view is that, although the Bill covers the functionality of a traffic commissioner, it does not contain legislation on a commissioner's appointment of staff, remuneration, pensions and so on. GB had a separate Bill for the appointment of traffic commissioners rather than using a Bill of this form. The Department feels that the appointment of a traffic commissioner in Northern Ireland should be covered by its own legislation because it covers such a wide remit.

The Department also feels that the provisions of the Bill would not compromise any future decisions regarding a traffic commissioner. Traffic commissioners in GB have all the powers that are contained in this Bill. Those powers could be very easily handed to a traffic commissioner without the Bill having to be changed. Members had suggested that the Bill should be future proofed by inserting the words "Department or traffic commissioner" or

"Department or such other body as may be prescribed."

However, the Department's view is that it would not be possible to make that reference, because there is no such legal entity in Northern Ireland. Indeed, we received legal advice to that effect.

We welcome the support for the Bill that is contained in the letters that were received by the Committee. The appointment of a traffic commissioner was one of the proposals of the Department's 2003 review of road freight operator licensing. The Minister decided not to proceed with the introduction of a traffic commissioner following that exercise, preferring to consider the matter in a wider context. At no stage after that consultation was it suggested that a traffic commissioner would be included as part of this Bill. The letters received by the Committee contain a misunderstanding that there may have been communication to that effect. The legal advice was unequivocal in stating that amending the Bill is not possible because it would be unlawful.



The Department will continue to review the management of operator licensing for buses, freight and taxis, and we will co-operate with the Committee in that work. The Department is not in a position to determine the appointment of a traffic commissioner at this stage because it has not been accepted as a policy. However, we are not opposed to the general principle. The traffic-commissioner system seems to work very well in GB, where it is popular with the industry and the Government. We are content for the Committee to include a recommendation to that effect in its report on the licensing of this Bill, and we seek to proceed with it as quickly as possible.

**The Chairperson:** Do members have any comments?

**Mr Ford:** I am fascinated by paragraph 12 of the letter that has just been repeated by Donald. It states that:

“The legal advice is unequivocal. It is not possible to amend the Bill to provide for a Traffic Commissioner”.

That is not what the legal advice appears to be about. Rather, it appears to be about the legislative implications of including a provision in the Bill that might allow for a traffic commissioner at a future stage. We did not hear any reason why this Bill could not contain provision for a traffic commissioner to deal with freight transport.

Paragraph 5 states that the traffic commissioner was constituted in GB under the Public Passenger Vehicles Act 1981 and the Transport Act 1985, and that the road-freight legislation was added in 1995. Given that our problems are principally about road freight — with the exception of one or two minor passenger-transport operators from whom we have heard — it seems that the entirely logical corollary in Northern Ireland is that something should be done about a traffic commissioner for road freight at this stage. If appropriate, legislation regarding taxis and passenger vehicles could be added subsequently.

Can I confirm that there is no legal advice that states that provision for a traffic commissioner could not be added to the Bill at this stage? Paragraphs 5, 6, 7 and 8 of the letter refer to what might happen in the future as opposed to what would happen if that were added now.

**Mr McMullan:** What you said is correct. Future-proofing the Bill could pre-empt the decisions of a future Minister, and our legal advice states that that is unlawful. The Bill could legally contain a schedule that sets out the constitution of the traffic commissioner, the appointment, the remuneration and other provisions.

However, we have not yet developed the policy far enough to allow that provision to be included in the Bill, but it could be included legally. Similar provision is contained in the Public Passenger Vehicles Act

1981 in GB, so such a provision could technically and legally be included in this Bill.

**Mr D Armstrong:** The other issue that John raised, and which I mentioned during the previous meeting, was that we do not know what the best way forward is for Northern Ireland. We have not conducted a policy review, nor have we discussed — with the Committee or anybody else — the options that could be used for the management of operator licensing across Northern Ireland. To include a provision in the Bill that has neither been consulted on nor cleared in policy is something with which we would not be happy.

**Mr Ross:** Would it not be preferable to see how the legislation works after it is introduced? If things do not go well or if there is room for improvement, a traffic commissioner could be considered at a later stage. That seems like a more logical way of proceeding.

**Mr Boylan:** That is fair enough. We want the best possible model, although we might get off to a bad start if we follow the example of the NIEA (Northern Ireland Environment Agency). If we followed that example, a traffic commissioner could be appointed next week. I certainly agree that there should be an opportunity to see how this Bill works. The South uses the same model, and that works. If the model does not work, can provision be made in the Bill for the introduction of a traffic commissioner?

**Mr D Armstrong:** No, the Bill cannot pre-empt the introduction of a traffic commissioner. The Department carried out a review of licences for taxi operators, and the Taxis Act (Northern Ireland) 2008 is now in place. We did that with the knowledge that we would consider whether a traffic commissioner would be needed for future operation.

The Goods Vehicles (Licensing of Operators) Bill has been drafted with the same thought in mind. The need for a traffic commissioner has been considered, and, in conjunction with the Department for Regional Development (DRD), we are conducting a bus review, which has also been done with the same view in mind. All of that has been done knowing that consideration must be given to how the industry is regulated in Northern Ireland and knowing that we will try to introduce measures to do that. We have not taken a suck-it-and-see approach; we are committed to how it should be done on a wider basis.

**The Chairperson:** What time frame is in place for that review, given that the Taxis Act (Northern Ireland) 2008 has been passed?

**Mr D Armstrong:** It is a normal time frame for primary legislation. This morning, I suggested to someone that, by the time the provisions of the Goods Vehicles (Licensing of Operators) Bill are in place in 2011, we should be well down the road of considering the overall management of the regulation of the



industry. Therefore, the review will not come that far behind the introduction of the legislation. As you know, the legislation will not be introduced next week.

**The Chairperson:** I did not mean to ask when the review would be completed; I meant to ask when it would start.

**Mr D Armstrong:** The review has started. Consideration of operator licensing is consideration of the total resource.

**The Chairperson:** Can you provide detail on how that is being done? Has a panel been set up, and has a group of stakeholders been identified?

**Mr D Armstrong:** To date, research has been carried out on the management of the industry in other countries. Terms of reference for the review are being put together, and, after that, we will put our attention to the regulations that flow from the legislation.

**The Chairperson:** So, the review has not commenced.

**Mr D Armstrong:** It did commence. The member of staff who was working on it has moved to the Department of Finance and Personnel (DFP), so it has been parked for a short time. The review started, but, in recent months, it has not progressed.

**Mr McMullan:** I wish to return to the point that was made by Mr Ross. We regard the Bill as a stepping stone towards a traffic commissioner, rather than a stumbling block to that. The Bill contains the same functionality as exists in GB. As Donald said, if the outcome is that there would not be enough cases to employ a traffic commissioner in Northern Ireland, perhaps Beverley Bell could be asked to examine our cases.

**Mr Weir:** Lucky her. *[Laughter.]*

**Mr McMullan:** The legislation would mean that a traffic commissioner from GB did not have to learn Northern Ireland law. The two laws would be compatible, and, therefore, that traffic commissioner would have a platform and a basis to take on a case.

**Mr D Armstrong:** The mention of Beverley Bell was guaranteed to produce a response. When the letters mention an independent traffic commissioner, the thrust of the argument seems to be around the need to separate the role from the agency. By progressing with the Bill, we are satisfying the need for that separation.

**The Chairperson:** Can you talk me through how that separation is happening please, Donald? It is not apparent to me that that is happening.

**Mr D Armstrong:** The Driver and Vehicle Agency (DVA) manages road transport licensing. Therefore, a person who applies for a licence applies to the agency, and the agency grants the licence. The DVA is also the enforcement agency, so it gathers evidence for

prosecutions. It puts the whole package together and revokes licences. The prosecution, the administration and the decision-making are all contained in that agency.

In GB, the equivalent agency is the Vehicle and Operator Services Agency (VOSA), but the decisions are taken by the Traffic Commission, which is separate, although VOSA's staff work for the Traffic Commission.

In the Bill, we are proposing that the powers are separate from the agency — we could give the agency all the powers, but we feel that the powers should be separate. In light of the review of whether we have a traffic commissioner, its functions will already be separate and it will already be somewhat independent. It is also proofed, because it is accountable to the Transport Tribunal or the Upper Tribunal. We are providing a degree of independence — there is one Department, but the functions are separated.

**Mr T Clarke:** If there was a traffic commissioner here, what would be the effect on the licence application process? Who would be responsible for enforcement?

**Mr D Armstrong:** I can explain how it works in GB in very broad terms.

**Mr T Clarke:** I would rather you said how it would work here.

**Mr D Armstrong:** There will be an office of a regulator, whatever it is called, which will be separate from the agency. Applications for variations and new licences will go to the agency and reviews will be triggered. The office will be responsible for the decisions. The agency will provide the office with information on, for example, breaches of legislation and other issues that demonstrate whether the operator is — or is not — of repute and whether it is providing proper maintenance. Separate from that agency, the decisions will be taken by the regulator, whoever that may be.

**Mr T Clarke:** So, the regulator would feed in information that comes directly from the agency?

**Mr D Armstrong:** That is correct.

**Mr T Clarke:** To what is the agency connected?

**Mr D Armstrong:** The agency is part of the Department, but it is not part of the office of the regulator.

**Mr T Clarke:** At the moment, the agency does everything — it is responsible for enforcement and then takes cases to the courts.

**Mr D Armstrong:** It also takes the decisions on licences.

**Mr T Clarke:** The only difference that a traffic commissioner would make to the process is that the agency would take the information that it collates to a

different office. Therefore, is it not right that the decision has almost been made by the time the information would get to the traffic commissioner?

**Mr D Armstrong:** No; the decisions will be taken by the regulator.

**Mr T Clarke:** Regardless of whether there is good commissioner or not, does a lot not hinge on the quality of the enforcement? If the enforcement is not good, the quality of the commissioner will not make a difference to whether there is success.

**Mr D Armstrong:** That is correct.

**Mr T Clarke:** Therefore, the key is enforcement, rather than the existence of a traffic commissioner.

**Mr D Armstrong:** The key is successful enforcement. In GB, VOSA enforcement officers provide the same information to the traffic commissioner, so the pattern is exactly the same.

**Mr T Clarke:** But, the key is enforcement.

**Mr D Armstrong:** The key is successful enforcement.

**Mr Ford:** On the issue of independence, Committee members should examine the four letters that are in front of us, because the summary that we have received is not entirely fair.

In his letter, Phil Flanders from the Road Haulage Association (RHA) states:

“we were under the impression that once approved, enabling legislation would follow very soon thereafter to introduce an “independent regulator” similar to the role of Traffic Commissioner in GB.”

He also states that the RHA has no issue with role being a Civil Service one, as long as it is totally independent of DVA.

In her letter, Karen Magill from the Federation of Passenger Transport states:

“Prior to the 16th, it was my understanding that as a result of this Bill, there would be an Independent Regulator and all the associated powers”.

In his letter, Aodhan O'Donnell states:

“The Consumer Council believes it is essential that this legislation includes the provision for an Independent Regulator ... completely independent of enforcement agencies”.

Tom Wilson from the Freight Transport Association (FTA) goes beyond that stating:

“We were assured by the Department throughout our discussions that there would be provision within the Transport Bill enabling the appointment of an Independent Regulator or Traffic Commissioner (GB model)”.

The Department is saying that there has been a misunderstanding, but that is not consistent with the statement in Mr Wilson's letter from 7 November 2008. What correspondence was there between those

organisations, and are there any notes of meetings that they had with the Department? It is stretching the point a fair bit for one party to say that it was assured throughout its discussions, and another to say that there was a misunderstanding.

**The Chairperson:** It is a wee bit hard to get your head round the compatibility of the two arguments.

**Mr D Armstrong:** Far be it from me to reflect on the understandings — or misunderstandings — of the FTA. The Department regularly meets with FTA and RHA in the Northern Ireland Road Freight Forum, which it chairs. The RHA and the FTA have met with officials and various Ministers to discuss the Bill, and at no time did we make any commitment to include in the Bill provision for a traffic commissioner — that is a misunderstanding.

**Mr Ford:** Are saying that Mr Wilson's statement is completely false?

**Mr D Armstrong:** Yes.

**The Chairperson:** To tie down the issue completely, was any commitment given to the introduction of a traffic commissioner or a similar regulatory body?

**Mr D Armstrong:** No; there was a commitment to review the management of operator licensing in Northern Ireland. That has been consistent since 2004 or 2005. Never has a commitment been given to having a traffic commissioner for Northern Ireland, nor to include it in this Bill. There is no policy clearance to it. That is absolutely clear. It is a misunderstanding. The Bill can separate it from the enforcement function, but there was never any commitment given for a traffic commissioner.

**Mr Boylan:** Has there always been the situation in GB where there has been a traffic commissioner, or was there an agency operating before that? Maybe we could have some results on how that operated before we decide.

**Mr D Armstrong:** I think that it goes back to at least 1995, but I would have to check.

**Mr Boylan:** Do you know what I mean? If there was an agency before the introduction of a traffic commissioner that —

**Mr D Armstrong:** John is whispering 1981 — as far back as 1981.

**Mr Boylan:** If there is an issue, and the results were coming out of that on how they operate, did that lead to the introduction of a traffic commissioner to get things done properly? We are now going to operate under an agency. I simply want to make a comparison.

**Mr D Armstrong:** We are not proposing to operate under an agency; we are proposing to operate as a separate entity from an agency. The agency will have a different function.

**Mr Boylan:** That is your interpretation. I will wait to see how you get on with that. I want to know if there is any information that we could use as a basis for comparison.

**Mr T Clarke:** Is Tom Wilson correct where, in the last paragraph of his letter, he states that: “this is not the case in GB where an independent Traffic Commissioner — appointed by the Secretary of State has been established for 75 years”?

**Mr D Armstrong:** I have no idea where he got that from.

**Mr T Clarke:** I would like to see the validity of his argument. It seems surprising that it has been established for so long, but it could take that long to get the person in place. I suppose that that did not start until the early 1990s, is that right?

**Mr D Armstrong:** I think that Beverley Bell was talking about her own appointment.

**Mr T Clarke:** Do you know how long they have had a commissioner for?

**Mr D Armstrong:** I have no idea.

**Mr T Clarke:** Could we find that out?

**Mr D Armstrong:** We could certainly dig back through the history to see what we can find.

**Mr T Clarke:** I do not think that you will have to go back 75 years.

**The Chairperson:** For complete clarity, contained within the documentation that has been provided to members, in the paper entitled ‘Review of Road Freight Operator Licensing in Northern Ireland Summary of Responses to 2003 Consultation’, paragraph 16.3, the states that: “The scale of operations in NI questions the need for a Traffic Commissioner for road-haulage matters only. However, with the Department’s on-going review of regulation of the taxi industry and the Department for Regional Development’s review of the regulation of the bus industry, the role of the Traffic Commissioner may well have merit. This will be explored further.”

At that point, the Road Haulage Association had an objection because of any discretionary powers being deemed to be unfair if a penalty-points system were to be used. That is not a question; I am quoting that for the record. That paragraph would be consistent with what you have just told us, Donald.

**Mr D Armstrong:** It is, yes.

**Mr McClarty:** Donald pointed out that the agency has its functions and that the Department’s functions are quite separate. Surely, in law, does an agent not work on behalf of the principle, and is therefore deemed to be acting on behalf of the principle? It is the same thing.

**Mr D Armstrong:** It is the same department in law, but it will be a separated function in that the agency will be responsible for enforcement. The decision-making will be taken away from that completely. In one sense, you have a little cameo now of how the agency’s decisions are reviewed by the Department separately — I do that with panels. We have a separation of functions, and we very often disagree with the agency’s decision. There is that separation between the two.

In the GB model, although the traffic commissioner heads the body, the traffic commissioner’s staff are all VOSA staff, so there is a close working relationship, even though they are separate entities. We believe that we can administratively maintain that separation, pending the results of a review into how that should be done in future, and whether or not the traffic commissioner is best placed to carry out that function.

**The Chairperson:** Do members wish to seek further clarification on those matters before we move on?

**Mr Ford:** I wish to raise a separate issue. Given that we have just discovered that there is a significant difference in interpretations of previous discussions between the Department and the FTA, it would be appropriate to ask Mr Wilson or his colleagues what information they have that justifies the statement that he made in his letter of 7 November 2008. The Department has had an opportunity to comment on that statement, so it is appropriate that the FTA be given the opportunity to justify the comments that it made in that letter.

**Mr T Clarke:** What bearing will that have on the matter?

**Mr Ford:** It is a relevant issue. We should be told what processes have been gone through up to this stage.

**The Chairperson:** It would be useful if there was any correspondence, but I do not think that that will be the case.

**Mr T Clarke:** I do not think that we need the FTA to come here.

**Mr Ford:** It need not take long, but it should be given the opportunity.

**Mr T Clarke:** We did not consult on the issue, so we should have known at that stage that we were not going to consider the appointment of a commissioner. You are reading the part of the FTA’s letter in which it says, more or less, that it has been promised a commissioner as part of the Bill. As Donald said earlier, we did not consult on the appointment of a commissioner.

**The Chairperson:** I believe that that was the case, Trevor. The appointment of a commissioner was part of the consultation — I read that bit out. That was

consistent with the response that Donald has just given us. If someone has misinterpreted an issue, it will be important that we seek clarity on where those misinterpretations have come from. I realise that the issue falls outside the remit of the Bill.

**Mr Ford:** I am sorry; I do not think that the issue is outside the remit of the Bill, particularly if a key body in the industry was given an assurance that what it had asked for would be included in the Bill, and that that body and the Department arrived at two entirely different interpretations of their discussions on the matter. I do not know how to cast that.

**The Chairperson:** It is difficult to adjudicate on that matter. If the FTA is in receipt of correspondence from the Department that states otherwise, I am sure that we would welcome the opportunity to view that correspondence. I do not think that it will be there. However, we can ask the FTA whether it can verify its claim.

**Mr I McCrea:** We can ask for any such information to be provided in writing.

**The Chairperson:** Absolutely. We cannot accept any further witnesses at this stage. If there is something in black and white that is different — but it is not going to be there.

I thank the witnesses for their time. We will see each other again.



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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR AGRICULTURE AND RURAL DEVELOPMENT

18 November 2008

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### DISEASES OF ANIMALS BILL (NIA 22/07)

#### Members present for all or part of the proceedings:

Dr William McCrea (Chairperson)  
Mr Tom Elliott (Deputy Chairperson)  
Mr P J Bradley  
Mr Trevor Clarke  
Mr Willie Clarke  
Mr William Irwin  
Mr Edwin Poots  
Mr George Savage

#### Witnesses:

Ms Colette Connor	}	Department of Agriculture and Rural Development
Ms Jennifer Corkey		
Ms Kate Davey		
Ms Sandra Dunbar		
Mr Roly Harwood		
Mr Michael Hatch		
Mr Andrew Kell		
Mr Ian McKee		
Ms Colette McMaster		
Mr Mike Steel		

Mr Pat Millen	}	Departmental Solicitor's Office
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**The Chairperson (Dr W McCrea):** We will consider the clauses of the draft Bill in sequence, beginning with clause 1 and ending with schedule 3. I will read out the number and title of each clause as we go through the draft Bill. Members will have received all the relevant documents, including a consideration of the clauses drawn up by the Committee staff, which contains comments from the various organisations that were consulted on the draft Bill.

We must proceed in a clause-by-clause fashion. Unless members have questions to ask or amendments to suggest, we will move through the clauses without explanation. We have a strong team from the

Department of Agriculture and Rural Development (DARD) with us to explain matters and provide clarification. If any amendments to clauses are suggested, the Committee Clerk will record the Committee's decisions in the master file.

Clause 1 of the draft Bill is concerned with the extension of powers to slaughter. The International League for the Protection of Horses (ILPH) wishes the clause amended so that action to slaughter can be taken only on the basis of a disease-risk assessment. Therefore, the question is whether the Department is content that preventive slaughter powers be granted on the basis of risk, and that the clause, if amended, would cater sufficiently for that.

**Ms Colette Connor (Department of Agriculture and Rural Development):** I will begin by introducing my colleagues, and setting the scene, which you might find helpful before we go through the clauses.

**The Chairperson:** The members have seen the draft Bill, and have all the relevant papers, such as your response, in front of them. We do not wish to go over unnecessary ground; we wish to go through the draft Bill and raise issues as they appear. The issue in front of us is the ILPH's suggested amendment to clause 1. Do you have a response to that? Is the Department content that preventive slaughter powers be taken on the basis of risk, and that the clause, if amended, caters sufficiently for that?

**Mr Ian McKee (Department of Agriculture and Rural Development):** In all of its slaughter policy, the Department acts on the basis of veterinary risk assessment; that is part and parcel of our normal protocols and actions. The primary legislation grants general and overarching powers, and in the practical implementation of those powers, we are required to have an audit trail of decision-making, which would include a veterinary risk assessment.

**Mr Elliott:** I declare an interest as a farmer. Does the Department's slaughter policy extend to badger culling?

**Ms Sandra Dunbar (Department of Agriculture and Rural Development):** Clause 1 deals specifically with the slaughter of animals to prevent the spread of disease. It is not concerned with the slaughter of wildlife for any other reason.

**Mr Elliott:** A badger is an animal.

**Ms Dunbar:** The draft Bill is not concerned with badger culls.

**Mr Elliott:** Are badgers not classified as animals?

**Ms Dunbar:** Yes, but they are not livestock.

**Mr Elliott:** This is the Diseases of Animals Bill.

**Ms Dunbar:** It is not concerned with badgers.

**Mr McKee:** The draft Bill is concerned with powers to deal with domestic farmed livestock, not wildlife.

**The Chairperson:** There is nothing to stop the Committee from making a recommendation that the matter be considered.

**Mr McKee:** The Committee is at liberty to make any recommendation.

**The Chairperson:** Yes, but once the Committee makes a recommendation, will it receive a clear undertaking that the Department will seriously examine the matter? We will come back to that subject.

**Mr McKee:** I appreciate that the Committee has its views on badgers. However, clause 1 of the draft Bill is concerned with a separate issue, which is the culling of livestock, if necessary. Our powers under the Diseases of Animals (Northern Ireland) Order 1981 are deficient, and we are seeking the permissive power to introduce preventive slaughter, if necessary.

In the event of an outbreak of foot-and-mouth disease, if a veterinary risk assessment determines that neighbouring farms are probably diseased but not yet showing symptoms, the legislation will allow the Department, in accordance with a veterinary risk assessment, to introduce a firebreak so that disease can be controlled.

We also have other legislation, such as the human rights legislation, which makes it explicit that where the state intervenes to remove an opportunity or possessions — in this case livestock — compensation must be paid. With this provision we are trying to provide a permissive power to implement an EU regulation, if necessary and in accordance with a fully audited veterinary risk assessment.

**The Chairperson:** We may actually be opening up a wider issue than what this particular power is.

**Mr Poots:** Mr McKee has gone some way in identifying the differences between this particular Bill and the legislation currently in place. We already have provision for slaughter of animals with bovine TB and brucellosis. Those are not emergency powers, but emergency slaughter provisions do currently exist. What greater powers will there be as a consequence of this provision?

**Mr McKee:** There are slaughter provisions if an animal is diseased or believed to be diseased. What we are considering here is in relation to European legislation. It will allow the Department a wider provision to step in, slaughter and compensate, if it is considered that animals in neighbouring areas are likely to become diseased. That would provide a firebreak and afford greater protection for the greater good. That is the issue before us. It is a permissive power; it is not an absolute. It does not have to be operated, but it would be a pity if a disease outbreak

occurred and Department wished to exercise that power, but did not possess it.

**Mr Poots:** Would this be applicable if, for example, bluetongue was to come to our shores?

**Mr McKee:** Bluetongue is a different disease; it can be treated with a vaccine. The Department is thinking of diseases like foot-and-mouth disease that spread through an animal population and decimate it. With such diseases, the quicker that one moves — even if one has to act very quickly and with almost draconian measures — the greater chance that one has of preventing an even greater calamity.

**Mr Poots:** Can the Committee be assured that this provision will be linked to compensation payments for those farmers who lose their herds?

**Mr McKee:** Absolutely. The existing human rights legislation is crystal clear in that respect; it dictates that a person must be compensated if their livelihood is denied.

**Mr W Clarke:** You have said that speed is of the essence here. However, is there a right for a farmer to appeal such a decision, and can that appeal be processed quickly?

**Mr McKee:** In the circumstances that we are considering, there would be no right to appeal, but full compensation would be paid. If the Department was proved to have acted in a disproportionate way, its decision would be subject to the law. It would only be in very precise circumstances that this provision would be invoked. The Department would not want to slaughter healthy animals; that runs against the grain. This would have to be justified on veterinary grounds.

**Mr Savage:** I raised the question a long time ago of animals that have been vaccinated, but still remain carriers of a disease. Those animals could come into a herd without the farmer knowing that they were infected. That is a concern to me.

**The Chairperson:** Yes, but this is about an extension to slaughter.

**Ms Dunbar:** This provision deals with contiguous culls. That is where there is a disease situation and healthy animals around the focus of the disease are slaughtered in order to prevent it spreading beyond that focus. It gives the Department the power to slaughter those healthy animals.

**Mr Savage:** I declare an interest. I know of animals that were on a farm that did not react to tests for disease. When those animals were slaughtered and examined it was shown that they were infected with TB. Therefore, there is something wrong —

**Ms Dunbar:** It is the same type of thing. It is trying to protect those animals —

**Mr Savage:** Those animals were on that farm for seven or eight years. They were causing problems, yet were not reacting to the tests. That is my concern about this clause. I have no other objections.

**The Chairperson:** The issue that has been raised is whether this action would be taken only on the basis of a disease risk assessment.

**Mr McKee:** Yes, that is right.

**The Chairperson:** Do members wish to propose an amendment or recommendation?

**Mr Elliott:** I wish to clarify whether the Department is saying that it cannot include other animals, such as badgers.

**Ms Connor:** Badgers are included in the definition of “animals” in the 1981 Order. The Bill’s provisions, as Mr McKee said, are part of the EU programme to deal quickly with epizootic diseases, such as swine fever and foot-and-mouth disease, not diseases such as TB and brucellosis. However, badgers are included.

**The Chairperson:** Are members content to move on to clause 2?

**Mr Savage:** Are we not going to do something about the issue of carriers? Is there no way in which they can be detected?

**The Chairperson:** That would be for a different piece of legislation. Is that correct?

**Ms Connor:** Yes.

**Mr Savage:** I hope that you will come back on that and do something about it. The Department might not be able to do it today, but —

**The Chairperson:** In the light of Mr Savage’s concerns, the Committee would like the legislation to be carefully examined again and Mr Savage’s point to be genuinely considered. Will that be done?

**Mr Savage:** Cattle everywhere are being vaccinated against bluetongue, for instance, yet people might not be notified and might buy infected animals in all innocence, and that could create a hornet’s nest of problems on their farms. I hope that that never happens.

**The Chairperson:** In the light of that, would the Committee like to recommend that the Department consider the issue? We can include it in the correspondence that we will send to the Department. It certainly must be examined.

*Members indicated assent.*

**The Chairperson:** Clause 2 relates to the slaughter of animals and poultry treated with serum or vaccine. Are there any queries on this clause? What level of compensation will be paid for those animals? For example, will it be 100% of the market value?

**Ms Dunbar:** It depends on the specific disease.

**Mr McKee:** It depends on the specific disease. The compensation levels are set down in the 1981 Order. However, by and large, if a preventative cull of animals that are not showing symptoms of disease were to be carried out, the compensation would be 100% of the animals’ value prior to slaughter. This power is very similar to that in clause 1. Clause 1 refers to culling; this clause relates to vaccination ahead of culling.

**The Chairperson:** Is the percentage of compensation laid down in legislation?

**Mr McKee:** Yes, the percentage of compensation is laid down in legislation.

**The Chairperson:** If members have no further queries about clause 2, we will move on.

**Mr W Clarke:** Will vaccinated livestock be culled?

**Mr McKee:** They may be culled. What we have here is something that has come through European legislation. Increasingly, it is being written into law that it may be necessary to cull animals as a firebreak. It may be necessary to vaccinate animals as a firebreak. It may be the case that action goes no further than vaccination, but one might need to vaccinate and cull. Vaccination might hold the line, but it might be necessary to cull later. Again, that comes down to veterinary risk assessment and a balanced assessment of what is likely to give the best outcome. The best outcome is one prevents the spread of disease to the general population.

**Ms Connor:** It might also be necessary in order to secure our trading position. If we vaccinate, we will have disease-free status, which means that we can continue with our trade — if we cull.

**Mr Elliott:** It might be useful for clarity if, at some stage, the Committee were supplied with the legislation relating to the compensation rates.

**The Chairperson:** Yes.

**Ms Dunbar:** For which disease?

**Mr Elliott:** For all the diseases that this affects.

**Ms Dunbar:** All diseases?

**Mr Elliott:** There is no point in our having part of it if we do not have all of it.

**Ms Jennifer Corkey (Department of Agriculture and Rural Development):** Members have been given copies of the 1981 Order; the levels of compensation for the various diseases are in schedule 2 of that Order.

**The Chairperson:** It would be helpful if you could highlight those for us.

**Ms Corkey:** We can send that to the Committee as a separate document.

**The Chairperson:** Clause 3 and schedule 1 make provision for transmissible spongiform encephalopathies (TSEs). It seems that this clause and schedule were originally designed to deal with BSE in sheep — a risk is now estimated to be either zero or very low. If that is the case, why introduce the clause and the resulting bureaucracy? That matter was drawn to the Committee's attention by the Young Farmers' Club.

**Ms Kate Davey (Department of Agriculture and Rural Development):** When the clause was put in, it was intended to cover BSE in sheep — a scenario which we hoped would never happen. However, research on TSEs, particularly around the issue of genotyping, is still a developing science. We have included basic outline provisions in case the science develops in such a way that we become aware of a new TSE that must be dealt with through genotyping. It is only an overriding power. If we ever arrived at that situation, which hopefully we never will, the Department would have to make further legislation to put the controls in place. This is only an overriding power in the light of still-developing science, even though BSE has been around since the 1980s.

**The Chairperson:** Veterinary Northern Ireland believes that that is a shift in policy and questions the circumstances in which that policy will be applied. The Department's previous response was that it was designed with BSE in sheep in mind. Can you expand on whether there are other circumstances that could see that policy applied?

**Ms Davey:** I am explaining that, at this point in time, if BSE in sheep were to become a reality, that policy would be used. However, we could use it if the science developed such that there was a new TSE that was controlled through genotyping for either resistance or susceptibility to that disease. I can assure members that there is no disease that that would apply to at this point in time.

**The Chairperson:** Another point I find interesting is that the schedule makes provision for an:

“appeal against the notice to a person appointed by the Department”.

How is that independent, and how could a Minister overturn a decision made by a “person appointed by the Department”?

**Ms Davey:** There is an appeals panel, and those people have been independently assessed and appointed by the Minister. It is a common appeals practice within the Department, and there have not been any objections to it. It is the process that we would use.

**The Chairperson:** There is an objection that when the appeals process goes through, the Department overturns the decision.

**Mr Elliott:** I appreciate what Ms Davey said about there being no diseases at present to which the clause would apply. However, I am concerned that it might be used for circumstances that the Committee might not envisage today. The powers are too wide-ranging. We are often quoted legislation made 20 years ago in relation to a circumstance that is only cropping up now. I remain to be convinced that this is not giving the Department too much power in areas where we would not want to see those powers exercised.

**Ms Davey:** The clause will only give the Department an overriding power. Before the Department can implement any of the legislation it would have to make subordinate legislation, which would come before the Committee and set out exactly what the Department was proposing to do. The Committee's agreement would have to be obtained before any such legislation could be used. This is only providing the principle and the lower-level legislation, if it were ever needed, would be subject to all of the normal scrutiny before the power could be used.

**Mr Elliott:** So this would be subject to further legislation?

**Ms Connor:** You are correct. A subordinate Order, which the Committee would see before and after consultation, would be required.

**Ms Davey:** The Order would set out the circumstances that we were using the power in and what we were planning to do; it would be totally subject to scrutiny.

**The Chairperson:** Is that entirely correct? Is it not the case that the Department can lay emergency legislation without consultation, for instance?

**Ms Davey:** Courtesy has always been given to the Committee. The circumstances of any emergency legislation in relation to TSE would be unique. I cannot imagine a situation in which we will have to react in the same way in respect of an outbreak of TSE as we would for foot-and-mouth disease, for instance. It is unlikely that there will be such an emergency situation.

**The Chairperson:** I remind you that you are being recorded. *[Laughter.]*

**Mr Poots:** This seems to be a belt-and-braces exercise. Herds in which BSE appears or flocks in which scrapie appears can be slaughtered; the progeny and the dam can be slaughtered. What is the situation with genotyping? Would it extend beyond the flocks in which the affected sheep exist?

**Ms Davey:** It could. We must look at this in the proper context: we are talking about a TSE that has not yet been found. We could use genotyping to identify animals that are susceptible to the TSE and those that are resistant. We would want to try to remove the



susceptible animals. We are talking about the possible appearance in the future of a TSE that is a direct risk to public health. We would have to decide which animals could breed for the future and which animals could be allowed into the food chain. It is about protecting public health. We are not talking about something on a par with scrapie; we are talking about a major TSE that is a danger to public health.

**Mr Poots:** Since the process is based on genetics, is there a possibility that its implementation could lead to the eradication of an entire breed?

**Ms Davey:** No. However, we would have to look at other things. I am sure that the Committee is aware of the ram genotyping scheme, through which we are looking at the genetics of sheep. We funded a semen archive to keep the traits of the sheep that were susceptible. That is an example of measures that we can explore in the future. There is also provision here to retain rare breeds. To answer your question, we do not see this eradicating a species.

**Mr Poots:** We are giving the Department a major power. Identifying the likelihood of a disease occurring, based on certain genetics, is a big responsibility.

**Ms Davey:** It will be based on science and where there is a significant risk to human health.

**The Chairperson:** If there is a significant risk to human health we will have to be careful.

The proposed new articles 32I(2)(a) and 32I(2)(b) relate to compensation. We do not want to be talking about compensation all the time, but it is a reality. Will compensation be paid at the market value?

**Ms Davey:** We have not yet predicted any compensation rates, because we are talking about the unknown. They will be set out in an Order, subject to consultation with the Committee.

**The Chairperson:** Members have no amendments to make to clause 3. Clause 4, on powers of entry, will exercise the minds of some. How do these powers of entry differ from those that were employed during the alpha-nortestosterone (ANT) fiasco?

**Ms Connor:** I am joined by Michael Hatch and Mike Steel from our central enforcement section, both of whom were heavily involved in the alpha-nortestosterone issue.

**The Chairperson:** So, how do these powers of entry differ from those employed during the ANT situation?

**Mr Mike Steel (Department of Agriculture and Rural Development):** They differ in two ways. First, they extend the powers in relation to specific requirements for TSEs, the slaughter of animals and identification. Therefore, the breadth of the power is increased. The depth of the power, the intrusiveness of it — which the alpha-nortestosterone-related issues

centred on — is more restricted by the legislation by virtue of the fact that the existing legislation did not distinguish between the powers of inspectors to enter dwelling houses, and the rights of inspectors to come into a farmyard. The new legislation makes that distinction and lays down restrictions in relation to dwelling houses.

**The Chairperson:** The Ulster Farmers' Union pointed out that there should be recourse to call on a third party, for example, a Justice of the Peace. DARD has indicated in its response that that would be considered as part of the new administrative protocol. Why is that, therefore, not considered to be part of the legislation, with which people would be more content?

**Mr Steel:** I am not an expert on that area, but I believe that the detail in the administrative protocol is not the kind of material that is eligible to go into legislation per se.

**The Chairperson:** It may not be eligible per se. Nevertheless, if it is thought to be a necessary safeguard for the community, could it not be included?

**Mr Steel:** In other legislation where powers are more draconian, it is not included. I do not recognise it in any legislation that I have seen. The normal challenges that are available to any powers that are used wrongly, overused, or used without any legal basis are there.

**Ms Corkey:** Staff instructions applying to how DARD inspectors carry out their duties are not the sort of detail that would go into primary legislation. There is a staff protocol, and if the Committee would like to look at that, we can send copies to members. The powers of entry to deal with the alpha-nortestosterone issue were exercised under the Food Safety (Northern Ireland) Order 1991, not the Diseases of Animals (Northern Ireland) Order 1981, which had nothing to do with ANT. Nevertheless, the principles apply. If the Department was able to put details of staff instructions into the Bill, they would apply only for the purposes of enforcing the Diseases of Animals Order. The Department enforces a wide range of primary legislation, and, indeed, regulations made under the European Communities Act. Therefore, it is important that any standards that are set for how inspectors exercise their duties, apply to all that legislation, not just the Diseases of Animals Order. We are looking at the issue in a much broader sense, and, for that reason, do not propose to put staff instructions into the Bill.

**Mr Elliott:** I would certainly like to see that staff protocol document that explains how staff should deal with those situations, because that is something we were never offered during the entire time of the alpha-nortestosterone situation. Clearly, I would like to view that.

My difficulty with the legislation is that it still does not protect people who are innocent. I have no problem with including powers of entry, but the problem is that, as was demonstrated with the alpha-nortestosterone issue, the legislation does not differentiate between regular offenders and those who, in that instance, were innocent. I want to hear how this is different, and how it will protect the innocent. I understand that Mr Hatch was involved in dealing with the alpha-nortestosterone issue, and I would be pleased to hear his comments.

**Mr Michael Hatch (Department of Agriculture and Rural Development):** The standard operating procedure and the staff instructions were a recommendation from Joan Ruddock's review. They are an implementation of the legal powers; they are a way of instructing our staff how to act in accordance with the legislation. The legislation is woven through the instructions, which include guidance on the forms that should be used. The staff instructions also include a code of practice, which is based largely on the Police and Criminal Evidence Act 1984 (PACE) code for when the police conduct inspections and searches. Therefore, the instructions contain all sorts of controls.

You made a specific point about distinguishing between those people who have come under our radar and those who have not. To some degree, that is addressed by the operation procedures in that one of the factors that the officer in charge of the inspection must consider is the person who is being visited. They must consider, for example, whether there is any background of difficulties, and that is written into the instructions.

Before making a decision and before even going to a magistrate to obtain a warrant, the officer in charge must go through a tick list of various factors, and must be persuaded to take action on that basis. For example, according to the standard operating procedures, intelligence on its own is insufficient to conduct a search. That is not contained in the legislation, and it would never be because it would be too limiting, but a telephone call to say that someone was up to something would not be sufficient grounds for action. Another piece of evidence would be required before the Department tried to secure a warrant for entry.

We hope to be able to supply copies of the standard operating procedure, and we would welcome any improvements that the Committee suggested. The standard operating procedure is fairly thorough, and it is an honest attempt to address some of the difficulties that arose during the alpha-nortestosterone visits.

**Mr Elliott:** Are you saying that standard operating procedures will evolve from the legislation?

**Mr Steel:** The procedures relate to any action taken by staff, especially when they interface with the public. When describing what staff should do, the procedures

identify and take into account the risks. As Michael said, the nature of the individual and the offence and the reason for taking action are considered in the background to the standard operating procedure.

**Mr Elliott:** How does that differ from the staff protocol?

**Mr Hatch:** It is the same thing. The Department has a library of standard operating procedures for a number of our jobs. Some of those are fairly rudimentary; they involve procedure and do not involve the public. The standard operating procedures provide an element of consistency. The operating procedures include controls and limitations, and tests must be met before we embark on searches.

**Mr Elliott:** Did such tests not have to be met before now?

**Mr Hatch:** The tests were not documented as thoroughly as they are now.

**The Chairperson:** Are you saying that legislating for operational procedures would allow greater recourse for farmers who have been inappropriately targeted?

**Mr Hatch:** It is a non-legislative control on the activities of staff. Although legislation imposes restrictions, there are many other limitations on staff, one of which is the requirement to abide by standard operating procedures. Furthermore, there are codes of ethics, internal disciplinary procedures, lots of non-statutory —

**The Chairperson:** The code of ethics and so on would, however, have applied in the past.

**Mr Hatch:** That is correct.

**Mr Elliott:** The Chairperson makes a valuable point in that there is nothing in the proposed legislation that protects the innocent. Such provision should be included to ensure that such people do not have to endure the court process and incur a financial, physical and mental burden. Such provision should be included in the legislation in order to make the Department responsible for its actions.

**Mr Steel:** In general, the police, or any regulatory authority, can accuse an innocent person in good faith. Legislation seldom incorporates individuals' rights.

**Mr Elliott:** Why should this legislation not do so?

**Mr Steel:** There is no particular reason why it should not, except that the legislation intends to tackle a specific mischief.

**Mr Elliott:** What about the mischief of the Department?

**The Chairperson:** You mentioned the police. However, the police are bound by legislation such as the Police and Criminal Evidence Act 1984 (PACE).

**Mr Steel:** The Department is also bound by PACE, the Regulation of Investigatory Powers Act 2000, the Criminal Procedure and Investigations Act 1996, etc. Many statutes protect the rights of people who have been accused of an offence.

**The Chairperson:** Therefore, there should be no problem putting that into the legislation.

**Mr Steel:** Department staff are trained to abide by all that legislation. That arrangement is not distinct from that of any other regulatory authority. We do what we do, and I hope that we do it well.

**Mr Savage:** We must be careful that farmers are not turned against the Department. I realise that the Department has powers of entry, a code of conduct and a code of practice. The code of conduct is important, because farmers need to know when a departmental official will visit. Nowadays, many farms have CCTV. Last week, a farmer switched his system on while he was in the cattle pens, and a fellow was walking through the cattle. He is lucky that he was not shot.

Although some officials think that they can do what they want, but that code of conduct must be adhered to by all visitors to any farm. Many foreign people work in the testing section of the Department. Those people might do what they want in their country, but they cannot do what they want in our country, and they must adhere to the code of conduct. I will not delve further into that matter. Farmers want to be friendly with the Department. Mr Hatch mentioned the code of practice. However, I am concerned about the code of conduct.

**Mr Steel:** Mr Savage alluded to the possibility of the Department upsetting farmers. Enforcement always creates that possibility. There is in enforcement the innate tension between the outcry over a welfare case with which the Department has not dealt adequately, and the alpha-nortestosterone outcry, when innocent people were suspected of having used illegal hormones. The Department tries to steer a straight and true course, and we try to consider the issues that Mr Savage raised.

We accept that there is a tension. The Department does not want to fall out with the industry. I have been working in the agriculture sector for many years, as a vet in practice and in the Department, and I know that if the good name of Northern Ireland produce is to be worth anything, there must be a level of enforcement. It has to be fair enforcement, and it has to abide by all the rules that this Committee would rightfully demand, but it has to be there.

Mention was made of people arriving at farms unannounced and wandering around. There are people in the industry — an industry of which we are all fond — who do not abide by the rules. If we warn those people that inspections are to be carried out, then any

evidence of their wrongdoing — which is generally extensive in the cases of such individuals — will be gone. There is a line to be followed.

**Mr Savage:** You said that there is a level of wrongdoing. How can you prove that? That is a very serious matter. I know that you have been in practice for a number of years, and I have the highest regard for you. If people are coming to evaluate cattle they may want a DNA test, but those cattle were DNA-tested when they were registered — that can easily be checked, because there is a record of it somewhere. There is no way in which anyone could bluff their way on that. However, we must be careful that we do not turn farmer against Department. The very fact that someone says something along those lines immediately throws up an invisible barrier. We must be very careful with this issue. I know that there should be legislation, and that people can break it if they want to, but most farmers want to work in close co-operation with the Department.

**Mr Steel:** I could not agree with you more. More than 99% of farmers want to co-operate with the Department, but there are those who do not give two hoots about the good reputation of that 99%, and are out just for personal gain.

Members should know that incorporated in the enforcement training, for which I am personally responsible, is a two-hour session on fairness in investigations — on being fair to whoever is being investigated. In one training exercise, I ask group members to consider how they would feel if they pulled back the curtains one morning to find a yard full of Department officials, and possibly police. It is not a matter we take lightly. I hope that gives you some reassurance.

**Mr Elliott:** That must be new training.

**Mr Steel:** It is about two or three years old.

**Mr P J Bradley:** From the outset we have been speaking about 99% of farmers, so anything that I say refers to 99% of vets and 99% of inspectors. We have learned a little from the alpha-nortestosterone debacle, but not a lot. I come from an area that was greatly affected by that, and farmers are in trauma to this day. I cannot accept an inspector being given infallibility status, and made the judge and jury — I think the Committee is being asked to agree to that. I do not think that that is in order, and while that clause is included in the Bill, I will never vote for it.

**Mr Steel:** Which clause is that?

**Mr P J Bradley:** In schedule 4A(2) it states that:

“Where an inspector finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed a fixed penalty offence, the inspector may give that person a fixed penalty notice in respect of that offence.”



**Mr Steel:** Are we moving on to discuss fixed penalties now?

**Mr P J Bradley:** No, we are still discussing schedule 4A, are we not: the issues relating to powers of entry.

**The Chairperson:** No, we are discussing clause 4, which deals with powers of entry.

**Mr P J Bradley:** In that case, I will come back to that issue, or will we deal with it now?

**The Chairperson:** No, we are scrutinising the Bill clause by clause. We will deal now with just the powers of entry.

**Mr T Clarke:** My point has been covered, apart from one concern. I know that it would not normally be specified in a Bill, but why can clause 4, subsection 2(A) not be changed from

“an inspector may at all reasonable times”

to

“an inspector, accompanied by, at all reasonable times”

thereby taking on board the suggestion by the Ulster Farmers’ Union? I am aware that the Department has its codes of conduct, but farmers are not aware of that. However, if a Justice of the Peace is not accompanying the Department official, farmers will know that the powers of entry that the official is coming to serve will not be legal.

**Mr Steel:** Are you referring to a dwelling house?

**Mr T Clarke:** Yes.

**Mr Steel:** The legislation relates to all premises that we would want to enter for conducting a TB test, or whatever else. Proposed new paragraph (5A) refers to dwelling houses.

**Ms Corkey:** Michael, it may be helpful if you clarified for the Committee the approach to on-farm searches, which brings in the third-party oversight, and the powers of entry that are for normal inspections.

**Mr Hatch:** The powers in the Bill are intended to empower us for the vast majority of visits that will, hopefully, not be remotely confrontational. The powers are intended only to entitle us to be on the farm; we will not be going near anyone’s dwelling house unless we are invited inside. The powers will allow officials to inspect cattle or sheep, for example. At this point, there is no intention of involving a magistrate to issue a warrant to authorise the visit — officials will simply telephone farmers to let them know that they are coming to do an inspection.

However, on those rare occasions when, for example, it is considered necessary to look at a dwelling house, we would have to secure magisterial authority through a warrant, which is when that protocol comes into play. There would be no

requirement for a warrant for the vast majority of visits. However, if and when a warrant —

**Mr T Clarke:** The inspection of dwelling houses is one issue. However, as George Savage suggested, there are occasions when officials must visit a farm but cannot announce that they are coming. Why could a third party not be in attendance on those occasions?

**Mr Steel:** Another member of the Department would, almost invariably, be attending in those circumstances.

**The Chairperson:** The suggestion is that oversight by a third party, such as a Justice of the Peace, may be beneficial when specific powers to enter premises are being exercised. Surely that would be beneficial for the Department as it would prevent the possibility of accusations being made?

**Mr Hatch:** We envisage that there are two instances when a third party would be required. The first is when an official is conducting a search that requires a magisterial warrant, as the magistrate would be operating as a third party. In the second, as part of the response to Joan Ruddock’s review, we considered — as, I believe, the Ulster Farmers’ Union, and, perhaps, the Committee also considered — the usefulness of having a third party independent officer or person. We have built that into our procedures, whereby a search liaison officer, who is independent of the enforcement team —

**Mr T Clarke:** Would that person be from the Department?

**Mr Hatch:** Yes, but they would have a particular role in acting as a liaison with all parties. However, they would be independent of the inspectors.

**Mr T Clarke:** There is no point in progressing with that — that is not independent.

**The Chairperson:** Furthermore, it is not set out in law; it is only staff guidelines, and we know from experience that staff guidelines can be set aside. The Committee will produce a recommendation at the end of this, rather than going around in circles.

**Mr W Clarke:** Michael, you touched on how you build up a case so that you can use the powers of entry. In my opinion, the process must be intelligence-led. How do you build up a case while also guarding against people being malicious — for example, if there was a falling out between neighbours and you had someone continually telephoning the Department with so-called intelligence? Will you also expand on what is meant by “reasonable force”?

**Mr Hatch:** Several factors can trigger an inspection or an investigation — for example: intelligence; findings from previous visits; or patterns of purchases of animals. Some are just statutory inspections that we



are required to do. We are obliged to carry out cattle-identification inspections. A large number of those are random, but a certain number are targeted. The Animal and Public Health Information System (APHIS) computer could highlight things such as numbers of replacement tags, patterns of buying and selling, or anything that suggests that illegal activity could be occurring. Animals going missing or being found without identification could trigger a cattle-identification inspection.

Therefore, intelligence depends on quality. It can be assessed, but anonymous tip-offs are not given as much weight as, for example, when someone from another agency contacts us and provides names and details, and perhaps some strong evidence. As regards the behaviour of people — although you were really talking about malicious calls —

**Mr W Clarke:** It was referring to, basically, a falling out between two farms.

**Mr Hatch:** That is a very difficult line. Welfare is not relevant there but it is a good example in that if someone complains about welfare, we will always go out and check. Sometimes it is a bit embarrassing because everything is absolutely fine, in which case we apologise as we carry out the checks.

**Mr Savage:** That is an important point: it can be embarrassing because many people think that farmers are fiddling, and when they are put to the test and it is found that nothing has happened, they can walk away scot-free. The hassle that farmers are put through is unbelievable. I am not saying that inspections do not need to be carried out from time to time. However, I know one family that has been put through a huge amount of hassle as a result of someone —

**The Chairperson:** The reality is that there was a bad taste in the mouths of the farming community with regard to what happened, and accusations were firmly laid against people for which there was no foundation.

Is it the mind of the Committee that we seek to see the clause amended to include a Justice of Peace, rather than someone from a Department? The Justice of the Peace would be an independent person. Would the Committee like such a person to be considered as a possibility for safeguarding farmers? Is it the mind of the Committee to recommend that to the Department?

**Mr T Clarke:** At least.

**Mr Elliott:** That is fine, although, to be fair, it must be done in a reasonable timescale. The Department cannot have a genuine suspicion and want to go on to a farmyard, but be held up for a day-and-a-half as a result of seeking an independent person.

**Mr T Clarke:** That would be a failure of the Department if it could not organise that.

**Mr Elliott:** Would it not be the farmer who organised providing the independent person?

**The Chairperson:** The Department could allow the farmer to make the decision about the independent person.

**Mr Steel:** Under the Diseases of Animals (Northern Ireland) Order 1981, as it stands — even though we have an absolutely unfettered right to go into a dwelling place — I do not see any circumstances in which we would need to do so. The only time when we would carry out an inspection during what many people might call unreasonable hours is when we want to get hold of someone who is a dealer, and we know that he is in his lorry and away by 6.30 am. In such cases, we might be there at 6.00 am.

**The Chairperson:** As that is so limited, it would not be very hard to get that independent person.

**Mr Steel:** That is a very good point. The alpha-nortestosterone cases resulted in us entering four houses, and there were two cases previously in which we found alpha-nortestosterone. In all my experience — and I have been involved in Veterinary Service enforcement since 1996 — I have not even felt the urge to go into a house. Only in extremely rare circumstances, which were, obviously, following on from alpha-nortestosterone, were those even less likely to occur.

**The Chairperson:** Would an independent person, therefore, make it easier to allow that to happen?

**Mr T Clarke:** It is more than just dwelling houses. DARD officials also need an independent person with them on those occasions when they inspect farms because they suspect something or have information.

**Mr Hatch:** Such visits already happen all the time. We exercise our powers of entry and nobody regards that as a confrontation because people expect the Veterinary Service to visit, sometimes announced and sometimes unannounced. Cattle identification inspections, single-farm payment inspections, and cross compliance inspections are sometimes announced, and sometimes unannounced. That is what Europe demands.

I urge caution; the vast majority of visits carried out by staff are not confrontational, they are perfectly pleasant. Imposing practical conditions, such as having an independent third party attend, will disrupt normal work and inspections. I cannot speak for grants and subsidies services, but in the Veterinary Service, inspections are carried out throughout the Department all the time. There will be dozens today, some of which will be announced and some of which will not. At the vast majority of those inspections there will be no upset at all. Therefore, I urge caution on that issue.

**Mr T Clarke:** In the vast majority of cases there will be no upset caused, but it is the minority of cases about which we are concerned.

**The Chairperson:** The Department, in its consideration of the Committee's recommendation, must define clearly those barriers. If biosecurity guidance is in the Bill, there should be no problem putting in staff instructions. Is the Committee agreed that it asks the Department?

*Members indicated assent.*

**Mr Elliott:** On that point: can penalties to protect farmers from wrongful accusation be incorporated in the suggestion for staff procedures or protocol?

**The Chairperson:** Yes, that certainly would be included in the staff instructions.

Clause 5 is concerns failure to give name and address.

**Mr P J Bradley:** Does that include fixed-penalty notices?

**The Chairperson:** No, fixed-penalty notices is in clause 6. You are definitely anxious.

**Mr P J Bradley:** I am looking at the wrong paper, but I am not letting the issue go.

**The Chairperson:** If nobody wants to raise anything about clause 5, we will move on.

*Members indicated assent.*

**The Chairperson:** Now we come to the fixed penalties in clause 6. In the light of the lessons from the alpha-nortestosterone episode, how will the Department ensure that those penalties are not applied inappropriately, and why are the details of the offence not included as a schedule to the Order?

**Mr Steel:** There were no circumstances in which a fixed penalty would have been issued during the alpha-nortestosterone visits because those visits were primarily investigatory, to take samples and to look for evidence of illegal growth promoters. Things had not reached the fixed penalty stage. In order for a fixed penalty to be issued, the offence must be straightforward — for example, travelling at 35mph in a 30mph limit area. The case has to be fairly cut and dried from the evidential point of view. A fixed penalty would not be issued for something complicated.

The Department sees the use of fixed penalties as limited. Every time one was issued, there would have to be sufficient evidence to take that case to court, and a reasonable prospect of conviction. Fixed penalties are not the only way out for a person who gets a fixed penalty notice — he has the option of going to court.

The Department has not used them, and I cannot speak with authority about how that will be in 10 years' time. Whoever will be doing my job at that time may review that decision. I believe that fixed penalties

would be a useful deterrent for people minded to break regulations. The principal thing is that they would be a deterrent. However, if the penalty for an infringement is minor, and the people involved are not major players in breaching regulations, a fixed-penalty notice may be appropriate from their point of view and from that of the Department.

The Department's position would be that, administratively, it is more economical. From the offender's point of view, in the circumstances in which they accept that they committed the offence, they will face a fragment of the fine that might be imposed if they were convicted in court. That would also avoid the associated publicity and embarrassment of going to court.

**Mr Hatch:** The provision came from the 2001 outbreak of foot-and-mouth disease, when the vast majority of the public had a "fortress farming" approach. The vast majority was frustrated by a small number of individuals who ignored livestock-moving rules during that outbreak. That frustration that was created was shared by the industry and the Department. Consequently, the alternative "quick fix" for people who breached bans on moving livestock during an epizootic crisis was proposed. In that environment, at that time, everyone would have loved to have had the opportunity to bring in that provision from secondary legislation. However, if there is another outbreak of foot-and-mouth disease, it would be great if the Department, probably with the support of the industry, could bring in fixed penalties for people who flout the laws that the vast majority were doing their best to observe. That provision came from the context of the situation in 2001.

**The Chairperson:** Are farmers presented with the DARD evidence before a fixed penalty is issued?

**Mr Steel:** That is not happening yet. However, if I were in charge of that process, they certainly would be. Farmers must know with what they were charged, and I think that the legislation —

**Ms Connor:** The secondary legislation will detail with what offence the Department is charging the farmer.

**Mr Steel:** The style of that must be decided. The deterrent point is that, during the foot-and-mouth outbreak, although people were prevented from moving animals, and were subsequently prosecuted, that prosecution took place up to 18 months later. Therefore, the deterrent effect was lost. If it were the case that, when asked, the Minister said that three people were given fixed penalties for moving cattle, that would be more of a deterrent due to the publicity.

**Mr P J Bradley:** I said earlier that 99% of farmers are law-abiding and efficient. The same applies to the vets and inspectors — maybe 99.9% of them. However, to return to the issue of alpha-

nortestosterone, when one inspector told a farmer that he had been caught red-handed and had no case. If that inspector had the authority to issue an on-the-spot fine, he would have done so there and then. We must ensure that that never happens again, and there is only one way. One inspector cannot be allowed to become judge and jury, and there was talk earlier about a third party being involved.

If an offence is so serious that an on-the-spot fine is demanded, that would require the opinion of a second inspector – two inspectors, not one, must be involved. The Committee can never allow that to happen again. As I said, there are farmers who are still stressed out about the attitude of that one inspector, perhaps bringing the whole regime into disrepute. He thought that he was on his high horse, and that he had caught everyone red-handed. However, when the charges started to mount, there was not one, two, or even five. It was only when it became 60 and 70 people that the inspector realised how wrong he was. However, he never admitted to being wrong. Instead, he adopted an infallible attitude, believing that he was right. We cannot let that happen again.

**The Chairperson:** Was he not right?

**Mr P J Bradley:** No, he was not. If he had been allowed to issue a fine, he would have done so on the day.

**Mr W Clarke:** Can a farmer opt to reject a fixed penalty and go to court?

**Mr Steel:** Yes. The fixed-penalty notice is an option for the farmer to accept a fine or go to court. There must be adequate evidence in the inspector's mind that, if the farmer does not take the option of a fine and the case goes to court, there is a reasonable prospect of securing a conviction. Otherwise the inspector would not issue a notice.

**The Chairperson:** If the court found in the farmer's favour, would he be reimbursed for all that he has gone through?

**Mr Steel:** He would not have paid the fixed penalty at that stage.

**Mr T Clarke:** He would have legal costs.

**The Chairperson:** The farmer would have to pay spend quite a considerable amount in legal costs in order to defend himself and prove his innocence.

**Mr Steel:** At present, those offences, if pursued, would go through the courts, with all the attendant procedure. However, a fixed-penalty notice is an alternative that is available to farmers in relation to certain offences that are straightforward.

**The Chairperson:** Those departmental officers who visited farmers in those cases to which some members referred, thought that they were right, too, and if they had offered farmers a fixed penalty as a way out —

**Mr Steel:** There was never any question about that. Under no circumstances would that have happened.

**The Chairperson:** However, those officers were wrong.

**Mr Steel:** They were wrong because of the science that had led them to their conclusions. However, even if the science had been right, those are not the circumstances ever in which a fixed-penalty notice would have been issued.

**The Chairperson:** It would not matter tuppence whether they had issued a fixed-penalty penalty, because if they were wrong, they were wrong.

**Mr P J Bradley:** The farmers were guilty before proven innocent.

**The Chairperson:** The farmers were accused of being the ones in the wrong, and that accusation sticks. They went through an awful experience, and the reputation of many of them was soiled until, finally, the matter was settled.

**Mr Steel:** At present, if someone is found to be guilty of an offence, and the officer is right and can prove it, then they will be taken to court and convicted, or they will not be convicted if the evidence is not there and the officer is wrong. The only difference that this legislation makes is that if an officer believes that he has the evidence to secure a conviction, he can offer the farmer an early option of accepting a fixed penalty.

**The Chairperson:** The Young Farmers' Clubs of Ulster raised a point about the fairness of fixed-penalty notices, referred to in schedule 4A paragraph 2(1):

"Where an inspector finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed a fixed penalty offence, the inspector may give that person a fixed penalty notice in respect of that offence."

That is a strange way of phrasing it.

**Mr Steel:** Those are the circumstances in which an inspector can offer a fixed-penalty notice. However, it is only an option; the person who is offered the fixed-penalty opportunity, so to speak, does not have to accept it. That means that the case then has to go to court; and, if it has to go to court, the investigating officer needs to know that there is evidence to succeed in court.

**Mr Elliott:** The Committee has addressed the matter of fixed-penalty notices with regard to fishing, and it seems to be an issue that is going on throughout the Department. That causes me grave concern. May I give an example in which your ground-breaking training may come into play, Michael? I am an inspector, and I visit your farm and find what I believe to be a misdemeanour. However, you know that it is not. I say that I will let you away with a fixed-penalty fine of £500 otherwise you can go to court. I know that I would never be able to make the case stand up in



court. However, you as the farmer think that, perhaps, you will pay the £500 and get out of the situation, and not have the cost and trouble associated with going to court — pay the £500 and get on with life, and resolve to improve the book-keeping or whatever in order to prevent something similar happening in the future.

That is the situation in which farmers will find themselves. I will not put my hand up in support of that, because that is what will happen, and do not tell me, Michael, that it will be any different. That is what will happen. Department staff will put farmers under so much pressure, telling them that they can get away handy by being let off with a £500 or £1,000 fine in order to avoid the hassle of going to court.

**The Chairperson:** Fixed penalties are already offered as a way out. Recently, a case in which such an offer was made was widely reported. In fact, the senior law folks told the person in question that he had been foolish to pay the fixed-penalty fine because he had not broken the law, and paying the fine caused the public to assume that he was guilty. I shall not mention the man's name, but his case achieved a high profile in the press.

**Mr Elliott:** A farmer involved in an alpha-nortestosterone case told me that if he had been offered the chance to pay a £2,000 fine, although innocent, he would have taken it — simply to avoid the hassle.

**Ms Connor:** The fixed-penalty fines would be no more than £150. Members are talking about the principle of the matter, but the fines would not be thousands of pounds.

**The Chairperson:** Is that not even more reason to accept what Mr Elliott and Mr Bradley are suggesting? Although a plaintiff might be innocent, he or she can pay a £150 fine in the knowledge that his or her reputation will remain intact and people will not look at him or her suspiciously. Paying fixed-penalty fines is worthwhile, because taking legal steps to prove one's innocence costs a fortune — it costs £150 even before one walks through a solicitor's door. So what should one do? Where is the justice?

**Mr Steel:** That is a major reservation about the process. I can assure members that such an outcome would not be allowed to happen under my regime. Members might think that I am a nice chap and accept that assurance or — as seems to be the case — they might believe that I would not be able to stop that happening. I accept that it might be easier for an innocent person to pay up and shut up.

**The Chairperson:** You will not necessarily be the officer for all future cases.

**Mr Steel:** I will probably have a great deal to do with any cases in which penalty notices will be dished out.

**The Chairperson:** The members are genuinely mystified about that aspect of your powers.

**Mr T Clarke:** On a light-hearted note, I wonder who inspects the inspectors. Recently, I had occasion to invite inspectors to my own area because of an animal that was in a river. I have told this story before; however, given that we have inspectors here, I would like to tell it again — it is an example of who is right and who is wrong. The inspectors said that they would have to inspect the animal to ascertain whether it was a farm animal. Having looked at it, they said that it was a horse. Consequently, it had to lie for another week, before being removed by the council. However, the photographs showed that the animal was a cow. These are our so-called veterinary inspectors. If you feed that into what we are saying about farm inspections —

**The Chairperson:** How much of a fixed penalty should the Department pay for that?

**Mr T Clarke:** What percentage of the cases that the Department has taken to court has it won?

**Mr Steel:** We win convictions in well over 80% of cases. If the Committee wishes, we can provide statistics.

**Mr Hatch:** I have those statistics, which are published annually in our counter-fraud and enforcement activities report.

Putting things in context, of the cases that go to court, we achieve approximately 30 convictions a year. In the past three years, there have been four acquittals. Of course, there are many opportunities for cases to be closed before reaching court. Some cases do not go as far as the Public Prosecution Service. We conduct approximately 250 investigations a year, but they get closed off using various means other than going to court, such as issuing warning letters —

**Mr T Clarke:** Did you say that you take 35 cases to court each year?

**Mr Hatch:** Yes, approximately.

**Mr T Clarke:** How many do you lose?

**Mr Hatch:** We lose one or two a year — in the past three years, four cases that have got to court have resulted in an acquittal.

**Mr T Clarke:** Does that mean that you were wrong?

**Mr Hatch:** Yes, it means that there was a not guilty verdict.

**The Chairperson:** Did you say that there are 250 cases a year?

**Mr Hatch:** There are approximately 250 investigations. However, that figure includes —

**The Chairperson:** How many of those cases go to court?

**Mr Hatch:** Approximately 30 to 35.



**The Chairperson:** You could offer fixed penalties to the others, and the general public would say that, rather than going through all that, they would pay fixed penalties. You are successful in 80% of your cases, but you could have offered fixed penalties and people could have paid the £150 instead of going to court in the first place; that is the big danger.

**Mr Hatch:** I accept that to a degree. In 2001, we all shared the frustration and angst when a small number of people, really only 10 or 12, were being intercepted by the police or at DARD road checks with lorry loads of sheep. In those cases it would have been very attractive — not only for DARD, but for the entire industry — to have been able to announce that DARD was introducing fixed-penalty notices for people who breached that very specific rule against transporting animals during a crisis. It would be great to have that alternative.

**Mr Elliott:** Were those people taken to court?

**Mr Hatch:** Some of them were, but it was extremely difficult to take a large number of people to court.

**The Chairperson:** In my opinion, those who bring the industry into disrepute should be going to court, rather than being offered the chance to pay a fixed penalty.

**Ms Connor:** If the power was limited to, for example, a breakout of epizootic disease, we have said that it would only refer to existing offences where someone moves animals illegally or the animals are not properly identified, or there is a problem with the herd book. How would the Committee feel if it was in those extreme circumstances that the enforcement team have outlined, during an epizootic disease outbreak, where the whole economy — not just agriculture — is put in jeopardy by the irresponsible actions of a dozen or so people?

**The Chairperson:** I would suggest that you would not offer them a fixed penalty. I suggest that, if they were threatening the industry and the whole economy, those people would be in court and we would not be talking about fixed penalties. It is not on the radar.

**Ms Connor:** It is a quick method.

**The Chairperson:** It is not a quick method. If they are endangering the whole economy and the industry, I am not looking for quick fixes.

**Ms Connor:** An on-the-spot fine is a deterrent at that particular point in time.

**Mr T Clarke:** One hundred and fifty pounds is not a deterrent for something as serious as that.

**The Chairperson:** I would not be looking for a quick fix on that.

**Mr Elliott:** There might be an issue if the fine was raised. We are talking about the top end of the scale of serious offenders — I would classify those people as serious offenders. You could not get away with issuing

them with a £150 fine, because they would just pay it and get on with moving more animals that same day.

**Mr T Clarke:** They would pay £150 every day.

**Mr Elliott:** To be fair, if it was limited to cases like that at the very top end of the scale, and the on-the-spot fine was appropriate, then it might be something that I would look at. However, I do not think that would be relevant in the circumstances that you have outlined.

**Mr Steel:** In the foot-and-mouth situation, a lot of people who would have been eligible for fixed-penalty notices were people who were moving sheep down the road from one of their fields to another. Having the ability to issue a fixed penalty does not stop —

**The Chairperson:** The people that Ms Connor was talking about are people who could threaten the entire economy.

**Ms Connor:** Even movement from one field to another —

**Mr Steel:** That was a threat, in the circumstances.

**Ms Connor:** It was spreading so quickly.

**Mr Steel:** Those are not the sort of people that you would want to haul in front of a court.

**Mr W Clarke:** In relation to the repeat offenders, I take it that this can only be used once or twice. You cannot continually use these fixed penalties.

**Mr Steel:** It would tend not to be used in the first instance. You would be looking at taking them to court anyway.

**Mr W Clarke:** And if they kept doing it?

**Mr Steel:** Yes; it is in effect a slap on the wrist.

**Mr W Clarke:** My understanding is that this provision relates to minor breaches.

**Mr Steel:** It is also for people who are likely to learn from the experience.

**Mr W Clarke:** It is really for minor offences. For example, moving an animal to another field — which has happened; we all know that people needed to move livestock.

**Mr Steel:** There was one person who did not even know that there had been an outbreak of foot-and-mouth disease.

**Mr W Clarke:** We must examine the provision more closely. Farmers would rather have the option of a fine than the embarrassment and cost of going to court. If a farmer commits a minor breach during an outbreak, the option of a fine should be available, provided that fines are not dished out like confetti.

**The Chairperson:** The Ulster Farmers' Union has said that in the absence of details about specific

offences that may be considered for fixed penalties, it cannot support the provision. Therefore, we need to hear about more specific offences. The Committee would be grateful if the Department sent details of specific offences to consider for fixed penalties. Would that be helpful?

**Mr Elliott:** Yes, it would.

**Mr P J Bradley:** Might it be worth looking at a fixed penalty for a first offence as opposed to second or subsequent offences?

**The Chairperson:** Yes, that is an option. Do Committee members agree to bring that to the Department's attention, including the point about first offences?

*Members indicated assent.*

**The Chairperson:** Clause 7 addresses the time limit for prosecutions. Do Committee members have any comments?

**Mr Savage:** There is one thing that I want to raise before we move on. This is the only point that I can see where this can be raised. If there is a mix-up in the recording of an animal's sex when a farmer takes it to an abattoir — for example, a male is registered as a female — it cannot be brought home. That happens regularly. The Department states that farmers should check that everything is in order before they leave the factory or when the animal is registered. However, when an animal goes to the factory finished for beef, the farmer is powerless.

I know of two animals that had been tested by the Department, but their sex did not show up in the tests. Is there any way for the Department to help farmers on that issue, because animals worth between £750 and £800 each are going into the bin? Those animals stood in the abattoir for nearly 10 days, and the farmer ended up losing them. Is there no way to bring in a wee bit of common sense to a case like that? There are faults on both sides, but there should be a halfway house — is there no way to stop the farmer being the fall guy?

**Mr Steel:** I cannot comment on specific cases. It is a public-health requirement that an animal be traceable, which means that its ear number, description, age and sex must tally. That is a public-health requirement, which is what customers in Sainsbury's want. However, in some cases errors are made, and I do not know an easy way to resolve the situation.

**Ms Connor:** Normally, in the circumstances that Mr Savage outlined, the Department would give the animal identification-query (IDQ) status. If the farmer can prove the identity of the animal, for example through herd records, within a certain time frame — I am not sure if it is several hours or a day — it can be slaughtered normally.

There is an IDQ and there is an appeals procedure. In such a case the farmer would present the freeze brand of the animal, a drawing or the herd record to the official veterinarian at the meat plant. The official can then examine the records and decide whether that status can be lifted. If it can be lifted, that animal can then be slaughtered in the usual way. The IDQ status is there to protect public health, but there is a right of appeal.

**Mr Savage:** The cycle of events was that the animal was bought in a livestock mart; it was passed by your officials in the mart and brought to the farm. The animal was then tested again by your officials, the number was sent in and the finished animal went to the abattoir to be killed. That was when it was discovered that the number was wrong. The farmer had bought the animal in good faith, but still lost it. It went into the bin.

**Ms Connor:** If you provide the Department with the details —

**Mr Savage:** I know that the farmer should have checked, but your officials should have checked too.

**Ms Connor:** If you can provide us with the details, the Department can check it with the mart, the divisional veterinary officer and the meat plant.

*(The Deputy Chairperson [Mr Elliott] in the Chair)*

**Mr Savage:** It all comes back to the old story that you people will always be right, while the farmer is always at the receiving end. If you would admit that that is the case I would appreciate it. However, you will not admit that you are wrong. Everyone cannot be right. The man who never made a mistake never did anything. These cases happen occasionally, but there does not seem to be any comeback for the farmer.

**Ms Connor:** We can certainly investigate that particular case.

**The Deputy Chairperson (Mr Elliott):** OK. I think that if we look at the detail —

**Mr Savage:** Hold on, Chairman. These cases have happened, and the farmers are out of pocket between £700 and £800 per animal while the Department gets away scot-free.

**The Deputy Chairperson:** George, I do not know whether you have dealt with the Department on those cases before, but if you give the specific details of the cases to some of the officials —

**Mr Savage:** I have given the officials the details. The animals stood in Lurgan abattoir for 10 days. PJ will know that, as there was a similar case in Newry. What can you come back with whenever the animal is dead and has been sent to the burn house? You have no comeback. That is the way of it.

There should be some mechanism in place to protect the farmer. If the animal has been checked

by the Department, there should be some form of compensation — at least on a 50:50 basis. The farmer cannot be the fall guy all the time. Everyone cannot be right and everyone cannot be wrong.

**Mr T Clarke:** This may be a very valid argument, but it is not really applicable to the Bill.

**The Deputy Chairperson:** I think that what you are trying to say, George, is that if there is nothing wrong with the animal, then not all of the expense should fall on the farmer.

**Mr Savage:** That is right. The farmer is the fall guy at the end of the day.

**The Deputy Chairperson:** OK. Clause 8 of the Bill deals with biosecurity. There are a number of issues with this clause.

**Ms Corkey:** Before I address clause 8, I would like to introduce my colleagues who will be joining me to discuss this part of the Bill. Ian McKee is from animal disease control branch, Colette McMaster from tuberculosis and brucellosis policy branch, and Sandra Dunbar and Roly Harwood from the Veterinary Service.

Clause 8 deals with biosecurity guidance and inserts new articles 4A and 4A into the 1981 Order. The term “biosecurity” deals with practical measures that farmers can take to prevent diseases from entering or leaving their premises.

The new provisions in the Bill require DARD to publish biosecurity guidance for any disease specified for that purpose in subordinate legislation. In practice, that means that the Department must first introduce subordinate legislation specifying the particular diseases for which biosecurity guidance will be published. Any draft Order would, of course, come before the Committee.

When such an Order is made, the Department will then be required to prepare biosecurity guidance in draft form for the specified diseases, and to issue that guidance to stakeholders for their consideration and comments. Under the terms of the Bill, the Department will be required to consider all comments received and to publish the final guidance in an appropriate manner. The Department will also be required to keep the guidance under review and to revise it as necessary.

It will not be an offence in itself under the 1981 Order to fail to comply with the guidance, but non-compliance with the guidance will be admissible as evidence in court proceedings for an offence under that Order. Compensation for animals that are slaughtered under the 1981 Order may be reduced if there is evidence that failure to act in accordance with the guidance for a particular disease led to the compulsory slaughter of animals.

**The Deputy Chairperson:** As a matter of interest, who will regulate the Department’s responsibilities on biosecurity? I am thinking about the Department’s responsibility when it visits farms.

**Ms Colette McMaster (Department of Agriculture and Rural Development):** The Veterinary Service has its own code of biosecurity practice, to which staff must adhere when they go on to farms.

**Ms Corkey:** The powers of entry to farms to check on biosecurity are specified in the 1981 Order and supplemented by this Bill. Therefore, all of the issues that have been raised about how powers of entry are exercised, and the various safeguards on those powers, apply to the implementation and enforcement of biosecurity guidance.

**The Deputy Chairperson:** That goes back to our original point that staff protocol and guidance must be included in the legislation. If that is not included, the legislation puts all of the emphasis on the farmers and none on the Department staff.

**Ms Corkey:** I do not wish to discuss clause 4 again, but the Bill does place obligations on inspectors in relation to exercising powers of entry for any purpose under the 1981 Order. Previously, we said that the protocol will apply to powers of entry in relation to all legislation that is enforced by DARD, not just the 1981 Order. The protocol has a much wider application, but the Bill does contain controls relating to how inspectors enforce controls. Those will apply to biosecurity guidance.

**The Deputy Chairperson:** How, specifically, does the legislation relate to biosecurity for the inspectors?

**Ms Corkey:** In order to check compliance with the biosecurity guidance, inspectors have to go on to farms. They do so under the authority of the 1981 Order, which gives them powers of entry to enforce the legislation. Biosecurity guidance is only one aspect of the 1981 Order; there are many other reasons why inspectors go on to farms, but inspectors rely on one set of powers of entry, which is covered by article 46 of the 1981 Order.

**Mr Poots:** Potentially, a person who does not adhere to your guidance code could end up in a criminal court.

**Ms Corkey:** Failure to adhere properly to the guidance code, on its own, will not be a crime. If an individual is taken to court for another offence under the 1981 Order, and there is a connection with the biosecurity guidance, the failure to comply with the guidance can be submitted as evidence. However, failure to comply with the guidance will not be an offence in itself.

**Mr Poots:** Could such a case end up in a civil court?



**Ms Corkey:** No. It is not a civil matter.

**Mr Poots:** How will the legislation be enforced if cases cannot be brought to a civil court or a criminal court, and it is not subject to a fixed-penalty notice?

**Ms McMaster:** At present, there is a voluntary code. Most people abide by that, but a minority do not. In those cases, the Veterinary Service will follow up the case and ensure that appropriate action is taken. The Veterinary Service will investigate any breach of the Order through normal investigative procedures. A breach of the biosecurity guidance might be considered as part of that investigation.

If there was evidence of a breach of biosecurity guidance on a farm, and the contributory negligence led to an outbreak of disease on that farm and the subsequent slaughter of animals, the Department might consider reducing the compensation that is payable to the farmer for the slaughtered animal. That is the main penalty that is tied into the biosecurity guidance.

**Mr Poots:** There is strong resistance to moving from a voluntary code — which, for the most part, is adhered to — to something that is legislated. Is it necessary to incorporate this into legislation?

**Ms McMaster:** It is about helping to protect the majority of farmers from the minority who do not abide by the biosecurity practice. One cannot forget that breaches of biosecurity practice can lead to serious disease. If care is not taken to prevent diseases, it can lead to serious consequences for the affected farm, neighbouring farms and further afield. The non-compliance of the minority can have serious consequences for others.

**Mr Poots:** What will happen if there is another outbreak of foot-and-mouth disease and, due to the high demand, some farmers cannot access the disinfectant that they are obliged to have available on their farm? Will they face criminal proceedings?

**Ms Dunbar:** One must remember that an Order relating to foot-and-mouth disease biosecurity arrangements would have to be implemented under this legislation, and it would have to go past this Committee. Therefore, it is not as simple as saying that this piece of legislation enforces the need for disinfectant at the gate. That is my understanding.

**Mr Poots:** That will not be an issue in most cases, but there are extreme cases — as was evident with the alpha-nortestosterone issue — where things do not work out as expected. Therefore, the introduction of a strong regulatory approach that is linked to legislation, as opposed to a voluntary code which is fairly well adhered to and works well, will cause consternation among the farming community. That is evidenced by the responses that we have received.

**Ms Dunbar:** There are occasions when it is not adhered to, including one that contributed to a major brucellosis outbreak in recent years. Sometimes fencing, or straying animals, contributes to the spread of disease.

**Mr Poots:** The scepticism of the Committee — and that of the farming community — arises from the Department's refusal to do anything about badgers straying through farms and spreading disease, while applying stringent regulations to everything else in relation to farming. There must be a two-way process; the Department also has responsibilities.

**Ms McMaster:** I agree absolutely, but the badgers issue is not what we are talking about today.

**Mr Poots:** I know that it is not.

**Ms McMaster:** We are not proposing stringent measures here; we are proposing a biosecurity code developed in consultation with the industry — practical measures within which people can operate. The Department intends to develop that approach and to take on board the views of industry.

**The Deputy Chairperson:** In that case, why not legislate for specific breaches of guidance, as opposed to broad generic breaches?

**Mr Poots:** I assume that this provision can be added to, and amended, as time goes on.

**The Deputy Chairperson:** Why not detail specifics, as opposed to the broad base that is suggested?

**Ms McMaster:** That is where we want to get to. At the moment, the voluntary code applies across the board, to all diseases. With this, it is proposed that specific things be developed that people should take account of when they consider, for example, brucellosis. Therefore, there will be guidance in order to help farmers to manage that risk and to prevent brucellosis from breaking out on a farm. Other guidance might be developed, for example, for avian flu, which would be specific for the disease, helpful and practical.

**The Deputy Chairperson:** People are mostly content, as Edwin said, with the guidance. The difficulty arises when that is built into the legislation in a broad way. To be blunt, anything can be introduced in that way. You are telling the Committee that only some things are specific and interest the Department — why not include them in the legislation?

**Ms Dunbar:** I am not a legislator, but that is the intention. There must be a specific Order under the primary legislation; a piece of secondary legislation that is specific to a disease.

**The Deputy Chairperson:** Will you state what that is, before secondary legislation is brought back to the



Committee that has such a broad sweep that it will incorporate everything?

**Mr McKee:** It cannot be one size fits all. Each disease will have a code of practice. There may well be common issues with those codes of practice, as well as matters that are specific to diseases. With epizootic diseases, there may well be an issue of the availability of disinfectants. There will be an iterative process, designing the codes of practice with farming unions and stakeholders in order to reach a common understanding about what must be included.

There is an issue about whether a code of practice is ever cited as contributory negligence in something as fast-moving as foot-and-mouth disease, or in the case of repeat offences in relation to a non-epizootic outbreak. Advice and voluntary codes can be offered until one is blue in the face; however, if the same thing recurs time and again because of generally poor biosecurity, it may be that there is contributory negligence that can be brought before the courts or considered in relation to compensation. However, that is well down the line and must be cleared in legislation that will be brought to the Committee.

**Mr W Clarke:** Will the stakeholders get to consider specific issues prior to consultation?

**Ms Connor:** When we drafted the voluntary code, a group of stakeholders was established comprising representatives of the Ulster Farmers' Union (UFU), the Northern Ireland Agricultural Producers Association, Veterinary Northern Ireland and the Northern Ireland Meat Exporters Association. In fact, that was a subgroup of our main rural stakeholders' forum.

We published the code and released it under a joint DARD/farming industry heading. However, for all intents and purposes, the industry drafted it. UFU policy officials took a lead role, and the Department checked the legislative references. It was an industry-led initiative, and, therefore, it worked well. The biosecurity code was signed off by the industry, and a laminated flyer was distributed to most farms. The majority of farmers bought into that process, because the industry promoted it well. That joint track was successful.

**The Deputy Chairperson:** Is the Department now taking advantage of the industry's goodwill?

**Ms Connor:** The expertise was there.

**The Deputy Chairperson:** The Department is taking advantage of that goodwill and putting it into the legislation rather than the voluntary code.

**Ms McMaster:** It is important that the code — which was developed as a voluntary code — is not transferred into legislation. We do not want to take something that people thought was voluntary and make it a statutory requirement. We will develop new

guidance from scratch with the industry for specific diseases.

**Mr Poots:** The proposals are too broad. They must be more specific.

**The Deputy Chairperson:** What do you recommend?

**Mr Poots:** I recommend that the Department return with more specific proposals.

**Mr W Clarke:** What is the time frame for consideration of the guidelines? I assume that the Department needs to talk to the stakeholders about each specific case or disease before returning to the Committee?

**Mr McKee:** We are dealing with permissive powers again. We cannot address specific issues, because it will take time to develop.

**Ms Dunbar:** It only gives the Department the power to make secondary legislation. The specifics to which Mr Poots refers will be included in the secondary legislation.

**Mr W Clarke:** Can you highlight the risks of not having the primary legislation? Could that damage the industry?

**Mr Poots:** There are steps that go beyond good practice and provide additional security. The gap between the potential benefits and the costs can be extreme. The Committee must identify the Department's position to ensure that we do not give officials carte blanche to apply a gold-plated scheme that, in essence, will not generate benefits for many farmers, but will have a major effect on their everyday duties. Some measures which are not always applicable might be applicable in emergencies. If we give you the go-ahead, those measures could become always applicable.

**Mr W Clarke:** Brucellosis and TB affect taxpayers in the North in general, not only in farming communities. A huge cost is involved, and, if the Department requires measures, it will have to —

**Mr Poots:** The farmers need measures, too. It is a two-way process, and it is difficult for the farming community to take all this seriously, given that the Department knows about problems and does not take them seriously. The officials can tell the Committee that this is important for the Northern Ireland community to eradicate disease but —

**Mr W Clarke:** If you are talking about badgers again, that is not proven.

**Mr Poots:** It is indeed. You are living in a cave.

**The Deputy Chairperson:** We are not getting into that debate now. Edwin, do you think that the Department should return with more specific information?

**Mr Poots:** Yes.

**The Deputy Chairperson:** There is no reason why that cannot be done at the primary legislation stage rather than the secondary legislation stage. Is that reasonable? Does everyone agree?

**Mr McKee:** The drawdown and the specific detail of individual measures cannot be agreed in relation to the primary legislation, which is an overarching power. Although we might require biosecurity codes for three or four common diseases, that figure could easily increase to 10 or 12 during the development phase.

**The Deputy Chairperson:** We will not agree the clause until you come up with a way of resolving the issue.

**Mr McKee:** An iterative process with the industry cannot begin at this stage on the basis of primary legislation. Either the Department has the permissive power, or it does not. That is all that we ask. We are not asking the Committee to sign up to anything that puts farmers' hands behind their backs, or prevents the Committee from taking action. That is not the issue.

**The Deputy Chairperson:** Believe it or not, I am sceptical about that.

**Mr McKee:** I understand that you will have the same outlook as any reasonable person. We are not putting anybody into a corner or boxing anybody in. It is a permissive power.

**Ms Connor:** In fairness, Mr Poots in particular needs some additional advice to enable him to support the clause. The Department will provide that as best it can, and will then discuss the clause again with the Committee. The information received through our veterinary risk assessment and from our veterinary colleagues shows that that power is necessary and must be included in the Bill. However, we understand your concerns, and will provide further information.

**Mr Poots:** My problem is that there are steps one can take on an everyday basis, which are normal good practice; there are steps to achieve added biosecurity which go beyond normal good practice; and there are steps that might be taken in an emergency. None of that is particularly clear in the Bill. There are things that should be done by everyone, and I do not have an issue with those. It is the circumstances in which one moves beyond that that I am concerned about.

**Ms Connor:** We will try to clarify that.

**The Deputy Chairperson:** Thank you. Do members have any issues with clause 9?

*Members indicated assent.*

**The Deputy Chairperson:** Clause 10 is concerned with fees and expenses. Are there any issues that members want to raise, or is everyone reasonably content with that clause?

*Members indicated assent.*

As there are no objections we will move on to clause 11, which is concerned with deliberate infection. Does any member have anything to say about that clause?

**Mr Poots:** The International League for the Protection of Horses seems to be saying, in the summary of contents on the provisions in the Bill, that that clause should go slightly further. The Department's response is that that is a matter for the Minister and the Assembly in the detailed stages of the Bill. I agree that anyone who deliberately infects an animal must be severely punished.

**The Deputy Chairperson:** I welcome the proposals in clause 11. Credit where credit is due — I am glad to see the issue of deliberate infection included in the Bill. Do you want to comment on what Edwin Poots has said? Could something be included in that clause to deal with repeat offenders?

**Ms Connor:** It is as a last resort that we would deprive someone of their livelihood; we do not want to prevent a farmer from carrying on his normal farming activities. Under the Diseases of Animals Bill, anyone found guilty of deliberate infection is, on conviction, liable to a fine of up to £5,000 or a prison sentence. That is how that sort of offence is dealt with.

Under the Welfare of Animals Act (Northern Ireland) 1972, a person who is convicted can be banned from keeping animals. That extends to only the person guilty of the offence; sometimes, when that happens, another member of the family takes over the running of the farm. We all realise the seriousness of someone wilfully introducing infection or disease into a herd, usually for monetary gain. The Department would deprive someone of their livelihood as only a last resort. However, it is something that we would consider.

**Mr Poots:** That would not be a last resort for me.

**Ms Connor:** We convict someone depending on the seriousness of the offence. Clause 11 provides for the disqualifications that we would want to apply in circumstances such as deliberate infection. However, the decision whether to convict is open to the Department.

**The Deputy Chairperson:** Are you confident that the proposals are tight enough to ensure that people will not deliberately infect animals, and feel that, to some degree, they can get away with it?

**Ms Connor:** We sought advice on how to tackle the offence of deliberate infection, and that is one of the best proposals that we could come up with. We hope that it will be a deterrent. Perhaps you should ask my veterinary colleagues.

**Mr Poots:** I accept that it is a matter for the courts. However, with regard to the legislation, how much latitude will the courts have in preventing people who have caused deliberate infection from keeping animals, particularly repeat offenders?

**Ms Connor:** The court can specify that.

**Mr Poots:** The courts are, however, very often guided by the legislation.

**Mr Hatch:** The equivalent provision in the Welfare of Animals Act (Northern Ireland) 1972 is a mandatory disqualification from keeping animals. That is applied on the second occasion where there is cruelty to animals, what is known as a 13(g) offence. The Department has not, I believe, opposed a mandatory disqualification.

**Ms Connor:** This is an entirely discretionary power for the court, and it would be for the court to decide in the circumstances.

**Mr Poots:** I would like the matter to be a bit firmer, to be honest.

**The Deputy Chairperson:** That is where you would like to see a mandatory disqualification?

**Mr Poots:** Certainly for a second offence.

**Ms Corkey:** We could build that into the Bill.

**Mr Poots:** To infect an animal deliberately is one of the most disgusting things that anyone can do. To do that for monetary gain does not make it any better.

**Mr Irwin:** Has anyone ever been found guilty of deliberately infecting animals? I know that the Department's record on pursuing people who are thought to be guilty of offences is quite dismal. Having spoken to Department officials, I know of instances when they knew on many occasions about problems but could not get a conviction.

**Mr Hatch:** I do not think that there has been a successful case in the North.

The specific offence of deliberate infection has not existed, although I am aware that there may have been convictions for offences such as indirect interference with a test. There was a successful case in the Republic when two men were sent to prison for the deliberate introduction of BSE. We should have equivalent powers to enable us to secure convictions for that offence.

**Ms Connor:** Our intention was that the provision would be used in cases of malicious or deliberate infection.

**The Deputy Chairperson:** The Committee is happy with that. For once, we want that power to be beefed up or improved.

**Ms Connor:** We will look for the second offence to be included.

**Mr Poots:** What is the possibility of offenders receiving a jail sentence? I regard deliberate infection as a criminal offence — it is not the same as someone leaving a bucket of disinfectant at the side of the yard.

**Mr T Clarke:** It was mentioned earlier about having a fixed penalty as a deterrent. However, a jail sentence would be a more effective deterrent than a fixed penalty was for the matter that we discussed earlier. Knowing that deliberate infection carries a jail sentence would serve as a real deterrent.

**Ms Corkey:** Deliberate infection is an offence under the Diseases of Animals (Northern Ireland) Order 1981, and carries the penalty of imprisonment and a fine, with the additional penalty that an offender may not be able to keep animals. Therefore, it is a dual approach to tackling deliberate infection, as offenders will be hit from both angles.

*Members indicated assent.*

**The Deputy Chairperson:** Clause 12 relates to the seizure and destruction of things liable to spread disease. Are members content with that clause?

*Members indicated assent.*

Clause 13 relates to control of vaccines. Are members content with that clause?

*Members indicated assent.*

Clause 14 relates to the treatment of animals or poultry. Are members content with that clause?

*Members indicated assent.*

Clause 15 relates to the regulation of movement of animals and poultry. Perhaps Department officials could provide a quick briefing on clause 15.

**Ms Corkey:** There are two separate aspects to clause 15. Clause 15 makes two changes to article 19 of the Diseases of Animals (Northern Ireland) Order 1981, concerning animal movement controls. The first change concerns powers to make subordinate legislation, regulating the exposure of animals for sale at markets and other places. The exposure of animals for sale at markets has the potential to spread disease, due to the close confinement of animals from different farms.

The current powers in article 19 regulate the exposure of animals for sale that are diseased or suspected of being diseased, but they do not enable measures to be prescribed to protect the health of all animals at sales. Therefore, the first amendment in clause 15 of the Bill deletes the references to diseased and suspected animals in article 19(a) of the Diseases of Animals (Northern Ireland) Order 1981. The effect of that amendment is that subordinate legislation may be introduced to regulate the exposure of any animals for sale regardless of their diseased status, with any draft legislation being brought to the Committee's attention.



The second part of clause 15 — 15(b) — amends article 19(e) of the 1981 Order. Article 19(e) currently enables DARD to introduce subordinate legislation to regulate the exposure of animals newly purchased. Isolation of a newly purchased animal may be necessary in order to check its identity or to carry out certain tests to confirm its disease status. The powers in article 19 do not apply to the isolation of diseased or suspected animals, and that is a serious gap in our animal health controls. The isolation of a diseased or suspected animal is an immediate requirement in the control of any contagious disease.

Failure to isolate a diseased or suspected animal increases the risk of disease spread. For example, failure to isolate brucellosis reactors may lead to the rapid spread of disease in the herd and to neighbouring farms. In order to close that serious gap, the Bill will amend article 19 to provide a power to regulate the isolation of any animals or poultry, not just those newly purchased, by means of subordinate legislation. As I said earlier, that legislation will be subject to consultation with stakeholders and be brought to the Committee in draft form for discussion.

**The Deputy Chairperson:** Are you saying that there is no legislation to enforce the isolation of animals with brucellosis?

**Ms Corkey:** At the moment, the Department enforces that under a system of licensing, where it may be a condition in a licence to isolate an animal. However, the direct isolation powers in article 19 relate to only newly purchased animals; they do not relate to diseased or suspected animals, which are the important circumstances when the Department would want to isolate animals. At the moment, that is carried out under a system of licensing that requires the animal to be licensed under the particular disease control order. For example, if the animal was a brucellosis suspect, a notice would be issued under the Brucellosis Order 1997 requiring the animal to be isolated. The Department's lawyers have advised that it should take direct and clear powers in the Diseases of Animals (Northern Ireland) Order 1981 to regulate the isolation of any animals when necessary.

**The Deputy Chairperson:** If that would not change significantly the brucellosis isolation, what are we talking about, specifically?

**Ms Corkey:** The power would apply to any disease. It would, obviously, apply to diseases where there are close contacts between a suspected animal and clean animals, and where that would be likely to give rise to the spread of disease, the Department would want to have that animal separated out until it could be confirmed as an infected animal or, perhaps, cleared and returned to the herd. It would be any disease where those circumstances applied, and certainly in the

epizootic situation, where we may require isolation of animals for fast-spreading diseases.

**The Deputy Chairperson:** What, additionally, will that mean for farmers practically?

**Mr McKee:** It does not mean that the Department requires state-of-the-art biosecure premises. It could be a shed, a building on a farm, a field or a paddock, as long as the animal is physically separate from other animals.

**The Deputy Chairperson:** Farmers must have isolation facilities in order to get a herd number. Would that facility accommodate that requirement?

**Mr McKee:** Yes, in the main. There may well be exceptions, but we are not regulating for the exception; we are dealing with the usual, ongoing situations where there is a need for separation or isolation. In a recent case, we discovered someone importing animals who was not doing things as we would have wished. They were in breach of a licence relating to isolation, which would also mean that they were in breach of a main statute.

**The Deputy Chairperson:** The Ulster Farmers' Union has indicated that it is not content with this proposal.

**Mr McKee:** They may well be misguided and feel that the Department is looking for something way beyond what is there at present. That is not the intention.

**The Deputy Chairperson:** For some reason, you keep telling us that.

**Mr McKee:** Nobody believes me. Do we have a credibility problem? *[Laughter.]*

**Mr Savage:** An animal that is diseased, or suspected of being diseased, may need to be isolated. If the farmer who owned the animal took the decision to put it down rather than go through a testing regime, is he at liberty to do that? Would the Department allow that, or would it want to test the animal in order to diagnose any disease?

**Mr Roly Harwood (Department of Agriculture and Rural Development):** We usually would want to test, because if blood tests have to be taken —

**Mr Savage:** Every time a farmer has to call out a vet, knowing that the animal would not get better, expense is incurred. Does the farmer have the right to put the animal down, or can the Department make him go through a regime of testing to try and diagnose the ailment?

**Mr Harwood:** Usually, from a TB and brucellosis point of view, it would be expected that in inconclusive cases, the animal could be slaughtered if the farmer wishes, and samples can be taken at meat plants. With other diseases, however, possibly more exotic ones, the



situation may be different. It depends on the disease and the advice that is given.

**Ms Dunbar:** There are many diseases that are not Government-controlled. In those cases, it is entirely up to the farmer what he wants to do with the animal. It is only in cases of disease on which there are notification controls that the Department may ask for the animal to be kept alive until we get the results of tests.

**Mr Savage:** If the farmer knows that the animal is not going to get better, but the Department wants to do tests on the animal, what position does that leave him in?

**Ms Dunbar:** That depends very much on the specific disease. If the animal was suspected of having foot-and-mouth disease, we would want to slaughter it before we got the results of the test. If there was a suspected case of bluetongue, we would want the animal to be isolated if it was during the winter while we investigated the disease, as there are many other diseases that would give a similar clinical picture to bluetongue; you could not tell just by looking at the animal. It depends very much on the specific disease.

**Mr Savage:** If the farmer knows that the animal will not get better, but you want to do tests for your own information, can you compel the farmer to put the animal through that process?

**Mr Harwood:** In most cases, we would want to get the animal away as soon as possible, particularly if it is suffering from a virus that spread quickly. We would take whatever samples we could when the animal was alive. I am trying to picture how that could happen; in my experience, I have never been in that situation.

**Ms Dunbar:** I know of cases in which we slaughtered animals when, from an epidemiological point of view, we would have liked to keep them alive. I have known it happen the other way around: however, I cannot think of a situation where we kept an animal alive specifically to get results in a disease situation. In 2001, during the foot-and-mouth epidemic, we would have liked to carry out more sero-surveillance of the area before we slaughtered some animals, but we did it that way round. We will slaughter if we think that that can stop the spread of disease, before we know whether a spread of infection has taken place.

**The Deputy Chairperson:** So, it can almost work the opposite way.

**Mr P J Bradley:** Ian McKee mentioned that farmers must demonstrate that isolation facilities are available to them. Do farmers have to own those facilities, can they be rented, or do those facilities simply need to be available?

**Mr McKee:** The facilities must be available for their business.

**Mr P J Bradley:** Could they be rented from a neighbour?

**Mr McKee:** They could be rented from a neighbour, or it could be a paddock on conacre land.

**The Deputy Chairperson:** Isolation facilities, therefore, are worth a fortune. *[Laughter.]*

Are members content with clause 15?

*Members indicated assent.*

**The Deputy Chairperson:** Clause 16 deals with the registration and approval of livestock dealers. Are members content with that clause?

*Members indicated assent.*

**The Deputy Chairperson:** Clause 17 deals with the export of animals and poultry. Are members content with that clause?

*Members indicated assent.*

**The Deputy Chairperson:** Clause 18 deals with records and returns. I hope that that does not create additional bureaucracy.

**Ms Corkey:** It does not place any additional obligations on the farming community; it places those on the right, responsible person, who is not necessarily the owner. European Union legislation refers to that person as the “keeper”.

**The Deputy Chairperson:** I just wanted to read in Hansard that you said that that will not lead to more bureaucracy. Are members content with clause 18?

*Members indicated assent.*

**The Deputy Chairperson:** Clause 19 is entitled “Inspection, etc., of imports”. Are members content with that clause?

*Members indicated assent.*

**The Deputy Chairperson:** Clause 20 deals with the power to inspect, cleanse and disinfect vehicles.

**Mr Poots:** Is that power intended to be used for emergencies, or is it for use at all times?

**Ms Dunbar:** It is an emergency provision.

**Mr Poots:** So, a person who was driving down the road with their jeep and trailer would not be subject to those powers at ordinary times.

**Ms Corkey:** The times at which those powers can be used must be designated in an Order, which would come before the Committee. The powers can be used in only an emergency situation.

**Mr Poots:** I have no issues with clause 20.

*Members indicated assent.*

**The Deputy Chairperson:** Clause 21 deals with procedures for Orders. That is a technical aspect of the Bill. Are members content with that clause?

*Members indicated assent.*

**The Deputy Chairperson:** Clause 22 deals with minor and consequential amendments and repeals. That is also a technical aspect of the Bill. Are members content with that clause?

*Members indicated assent.*

**The Deputy Chairperson:** Clause 23 is entitled “Commencement” and is also a technical clause. Are members content with that clause?

*Members indicated assent.*

**The Deputy Chairperson:** Clause 24 gives the short title of the Bill. Are members content with that clause?

*Members indicated assent.*

**The Deputy Chairperson:** Schedule 2 deals with minor and consequential amendments to the 1981 Order. Are members content with schedule 2?

*Members indicated assent.*

**The Deputy Chairperson:** Schedule 3 deals with repeals. Are members content with schedule 3?

*Members indicated assent.*

**The Deputy Chairperson:** That brings us to the end of our consideration of the Diseases of Animals Bill. I thank the representatives from the Department for their help and assistance. The Committee Clerk will write to the Department on the issues that we have raised.

**Ms Connor:** I thank the Committee for its time. The Diseases of Animals Bill is important to the Minister and the Department. We are grateful for the comments that members made; we will deliberate on those, and we will respond when the Committee Clerk writes to us formally. This is another step in the Bill’s passage through the Assembly.

**Ms Corkey:** After speaking to the Department’s legal adviser, I wish to correct an earlier point on Clause 20, which deals with the power to cleanse and disinfect vehicles. As we said, that power is for use in an emergency situation. In fact, that happened during the foot-and-mouth outbreak in 2001, when vehicles that came in and out of protection and surveillance zones were cleansed and disinfected.

For Hansard purposes, the solicitor asked me to clarify that it is possible to use the powers in clause 20 in normal situations. A designation zone could be set up around, for example, a port area to cleanse and disinfect vehicles coming in and out of that area. For instance, if there were a disease outbreak in Britain, we might want to cleanse and disinfect vehicles coming

off boats at Larne. Therefore, it is technically possible to use those powers in normal situations.

However, regardless of whether there is a disease outbreak here, in order to use the powers, areas and times must be designated. That must be done through subordinate legislation, which means that the Department can never have a free hand. It is important to clarify that point.

**The Deputy Chairperson:** The Committee is content with that. Thank you very much.

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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR THE ENVIRONMENT

20 November 2008

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### GOODS VEHICLES (LICENSING OF OPERATORS) BILL (NIA 15/07)

#### Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)  
Mr Cathal Boylan (Deputy Chairperson)  
Mr Roy Beggs  
Mr Trevor Clarke  
Mr David McClarty  
Mr David Ford  
Mr Ian McCrea  
Mr Alastair Ross  
Mr Peter Weir

#### Witnesses:

Mr Donald Armstrong	} Department of the Environment
Mr John Brogan	
Ms Gillian McIntyre	

**The Deputy Chairperson (Mr Boylan):** We come to the clause-by-clause scrutiny of the Goods Vehicles (Licensing of Operators) Bill, and I ask members to declare any interests. Today, the Committee will get feedback from the Department on the outstanding issues in the Bill. If members are content with that, we will move on to the formal clause-by-clause consideration of the Bill.

The Department will first address the two outstanding items that cannot be linked to a clause: planning; and the appointment of a traffic commissioner. I will ask the officials to comment on any further outstanding issues as they occur during clause-by-clause consideration. I remind members that they considered departmental amendments at previous meetings and were content with all the proposals.

Members have a copy of the Bill, its issue paper, and the accompanying papers, which include issues that were raised by the Committee; departmental responses to date; proposed departmental amendments; advice and feedback from the Examiner of Statutory

Rules; recent letters from stakeholders; correspondence from Tom Wilson of the Freight Transport Association, in response to the Committee's request for information on any assurance given by the Department concerning a traffic commissioner; and information on the Bill's powers to make secondary legislation. A list of circumstances that would render an amendment to the legislation out of order is included, as is the cover note for this item of business.

A further meeting may be scheduled for Tuesday 25 November if clause-by-clause scrutiny is not completed today. I introduce Donald Armstrong, John Brogan, and Gillian McIntyre, who are here to provide further information and to help us through clause-by-clause scrutiny.

**Mr Beggs:** I declare an interest as an agricultural landholder and as someone who assists on my father's farm. Some aspects of the Bill might be relevant.

**Mr T Clarke:** I declare an interest as a member of the motor trade.

**The Deputy Chairperson:** During clause-by-clause scrutiny, some issues were raised by the Bill team. The first is the planning concerns of the operating centres. The Department said that it would be happy to submit a statement to the Minister for perusal at consideration stage. The Committee considered the first draft of that proposed statement and asked for the removal of the third paragraph, along with the reference to the fact that the Minister will be speaking as Minister for the Driver and Vehicle Agency (DVA) and for the Planning Service.

Following further discussions with the Planning Service, the Department proposed a revised statement:

"Following a designation by the Department of a place as an 'Operating Centre' under the GV(LOO) Bill, the issue of read-across into interest or action by Planning Service may be of concern to some.

I want to give you an assurance that the designation of a property as an Operating Centre will not in itself have any read-across to Planning action; nor will it be used by, or influence any action by Planning Service as to the use of the property.

Irrespective of this assurance, it is the responsibility of all land owners to ensure that the use of their property satisfies the requirements of planning law."

Are members content with that?

**Mr Weir:** Why do we need that third sentence? It is a truism to say:

"Irrespective of this assurance, it is the responsibility of all land owners to ensure that the use of their property satisfies the requirements of planning law."

**Mr Ford:** What are you reading from, Chairperson?

**The Deputy Chairperson:** Tab 49 in the master file. For clause-by-clause scrutiny of the Bill we will be examining tabs 47, 48, 49 and 50 in the master file.

Do members agree on the planning section of the revised statement?

**Mr T Clarke:** I would prefer some changes in the terminology for an operating centre or the need for one, particularly for smaller operators.

**Mr Weir:** We have asked for changes, and the Department has — to a large extent — bent over backwards to meet our concerns and even included the wording that Mr Ford asked for.

**Mr Ford:** Most of the concerns that we expressed have been included and, in order to be nice to the Department, we should agree on that part of the revised statement.

**Mr Beggs:** I concur.

**The Deputy Chairperson:** Do Committee members agree to the planning section of the revised statement?

*Members indicated assent.*

**Mr T Clarke:** Put me down as a no.

**Mr Beggs:** Are you going to say that for every part of the Bill?

**Mr T Clarke:** I am not against the whole Bill, only certain sections of it. It is ill thought-out.

**The Deputy Chairperson:** On enforcement, the revised statement says that the Committee may want to consider:

“1. If it should make a recommendation that the Department should separate the regulatory and enforcement roles when implementing the Bill in Northern Ireland; and

2. If it should make a further recommendation that the Department pursues the feasibility of the appointment of a traffic commissioner for Northern Ireland, to have statutory responsibility for among other things, Goods Vehicles Operator Licensing; or

3. If it should make a series of amendments to bring the appointment of a traffic commissioner for Northern Ireland into the scope of this Bill.”

**Mr Weir:** Regardless of the merits or demerits of having a traffic commissioner, I understood that provision for one was outside of the scope of the Bill and would be part of a separate consultation. There is nothing in the Bill that precludes the introduction of a traffic commissioner at a later stage, nor is there anything that makes a traffic commissioner a necessity. We should not muddy the waters by making further amendments to the Bill on the issue.

**The Deputy Chairperson:** I will go through the three points again.

**Mr Ford:** Whether there should be a traffic commissioner is a matter of some debate. I do not accept Mr Weir’s statement that the appointment of a traffic commissioner is outside the scope of the Bill.

**Mr Weir:** Correct me if I am wrong, but officials previously said that it was; I understood that that issue was separate from the Bill.

**Mr Ford:** Legally, the appointment of a traffic commissioner is not outside the scope of the Bill, which is to regulate road freight; it is entirely within the legal scope of the Bill to insert provision for the appointment of a traffic commissioner. The decision on whether or not to do that is a different issue; however, it is not valid to say that the appointment of a traffic commissioner is outside the scope of the Bill. The issue must be considered on its merits.

**Mr Weir:** The appointment of a traffic commissioner would be outside the original intention of the Bill, which was not to prejudge that issue one way or the other. Arguments can be made about whether that is outside the scope or outside the intention of the Bill; I think that the appointment of a traffic commissioner was intended to be a separate issue. It should not be introduced as an issue at this stage; it is for another day. It is fair enough that the Bill does not preclude or make necessary such an appointment. The Bill leaves it open.

**Mr Ford:** At the risk of being nice to the departmental officials twice in a row, the correspondence with which we have been supplied suggests that it is difficult to substantiate that a guarantee that a traffic commissioner would be appointed was given to some of the freight associations. However, it seems that the issue of a traffic commissioner has been part of the public consultation process for some years. It is for the Department to decide whether it chooses to introduce that.

It will be for the Assembly to decide on the evidence whether it believes that a traffic commissioner is a good idea now rather than in five, six or seven years’ time. On the basis of the evidence that we have received, we should consider appointing a traffic commissioner as part of the Bill rather than wait five, six or seven years.

**The Deputy Chairperson:** I need agreement on whether to accept the three proposals. Donald, do you want to respond before we do that?

**Mr Donald Armstrong (Department of the Environment):** Chairperson, in your opening remarks you recommended that the Department press ahead with consideration of the appointment of a traffic commissioner. We are content with that recommendation.

**The Deputy Chairperson:** The first consideration on which we must agree is whether the Committee: “should make a recommendation that the Department should separate the regulatory and enforcement roles when implementing the Bill in Northern Ireland”.

**Mr Weir:** What will that mean in practice?



**Mr D Armstrong:** It means that the Department will not put the role of regulator — or what was termed the “traffic commissioner” function — into the agency; we will separate that function from the agency. The last time that we met the Committee we gave an undertaking that we will separate the functions.

**The Deputy Chairperson:** Are members content?

*Members indicated assent.*

**The Deputy Chairperson:** The Committee should consider:

“If it should make a further recommendation that the Department pursues the feasibility of the appointment of a traffic commissioner for Northern Ireland, to have statutory responsibility for among other things, Goods Vehicles Operator Licensing.”

Can you clarify that for the Committee?

**Mr D Armstrong:** The Department will proceed with consideration of the appointment of a traffic commissioner, and we will do so as expeditiously as possible. That will cover freight, buses and taxis.

**Mr Weir:** By “feasibility” do you mean that it will be deemed whether or not that is the right route?

**Mr D Armstrong:** Yes. A policy decision is not in place to appoint a traffic commissioner because we do not know whether that is the best solution.

**The Deputy Chairperson:** Are members content?

**Mr Ford:** The third option is a direct alternative to the second, so you must read both before putting the question to the Committee.

**The Deputy Chairperson:** Thank you, Mr Ford. The Committee may wish to consider:

“If it should make a series of amendments to bring the appointment of a traffic commissioner for Northern Ireland into the scope of this Bill.”

Mr Ford is determined to get that in.

**Mr D Armstrong:** The Department would not be happy with the third option.

**Mr Weir:** We accept the second option rather than the third.

**The Deputy Chairperson:** The Committee is therefore agreed on the second option.

**Mr Ford:** Do you wish to record a vote on that?

**The Deputy Chairperson:** I have to record a vote for Mr Clarke’s benefit. For clarification, I will read the first and second proposals again.

I have been thrown into the hot seat today without briefing notes. We are voting on proposals 1 and 2.

**Mr Weir:** Are we not voting on proposals 2 and 3? I thought that proposal 1 had been agreed to.

**The Deputy Chairperson:** Sorry, my mistake; we are voting on proposal 2. Are Members agreed?

*Members indicated assent.*

**Mr Ford:** Can I record my dissent?

**The Deputy Chairperson:** OK. We have to go back to vote on the previous issue on planning, as Mr Clarke has expressed his dissatisfaction.

**Mr Beggs:** With regard to proposal 3, shall I read that out and then we will have dealt with all three? That seems reasonable.

**The Deputy Chairperson:** Just for clarification, the third proposal is opposed and the second is agreed. The second reads:

“If it should make a further recommendation that the Department pursues the feasibility of the appointment of a traffic commissioner for Northern Ireland, to have a statutory responsibility for among other things, Goods Vehicle Operating Licensing.”

Mr Ford has voted against that. The third reads:

“If it should make a series of amendments to bring the appointment of a traffic commissioner for Northern Ireland into the scope of this Bill.”

**Mr Ford:** Procedurally, since the Committee has agreed to proposal 2, there is no point in voting on proposal 3.

**The Deputy Chairperson:** It is only for clarification purposes for Mr Beggs, and I take your point. We are going back to the revised statement. Are members agreed?

*Members indicated assent.*

**Mr T Clarke:** I vote against.

**The Deputy Chairperson:** Mr Clarke’s dissent has been recorded. You will be delighted to know that we are going through the Goods Vehicle (Licensing of Operators) Bill clause-by-clause.

**Mr Ford:** Can I make a procedural point? I have recorded my dissent from the recommendation not to proceed with the traffic commissioner. I do not intend to obstruct the Committee by suggesting an amendment to every clause, given that the principle has been decided by the rest of the Committee that there will not be a traffic commissioner. I do not believe, however, that that negates my right to continue to express my view in favour of a traffic commissioner. There is, however, little point in my obstructing the Committee’s work and suggesting an amendment to every clause that says “Department” where it should say “traffic commissioner”. In the interests of being helpful to the Committee, I reserve my right to continue to object in future while not objecting in practice to clause-by-clause scrutiny at this stage.

**Mr I McCrea:** I would not have expected anything less.

**Mr T Clarke:** Come you and sit beside me, David.

**Clause 1 (Operators' licences)**

**The Deputy Chairperson:** Mr Armstrong, what is the Department's view on clause 1?

**Mr D Armstrong:** Members will have a copy of a letter dated 12 November from our departmental Assembly liaison officer, Una Downey. I have given members a paper on exemptions that sets out the arrangements for exemptions in Northern Ireland and in Great Britain. During our scrutiny of the exemptions we met representatives of the GB traffic commissioners who said that they would recommend the removal of 60% of exemptions in GB. There are European Union proposals on exemptions. Earlier this year, we were consulted as part of a UK-wide consultation on the regulation of the European Parliament Council's establishment of common rules to be implemented for transport operators. The proposal will come into law directly as a regulation.

The UK Government believes that member states should be free to continue granting exemptions. In particular, they have cited the agriculture industry, and the UK Government is lobbying as part of that. We have received requests for exemptions, and we have listed those in papers that were distributed to members.

The exemptions are listed in appendix C and are to some degree generic. The public sector, including local authorities, the Department for Regional Development and the Department of Agriculture have made requests for exemption.

**Mr Weir:** What is a showman's vehicle?

**Mr D Armstrong:** It is a sort of roundabout circus vehicle, for which exemption is already being sought.

**Mr Weir:** Are there many showman's vehicles in Northern Ireland?

**Mr D Armstrong:** That is among the proposed exemptions that the traffic commissioners in GB feel should be removed.

**Mr T Clarke:** Have local authorities asked for exemptions?

**Mr D Armstrong:** Some local authorities have; others have not.

**Mr T Clarke:** Which requests is the Department considering?

**Mr D Armstrong:** No one on that list has yet been considered; it is a list of requests. The Department will continue to engage with stakeholders and with those who have requested exemptions to establish whether there is a justification for their request. We could use the function of a vehicle as a criterion rather than the vehicle itself. However, the possible effect on the various industries of proceeding in that manner must be G24 explored.

The effect of the European dimension for Northern Ireland and for the rest of the United Kingdom must also be considered, as well as the UK's response. The importance of exemptions must be recognised, and we will have proposals for the consideration of the Minister and of the Committee as soon as possible. In six months' time, after the Bill has been completed, the Department should be able to make proposals on what may be exempted. Essentially, the Bill grants the power to give exemptions. However, it is too early to say what those exemptions may be.

Any proposals will be subject to public consultation before final decision and before subordinate legislation is introduced.

**Mr Beggs:** Surely there should be a specific reason for an exemption. Should public bodies not be aware of the dangers of over-legislating and that a balance must be maintained?

**Mr D Armstrong:** There is no Crown exemption in the proposed legislation; justification, therefore, is required for public or private exemption. The Department takes into account the function of a vehicle when considering exemption. The process of engaging with stakeholders has started. Proposals may take as long as six months after the completion of the Bill.

**The Deputy Chairperson:** Are members content with the Department's thoughts on exemptions or do they wish to make any other points?

**Mr Beggs:** I am content, at this stage.

**Mr Weir:** The Committee cannot issue a blank cheque; some re-examination will be necessary.

**The Deputy Chairperson:** In relation to clause 1(2)(d), may I refer members to tab 47 of their papers?

**Mr D Armstrong:** Is that the letter of 17 November?

**The Deputy Chairperson:** Yes.

**Mr John Brogan (Department of the Environment):** The amendment to clause 1(2)(d) gives the Department the power to make exemptions through regulations. Having considered the Committee's earlier comments, we are content for any regulations made under amended clause 1(2)(d) to be subject to affirmative resolution. As the Bill is drafted, clause 1(2)(d) is subject to negative resolution; therefore the Committee must recommend an amendment to make clause 1(2)(d) subject to affirmative resolution. However, that amendment will be made to clause 57 rather than to clause 1. When we reach consideration of clause 57, we can include clause 1(2)(d) on a list of clauses that will be subject to affirmative resolution.

*Question proposed:*

That the Committee recommend to the Assembly that the clause be amended as follows: In page 1, line 10 leave out

“within the meaning given in Schedule 1”

and

In page 1, line 16, at end insert —

“(2A) For the purposes of subsection (2)(a) a goods vehicle is a small goods vehicle if-

- (a) it does not form part of a vehicle combination and-
  - (i) it has a relevant plated weight not exceeding 3.5 tonnes, or
  - (ii) in the case of a vehicle which does not have a relevant plated weight, it has an unladen weight not exceeding 1525 kilograms; or

(b) it forms part of a vehicle combination and complies with such conditions as may be prescribed;

and ‘relevant plated weight’ in paragraph (a) means a plated weight of the description specified in relation to that paragraph by regulations;” — [*The Minister of the Environment (Mr S Wilson).*]

*Question put and agreed to.*

*Question.* That the Committee is content with the clause, subject to the Minister’s proposed amendments, *put and agreed to.*

Clause 1, subject to the Minister’s proposed amendments, agreed to.

*Clauses 2 to 5 agreed to.*

#### ***Clause 6 (Operating centres to be specified in operators’ licences)***

**The Deputy Chairperson:** The Committee had already decided that it is broadly content with clause 6.

**Mr T Clarke:** I am not broadly content with operating centres, full stop.

*Question put.* That the Committee is content with the clause.

*The Committee divided:* Ayes 5; Noes 1.

AYES

Mr Beggs, Mr Boylan, Mr I McCrea, Mr Ross, Mr Weir.

NOES:

Mr T Clarke.

*Question accordingly agreed to.*

*Clause 6 agreed to.*

*Clauses 7 to 11 agreed to.*

#### ***Clause 12 (Determination of applications for operators’ licences)***

**The Deputy Chairperson:** Has the Department any issues with clause 12?

**Mr Brogan:** The Department would be content for clause 12(12) to be subject to affirmative resolution.

*Clause 12 referred for further consideration.*

*Clauses 13 to 19 agreed to.*

#### ***Clause 20 (Conditions of licences)***

**The Deputy Chairperson:** I invite the Department to discuss its response to clause 20.

**Mr D Armstrong:** The question was whether clause 20(1)(d) should be subject to negative or affirmative resolution. The Department has considered the matter and its view is that it should remain subject to negative resolution.

**Mr Beggs:** Can you explain why?

**Mr D Armstrong:** Clause 20(1)(d) deals with conditions that would be attached to a licence; for example, road-safety conditions may be introduced. A fundamental policy issue is not involved, and, as such, we should leave the provision subject to negative resolution.

**Mr T Clarke:** Does that mean that we cannot make changes later?

**Mr D Armstrong:** Changes can be made under subordinate legislation 1 processes.

**Mr Beggs:** Just to clarify: you want clause 20(1)(d) to be subject to negative resolution so that regulations can be brought straight into effect and the Committee would have six months in which to object to them. In contrast, under affirmative resolution, the regulations would have to be approved by the Assembly before coming into effect.

**Mr D Armstrong:** The Committee will have the same access to any regulations and will still scrutinise them under subordinate legislation 1 processes; the only difference is that instead of having an affirmative vote in the House, the Committee would have to pray against it as a negative resolution.

The reason, which members may recall from a couple of weeks ago, is that it is part of bringing the discretionary process into licensing. For example, if someone were to commit a misdemeanour, his or her licence would be removed. This clause will give us the ability to grant a licence and attach conditions to it; for example, for road-safety reasons. It gives us flexibility to grant licences rather than take them away. The phrase in 20(1)(d) “any other prescribed purpose” is used because it allows us to grant licences for road-safety reasons.

**Mr T Clarke:** What was that last thing you said?

**Mr D Armstrong:** The clause allows us to prescribe conditions on a licence for road-safety reasons. That is not in paragraphs 20(1)(a), (b) or (c). It enables the licence to be granted as opposed to withdrawn or refused.

**Mr T Clarke:** Therefore, in a sense, you are weakening the legislation.

**Mr D Armstrong:** Sorry?

**Mr T Clarke:** You said that someone had to commit a misdemeanour. By adding that measure, you have weakened what should have been in place.

**Mr D Armstrong:** We are being given the power to apply conditions, should we wish to do so.

**Mr T Clarke:** Are you applying conditions as opposed to not giving a licence at all?

**Mr D Armstrong:** Yes.

**Mr T Clarke:** Therefore you have weakened the legislation.

**Mr D Armstrong:** We have not weakened it; it simply gives greater discretion to the person granting the licence. For example —

**Mr T Clarke:** You are making it easy for a person who has a history of misdemeanours to obtain a licence.

**Mr D Armstrong:** I will go over the points that I made about it last week. Under EU legislation, when a person is deemed to be of poor repute because he or she has committed traffic or transport offences, we must remove his or her licence. Clause 20 allows us to apply a condition to the licence and give it back. We must take the licence off the person; we have no choice, because that is what EU law demands. However, in GB there is discretion to return the licence on condition that, for example, the person provides monthly tachograph records for the following six months or provides more detailed information about maintenance checks on the vehicle.

The provision is about being able to let a person have a licence as if he or she were on probation, and we will watch how that person complies with the conditions. Instead of taking someone out of business, the provision allows them to continue in business, but with certain conditions; and 20(1)(d) enables the Department to specify what form those conditions should take.

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

*Clause 20 agreed to.*

*Clauses 21 to 23 agreed to.*

#### **Clause 24 (Revocation of standard licences)**

*Question proposed:*

That the Committee recommend to the Assembly that the clause be amended as follows: Page 20, line 36,

“leave out subsection (3)”

Page 20, line 39,

“leave out ‘subsection (3)’ and insert ‘section 26(1)’” — [*The Minister of the Environment (Mr S Wilson).*]

*Question put and agreed to.*

*Question,* That the Committee is content with the clause, subject to the Minister’s proposed amendments, put and agreed to.

*Clause 24, subject to the Minister’s proposed amendments, agreed to.*

*Clause 25 agreed to.*

#### **Clause 26 (Revocation, disqualification etc: supplementary provisions)**

*Question proposed:*

That the Committee recommend to the Assembly that the clause be amended as follows: Page 22, line 17,

“after ‘first’ insert ‘giving the holder of the licence or (as the case may be) the person concerned notice that it is considering doing so, and’” — [*The Minister of the Environment (Mr S Wilson).*]

*Question put and agreed to.*

*Question,* That the Committee is content with the clause, subject to the Minister’s proposed amendment, put and agreed to.

*Clause 26, subject to the Minister’s proposed amendment, agreed to.*

#### **Clause 27 (Periods of review for operating centres)**

**The Deputy Chairperson:** Is the Committee happy with clause 27?

**Mr T Clarke:** No. Operating centres will be all right for five years, and then if the Department does not like them, it can get rid of them.

*Question put,* That the Committee is content with the clause.

*The Committee divided:* Ayes 5; Noes 1.

AYES

*Mr Beggs, Mr Boylan, Mr I McCrea, Mr Ross, Mr Weir.*

NOES

*Mr T Clarke.*

*Question accordingly agreed to.*

*Clause 27 agreed to.*

*Clauses 28 to 49 agreed to.*

#### **Clause 50 (Large goods vehicles)**

**Mr D Armstrong:** We wrote to the Committee on 18 November 2008 about clause 50 and schedule 4. Trevor Clarke raised some concerns about the clause during the previous meeting of the Committee, particularly about the threshold weights for large goods vehicles.

This issue highlights the value of Committee scrutiny. It appears that the provisions on weight are out of date. We searched through the mists of time for previous examples and found them in the



Goods Vehicles (Licensing of Operators) Act 1995. We discussed the matter with our colleagues in the Vehicle & Operator Services Agency (VOSA) and the Department for Transport (DFT). Schedule 5 never came into effect in GB, even though it was in the 1995 Act. Were it to be brought into effect now, parts of it would have to be substantially amended, such as the old HGV 16.2 tonnes weight limit. Things have changed drastically since that weight limit was in effect.

The Department of the Environment would be happy for the Committee to remove clause 50 and schedule 4. There are a couple of other references to schedule 4 in the Bill. Furthermore, the Department recommends the replacement of the provisions in clause 57(2) by giving the Department the power to make regulations that will require certain documents to be carried by drivers of large goods vehicles. The definition of large goods vehicles will have to be specified to bring it up to date.

In response to Trevor Clarke's query, the Department suggests that the Committee drop clause 50 and schedule 4 and amend clause 57(2).

**Mr T Clarke:** Does schedule 4 deal with consignment notes?

**Mr D Armstrong:** Yes.

**Mr T Clarke:** We did not get an explanation why consignment notes were needed for larger vehicles and not smaller ones.

**Mr D Armstrong:** That was your question. We can find no requirement in law for them; consequently, we do not believe that such a requirement should appear in the Bill. Broadly speaking, consignment notes give details of the consigner, the consignee, the content and weight of the load.

They are used as good practice in the industry, but there is no law that requires that — either here or in GB. The law in GB has not been enacted in its 13 years of existence, and if it were enacted, it would be out of date. We suggest that if GB were to amend and enact it, we would have a provision in 57(2) that would enable us to follow suit. It is good practice, but it is not a legal requirement.

**Mr Beggs:** The proposal is to remove clause 50 and grant the power to the Department. Would the Department introduce a decision on the matter by affirmative resolution?

**Mr D Armstrong:** That could be done, as it would be a policy change — we would be considering new weights and what consignment notes are required. Consignment notes are quite common, but there is no legal requirement for them. The Department suggests that if it were to be introduced, it would require an amendment to the weights issue, as has been suggested. The Department suggests that clause 50 and schedule 4

be dropped and that we watch developments in GB so that we can introduce similar provision if necessary.

**The Deputy Chairperson:** Could the Department come back to the Committee with an amendment on clause 50?

**Mr Weir:** We could disagree to clause 50 now.

**Mr D Armstrong:** The Committee could drop clause 50 and schedule 4 and amend clause 57(2).

*Question,* That the Committee is content with the clause, *put and negated.*

*Clause 50 disagreed to.*

### **Clause 51 (Method of calculating weight of vehicles)**

*Question proposed:*

That the Committee recommend to the Assembly that the clause be amended as follows:

“After clause 51 insert —

‘Payment of grants

51A.—(1) The Department may, with the approval of the Department of Finance and Personnel, pay such grants to such persons or bodies as it considers appropriate in connection with any provision of, or the purposes of, this Act.

(2) Grants under this section shall be subject to such terms and conditions as the Department may, with the approval of the Department of Finance and Personnel, determine.” — [*The Minister of the Environment (Mr S Wilson).*]

*Question put and agreed to.*

*Question,* That the Committee is content with the clause, subject to the Minister's proposed amendment, *put and agreed to.*

*Clause 51, subject to the Minister's proposed amendment, agreed to.*

*Clauses 52 and 53 agreed to.*

### **Clause 54 (Application of Act to the Crown)**

**The Chairperson:** Are members content with clause 54?

**Several Members:** Yes.

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

*Clause 54 agreed to.*

**Mr T Clarke:** What was clause 54 again?

**The Deputy Chairperson:** Its title is

“Application of Act to the Crown”.

**Mr T Clarke:** Which means?

**Mr Brogan:** It would apply the Act to Crown vehicles.

**The Deputy Chairperson:** Can I put the question on clause 54 to the Committee again? Are members content with the clause?

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

*Clause 54 agreed to*.

### **Clause 55 (Application of Act to harbours)**

*Question proposed:*

That the Committee recommend to the Assembly that the clause be amended as follows: In page 36, line 19, leave out “‘commissioners’ and insert ‘authority’.” — [*The Minister of the Environment (Mr S Wilson)*.]

*Question put and agreed to*.

*Question*, That the Committee is content with the clause, subject to the Minister’s proposed amendment, *put and agreed to*.

*Clause 55, subject to the Minister’s proposed amendment, agreed to*.

*Clause 56 agreed to*.

### **Clause 57 (Regulations)**

**Mr Brogan:** The Committee was concerned about clause 57(8), and it requested that it be subject to affirmative resolution. In its letter of 17 November, the Department explained what it hoped would be done in regulations under clause 57(8) and gave examples of the nature of the provision that will be included. I have listed the style of a disc and where it will be fixed to the windscreen of a lorry or goods vehicle; arrangements for name and address changes to be notified to the Department; and arrangements for the return of licences and discs.

Offences will be attached to the provisions: contravention of the requirement to place the disc in a waterproof container and to display it in the near side lower edge of the front windscreen; writing on or making an alteration to a disc; and failing to notify the Department of a change in name and address for correspondence purposes. Such issues will be dealt with under clause 57, and the offences come into play in clause 57(8), as they are more of an administrative rather than a policy nature.

We are also looking to the future. The Department planned a single composite set of regulations that would contain all the administrative matters that are spread throughout the regulation-making powers in the Bill. The regulations that would deal with the issues that I have listed under clause 57 would be, by nature, more at home in that composite set of regulations. However, if we make clause 57(8) subject to affirmative resolution, we will have to split the composite set of regulations and set them aside, whereas all the other administrative material will be subject to negative resolution.

There is not a hair’s breadth between the scrutiny that the Committee affords to negative and affirmative resolutions; therefore, there will be adequate

opportunity for scrutiny for the provision under clause 57 generally. For those reasons, we would like clause 57(8) to remain subject to the negative resolution procedure.

We have taken legal advice on the matter, which confirms our opinion that if we want to keep it in a composite set of regulations, we must stand firm in our hope that it will remain subject to negative resolution.

*Question proposed:*

That the Committee recommend to the Assembly that the clause be amended as follows:

“(a) to widen what is in subsection (9) [draft affirmative procedure] to apply it to-

- any regulations made under [clauses] 20(1)(d) and 27(3) (whether or not in conjunction with other provisions of [the Bill];

- any regulations containing a declaration under subsection (8); and

(b) to provide, as in subsection (10), that any other regulations under this Act shall be subject to negative resolution.” — [*The Minister of the Environment (Mr S Wilson)*.]

*Question put and agreed to*.

*Question*, That the Committee is content with the clause, subject to the Minister’s proposed amendment, *put and agreed to*.

*Clause 57, subject to the Minister’s proposed amendment, agreed to*.

*Clauses 58 and 59 agreed to*.

### **Clause 60 (Commencement)**

**Mr Brogan:** We have taken legal advice, and the strong recommendation is that we should not drop clause 60(3). It provides the Department with the ability to do some tidying up through amendments or modifications in a Commencement Order. I stress that the Commencement Order must be related to the commencement of the provisions. All we would ever wish to do is to correct minor slips that have occurred in the drafting of the Bill. That is a well-precedented power. It occurs in many Bills throughout Departments, and, indeed, it appeared in clause 56(2) of the Taxis Bill, which the Committee considered earlier this year.

It is also worth considering that when all the provisions of the Bill have been commenced, clause 60(3) will cease to have effect, and any further amendments to the Act would be made under section 56, which is subject to affirmative resolution.

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

*Clause 60 agreed to*.

*Clause 61 agreed to*.

*Schedules 1 and 2 agreed to*.

***Schedule 3 (Detention of vehicles used without operator's licence)***

*Question proposed:*

That the Committee recommend to the Assembly that the clause be amended as follows: Page 47, line 29,

“leave out from ‘for’ to end of line 30 and insert ‘authorising a vehicle detained by virtue of paragraph 1 to be returned to the owner, in prescribed circumstances, without the need for any application under paragraph 8.’” — [*The Minister of the Environment (Mr S Wilson).*]

*Question,* That the Committee is content with the schedule, subject to the Minister's proposed amendment, *put and agreed to.*

*Schedule 3, subject the Minister's proposed amendment, agreed to.*

*Schedule 4 disagreed to.*

*Schedules 5 and 6 agreed to.*

*Long title agreed to.*

**The Deputy Chairperson:** Thank you very much for your time and patience, gentlemen and lady.

**Mr D Armstrong:** I record our thanks to the Committee for how it has treated us over the past few months. No doubt, we will meet again to discuss this important stage of the Bill.

*(The Chairperson [Mr McGlone] in the Chair)*

**The Chairperson (Mr McGlone):** I thank Donald, Gillian and John for providing the Committee with that level of detail; it was very useful. It is good to have an informed relationship with the Department.





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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR THE ENVIRONMENT

27 November 2008

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### GOODS VEHICLES (LICENSING OF OPERATORS) BILL (NIA 15/07)

#### **Members present for all or part of the proceedings:**

Mr Patsy McGlone (Chairperson)

Mr Roy Beggs

Mr Trevor Clarke

Mr Tommy Gallagher

Mr Ian McCrea

Mr Alastair Ross

**The Chairperson (Mr McGlone):** Members have been provided with a first draft of the Committee's report on the Goods Vehicles (Licensing of Operators) Bill, which must be agreed and finalised in time to be submitted to the Business Office on 12 December. The report contains a section on membership and powers, an executive summary, recommendations and an introduction. I pay tribute to the Committee staff for compiling the report; they have been very helpful in taking the Bill to this stage.

If Members have issues with the layout, content or wording of the report, they should make staff aware of their concerns, either today or on any other occasion between now and next week's meeting.

The formal clause-by-clause analysis of the Bill was completed last week, but, due to amendments to take on board recommendations made by the Committee, we need to revisit a couple of clauses today. The Committee will also need to reconsider schedule 1, because incorrect wording was used last week.

#### ***Clause 50 (Large goods vehicles)***

#### ***Schedule 4 (Large goods vehicles)***

**The Chairperson:** We will first reconsider clause 50 and schedule 4. At last week's meeting, the Department told the Committee that the provision requiring consignment notes for larger vehicles has never been enacted in GB, and no policy rationale for it could be found. Consequently, the Department

proposed to amend the Bill by removing clause 50 and schedule 4 and inserting a power to make secondary legislation elsewhere in the Bill to introduce consignment notes in future, if necessary.

The Department has since been advised by the Office of Legislative Counsel that the same result could be achieved by retaining clause 50 and amending schedule 4. Do members agree to those changes?

**Mr Beggs:** Should we not consider the amendment to schedule 4?

**Mr McGlone:** Yes; I should have mentioned that. The amendments are in the appendix to the correspondence that was received on 25 November.

**Mr T Clarke:** Is the amendment to clause 50 there?

**The Chairperson:** Yes.

**Mr T Clarke:** I cannot find it in the documents.

**The Chairperson:** Clause 50 has not been amended; it has been reinstated as it was in the Bill.

**Mr T Clarke:** Therefore clause 50 still refers to "large goods vehicles".

**The Committee Clerk:** The clause still refers to large good vehicles so that if it is decided in future to introduce consignment notes, there is provision for that; however, the amendment to schedule 4 will mean that it is not built in.

**Mr T Clarke:** The problem that I had with that originally was that the Bill is supposed to cover all vehicles that need a goods vehicle licence. However, clause 50 differentiates between large vehicles and small vehicles. There is provision to enable the eventual introduction of consignment notes for large vehicles but not for smaller vehicles.

**The Committee Clerk:** That is true. At the moment, however, such a provision is not being introduced.

**Mr T Clarke:** I have been against the 3.5 tonne limit from the beginning, but if the Bill aims to make all goods vehicles subject to the same legislation, why is there a differentiation between large vehicles and small vehicles? It is either all or nothing.

**The Chairperson:** I honestly do not know; the departmental officials are not here to explain it to us today. I cannot answer for them and would not attempt to; no doubt they have a reason for proposing those changes. Do members feel that the officials should appear before the Committee again to give another explanation of the matter?

**Mr T Clarke:** I am certainly not accepting the proposals.

**The Chairperson:** We will invite the departmental officials back to address the Committee. That may mean falling behind time or having a special meeting

on Tuesday. Are members content to have a special meeting of 15 or 20 minutes?

*Members indicated assent.*

**The Chairperson:** We will leave that issue until Tuesday. Are members available on Tuesday and happy to have a half-hour meeting? The staff can check, or we could perhaps meet on Thursday.

**The Committee Clerk:** The full report must be agreed by then.

**The Chairperson:** We will need a separate meeting in that case.

The Department has agreed that the powers to introduce consignment notes will be subject to draft affirmative procedures, as requested by the Committee. Guidance is being sought from the Office of Legislative Counsel about whether that will involve a reference to clause 50 or schedule 4, which must also be explained on Tuesday.

#### ***Clause 57 (Regulations)***

**The Chairperson:** The insertion of clause 1(2)(d), clause 12(12), clause 50 and schedule 4 into clause 57(9) requires that the powers in those clauses be subject to draft affirmative procedures, which is what the Committee requested.

Clause 1(2)(d) deals with exemptions; clause 12(12) introduces a professional competence requirement for restricted licences; and clause 50 and schedule 4 specify requirement notes for large vehicles, which the Committee has already touched upon.

Is the Committee agreed that clause 57, as amended by the Department, be accepted?

**Mr T Clarke:** No. The Committee is accepting a differentiation between large goods vehicles and goods vehicles. Under the Bill, a vehicle of up to 3.5 tonnes is, to all intents and purposes, a goods vehicle. Therefore why make a distinction in the definition of goods vehicles and large goods vehicles?

**The Chairperson:** We will park the issue to Tuesday. However, we must move on that matter one way or another and, as the Committee Clerk said, we must have the full report agreed by next week.

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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR THE ENVIRONMENT

2 December 2008

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### GOODS VEHICLES (LICENSING OF OPERATORS) BILL (NIA 15/07)

#### Members present for all or part of the proceedings:

Mr Cathal Boylan (Deputy Chairperson)  
Mr Roy Beggs  
Mr Trevor Clarke  
Mr Ian McCrea  
Mr Daithí McKay  
Mr Alastair Ross  
Mr Peter Weir

#### Witnesses:

Mr Donald Armstrong	} Department of the Environment
Mr John Brogan	

**The Deputy Chairperson (Mr Boylan):** I welcome the Department's Bill team to the meeting.

**Mr Donald Armstrong (Department of the Environment):** Apologies for the absence of Gillian McIntyre. We had two appointments this morning and she has gone to the other one, while we have come here.

**Mr T Clarke:** Which of you got the short straw?  
[Laughter.]

**The Deputy Chairperson:** I advise you that this session is being recorded for Hansard. Will you explain the Department's response to clause 4(4)?

**Mr John Brogan (Department of the Environment):** Perhaps we should go over how we got to where we are today. I refer to a couple of letters that the Department has sent to the Committee. In the first letter, dated 13 November, we outlined the reasons why the Department included clause 4(4) in the Bill, including licensing and enforcement. The action that can be taken against a foreign vehicle is different and less effective than the action that can be taken against domestic vehicles.

We were also seeking parity with GB. In GB, to ensure fair trade, the operator licensing system requires

all vehicles specified on a licence to be registered under the Vehicle Excise and Registration Act 1994 (VERA). An operator who has taxed a vehicle abroad will not have paid vehicle excise duty in the UK, which may give the operator a competitive advantage.

During the meeting on 13 November, the Committee asked for examples of how other member states in mainland Europe that share a land border address issues such as vehicle registration and excise policies. We followed up that request with a letter dated 18 November, in which we reported that research was ongoing and that we would provide an update at our meeting with the Committee on 20 November. However, at that meeting, the subject was not actually raised. Therefore, the update has now been provided in our most recent letter, dated 1 December.

In that letter, we acknowledge that it has been very difficult for us to get information about systems that operate in other member states, so we may not be able to give precise answers to the Committee's questions. We have tried to get that information from many individuals in the Department for Transport in London and from colleagues in the Vehicle and Operator Services Agency. We even contacted staff from the Office of the First Minister and the deputy First Minister who are based in the European Commission in Brussels. However, we had limited success. What we have been able to do is to gain further understanding of a European Commission proposal to introduce what it calls the operator regulation. That is highlighted in our letter.

One aspect of that proposal relates to the issue about which we have been talking. From the papers that we have on the proposal, it appears that there are problems that cross member states about operators who have letterbox companies, whereby they become established in one state in name and address only, but essentially operate in another state, perhaps their real home state. Those operators generally have a poor compliance record and are likely to take advantage of less robust licensing and enforcement requirements in the state in which they are licensed. The Commission proposes to clamp down on that practice by making it a requirement that operators be "effectively and stably" established in a member state.

For that to happen, operators will have to demonstrate that they have an office and operating centre in the member state in which their vehicles are registered. Given that in the UK it is already a requirement for vehicles to be registered in a member state, the Government supported the proposal on the operator regulation.

I repeat what I said in my original letter of 13 November about the sequence of requirements and the linkages between the Goods Vehicles (Licensing of

Operators) Bill and the Vehicle Excise and Registration Act 1994. In effect, the 1994 Act means that operators should already be using vehicles that are registered and taxed in the UK.

**Mr T Clarke:** I have a small problem with that. I welcome your statement that vehicles should be registered in the same country as the operating centre. The only thing that worries me is in relation to enforcement. The second paragraph of your letter of 13 November states:

“When a vehicle is registered within another jurisdiction in the EU the vehicle is deemed by law to be a foreign vehicle.”

I accept that, but it goes on to say:

“The enforcement action that the Department can take against foreign registered vehicles and their drivers, when detected being non-compliant, is different and to a significant degree less effective”.

As I said at the outset, a system is again being introduced that will restrict the operation of businesses in Northern Ireland and, by your own admission, be less effective in relation to vehicles registered in other jurisdictions.

**Mr D Armstrong:** As far as operator licensing is concerned, the provision is less effective in the sense that, if a Northern Ireland vehicle is found to be in default on the road, that has implications for the operator's licence. The same cannot be said of a foreign vehicle that is in default because it is registered in another country.

However, apart from operator licensing, the Department will introduce before the end of next summer — and probably within six months — a graduated fixed-penalty and deposit scheme for road traffic and transport offences. That will entail foreign vehicles being penalised at the side of the road and being barred from moving until the penalty is paid, while vehicles from the United Kingdom will have the option of a fixed penalty and being processed through the courts.

Therefore, foreign-registered vehicles will not escape penalty, but the Department has no control over their operator licences because they are registered abroad; in that sense you are quite correct. However, foreign vehicles will not completely escape sanction, because they will be immobilised unless a deposit is paid in lieu of a fine.

**Mr T Clarke:** I know that the Department is not responsible for that situation, and that our industry's hands are tied in comparison to other foreign states, but what fines are being considered by way of on-the-spot penalties?

**Mr D Armstrong:** The fines would be on a graduated scale for both foreign and UK vehicles. I believe that the maximum is £1,200. I can confirm that and the detail of the maximum deposit that would be taken.

**Mr T Clarke:** My problem is that the approach is geared for enforcement officers to visit yards and check vehicles at operating centres. Although I welcome the road-safety measures, from the start our industry is at a disadvantage because it has operating centres here, whereas the poor enforcement regime in Northern Ireland means that the chance of detecting foreign vehicles is slim to none. Therefore, foreign vehicles that operate in the North are given an advantage.

**Mr D Armstrong:** I hope that that will not be the case. I cannot comment on the level of enforcement, because that is a matter for the Driver and Vehicle Agency, which has already given evidence to the Committee. The agency will be increasing the level of enforcement year-on-year over the next three to four years. As far as the principle is concerned, I understand what Mr Clarke is saying. It is a fact that the Department has no sanction over foreign operators, but it has a sanction on foreign vehicles coming in and out of the country.

**Mr Beggs:** The Traffic Commissioner told the Committee that Northern Ireland vehicles had a higher infringement rate. I got a sense that those vehicles were targeted because it was recognised that they were of a lower standard. When the Bill is enacted, will the Department have mechanisms to drive up vehicle standards in Northern Ireland? Does the Department envisage that, at that stage, vehicles from outside Northern Ireland may be more heavily scrutinised by enforcement officers because there will be tighter regulations covering Northern Ireland vehicles?

**Mr T Clarke:** You would need to wake them up first.

**Mr D Armstrong:** By virtue of the fact that Northern Ireland operators improve the standard of their vehicles and their compliance with road transport and traffic law they will, under the rating system, be less likely to be stopped. Therefore, by default, the enforcement exercise will be targeted more towards foreign vehicles.

**Mr T Clarke:** Anybody who listened to the news last night will know that, even before the regulations are introduced, it is recognised that vehicles in the Republic of Ireland are not of the same standard as those in Northern Ireland. That was mentioned on the news last night. Therefore, our industry is being taken from its current higher level to an even higher one, leaving southern-registered vehicles further behind.

**Mr Beggs:** We must pursue the issue of road safety — it should be discussed on a North/South basis and should be addressed by the politicians in the South of Ireland also.

**The Deputy Chairperson:** Do members have any more comments? We agreed clause 4 on 20 November. Following this discussion, do members believe that



there should be a further amendment, or are we happy to move on?

**Mr Beggs:** To clarify, what is the latest proposal?

**The Committee Clerk:** Clause 4 was agreed on 20 November. Unless members want to suggest further amendments, that decision stands.

**The Deputy Chairperson:** Are members content to move on?

*Members indicated assent.*

**The Deputy Chairperson:** The Committee will now consider clause 50 and schedule 4, which allow for consignment notes to be introduced for larger goods vehicles. Previously, the Committee questioned the need for those and was told by the Department that, as such provisions had not been invoked in GB and there was no policy rationale for their inclusion, the Department would consider removing them from the Bill. The Committee accepted that and, during the formal clause-by-clause analysis on 20 November, it was agreed to drop both clause 50 and schedule 4.

However, the Office of the Legislative Counsel (OLC) subsequently advised the Department that, from a legal perspective, it would be better to retain both provisions and make an amendment to schedule 4. Last week, the Committee was asked to consider that, but members felt that that they could not make a decision without further information from the Department. Therefore, I invite the Bill team to explain the situation, please.

**Mr D Armstrong:** The Bill includes references to three types of vehicle: small goods vehicles; goods vehicles; and large goods vehicles. By and large, small goods vehicles are those weighing 3·5 tons or less. Those vehicles are outside the scope of the regulations; therefore, the Bill does not apply to small goods vehicles. Operator licensing applies to goods vehicles and large goods vehicles, and that is consistent throughout the whole Bill. All of the Bill's provisions, with the exception of what I am going to talk about, apply to operator licensing for goods vehicles and large goods vehicles.

Therefore, the question that must be answered is why there is a separate reference to large goods vehicles. That is the point that was raised by Mr Clarke. At present, there is separate legislation requiring vehicles carrying, for example, animals or dangerous goods to carry consignment notes. That legislation is completely separate and has nothing whatsoever to do with operator licensing.

However, clauses 50, 38 and 39 and schedule 4 of the Bill make provision for the adding-in of a requirement for consignment notes for large goods vehicles of 16·2 tons and over. Mr Clarke queried that provision. Such a power already exists in GB;

however, it has never been exercised, we are not aware of any plans to exercise it and consultations with our counterparts in GB have never turned up any indication that anyone is even considering exercising it. Therefore, although that was included in the Goods Vehicles (Licensing of Operators) Act 1995, it is now 2008 and there is absolutely no indication that that power will ever be exercised.

As the Chairman has said, when we last met the Committee, the view was that clause 50, schedule 4 and consequential references in clauses 38 and 39 could be removed. We also indicated that we might replace them with a power in clause 57 to legislate for the carrying of documents under regulations, should it be deemed necessary in the future — that was not picked up on. That is what we presented the last time that we met the Committee.

However, we have since received legal advice in relation to clause 57 informing us that it is not possible to do that, and that is where the difficulty lies. Therefore, we could remove clause 50 and schedule 4, as well as the consequential references in clauses 38 and 39, but there is no mechanism for including that power somewhere else in the Bill. That is our current position, which leaves us with two scenarios. The first scenario is to leave things as they were voted on, and the second is to re-insert the clause and the schedule, as was suggested by OLC at the last meeting that we were not at, and I understand that that is what generated unhappiness among Committee members. I will run through those two scenarios with the Committee.

The first scenario is to leave things as they are — that is, remove clause 50 and schedule 4. As far as the Bill is concerned, that is a much tidier option, because it would remove from the Bill something that may never be enacted. The Committee would need to agree to the consequential amendments to clauses 38 and 39, thus removing the references to schedule 4. Operator licensing would function perfectly normally without those clauses, as they are not about operator licensing per se. However, if Great Britain moved to enact consignment notes, as provided for in the Goods Vehicles (Licensing of Operators) Act 1995, the Committee would have to consider following suit and, if those clauses are removed from the Bill, that would have to be done through primary legislation.

Under the second scenario, clauses 38, 39 and 50 would remain in the Bill, and schedule 4 would perhaps be modified to take away the 16·2 tons definition and leave it, for example, as set out in regulations, subject to affirmative resolution. Operator licensing would still function, just as it would if we took out the provision. If GB moved to enact consignment notes, we, in turn, could do so without primary legislation. However, that would mean that

there would be a power in the Bill that we have no plans ever to use.

Those are the two options; take it out or keep it in. The Department has no strong preference and is quite happy for the Committee to choose whichever option it wants. One option is legislatively cleaner but reduces the options for the future, in that if consignment notes are ever brought in, it will have to be done through primary legislation. The other option is messier, in that the Bill will provide for a power which we have no plans to use, and, to be honest, may never use. If GB moved on consignment notes then we would have to consider following suit with further primary legislation.

I think that, last time, the Committee voted to remove it. I hope that did not sound too complicated.

**Mr T Clarke:** I do not really care whether it stays in or out, but if it is in, I do not think that it should be restricted to large goods vehicles; it should just say “goods vehicles”. Any registered vehicle over 3·5 tons would be classed as a goods vehicle.

**Mr D Armstrong:** I will run over the implications of that. Currently, consignment notes are predominantly used in relation to animals and dangerous goods. In GB their use is good practice in freight, although there is no legal requirement to do it, and some people in Northern Ireland use them as well. However, is it fair to ask somebody who is carrying, for example, their own goods in a vehicle over 3·5 tons, to provide consignment notes detailing what they are carrying, where it is from, where it is going, and what it weighs? To me that seems to be an excessive burden.

If consignment notes were brought in they would probably only be for the hire-for-reward sector. It seems to me rather burdensome to require every vehicle over 3·5 tons to have one. It might well be that we would be looking only at large goods vehicles over 20 tons or 25 tons — whatever figure the Committee or the Assembly agreed on. I do not see it as ever being necessary for all vehicles over 3·5 tons. I think that that would be totally unfair and the impact would be huge.

**Mr T Clarke:** It should not be necessary for a vehicle of 3·5 tons to have an operator license either. I am glad that you have said that it is unfair. The principle of the whole Bill is unfair.

**Mr D Armstrong:** I did not say that. I am talking about the unfairness of consignment notes; I am not talking about that other issue.

**Mr T Clarke:** In a previous life, long ago, I was involved with haulage. Mr Armstrong said that it is good practice to use consignment notes; in those days, vehicles of 7·5 tons and over used consignment notes, not only for livestock but for dry goods in containers.

**Mr D Armstrong:** It is a good practice.

**Mr T Clarke:** If it is good practice, why, would it be introduced piecemeal rather than across the whole industry? It should be all or nothing.

**Mr D Armstrong:** If we were to go down that road, consultation would take place to find out what the public view is. If we were to try and bring it in for all vehicles over 3·5 tons there would be an outcry.

**Mr T Clarke:** It would show how big a nonsense it is to even have that 3·5 ton figure to start with.

**Mr D Armstrong:** That is a slightly different issue.

**Mr Beggs:** The option is to keep schedule 4, or, alternatively, if things change at a European or GB level, to introduce primary legislation. What would be the timescale of the introduction of primary legislation? Could that, in itself, cause problems? There would have to be some consultation, and I am concerned that it might cause problems for the freight industry in Northern Ireland if GB regulations change.

**Mr D Armstrong:** The figure of 16·2 tons is contained in GB primary legislation, so if, for example, they were to decide to bring that in, they would have to make a change to that legislation anyway. That issue does not worry me unduly. If it is brought in at a European level — and there is no indication that there is anything on the European front in relation to that — it may well be brought in under section 2(2) of the European Communities Act 1972. That means that the primary legislation would be done that way, which is much quicker and much easier; that is not such a slow process.

**Mr Weir:** I appreciate what you have said. However, it strikes me that, if primary legislation is needed at a later stage, it might be done through Europe. We would not have much of a choice about that, and it is a fast-track process anyway. Alternatively, we may bring ourselves back into line with GB. In either case, there will not be a great deal of room for manoeuvre. I think that leaving this power out of the Bill would be a neater solution. I would take the Department's advice on that, and leave out clause 50 and schedule 4.

**Mr D Armstrong:** You will have to vote on two consequential amendments to clauses 38 and 39.

**Mr Weir:** OK. I propose that we do that.

**Mr T Clarke:** I second that.

**The Deputy Chairperson:** I advise members that schedule 4 is referred to three times in clauses 38 and 39, and having agreed to drop it —

**Mr Weir:** Does that need to be put to a formal vote?

**The Committee Clerk:** Both were dropped formally on 20 November. The question was whether they needed to be reintroduced.

**The Deputy Chairperson:** I advise members that schedule 4 is referred to three times in clauses 38 and 39, and, having agreed to drop it, we must now agree the consequential amendments needed to remove reference to it in these clauses.

Is the Committee agreed that clause 38, as amended by the Department, be accepted?

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed that clause 39, as amended by the Department, be accepted?

*Members indicated assent.*

**The Deputy Chairperson:** I advise members that they need to reconsider clause 57(9), which has been amended to take on board the recommendations of the Committee for secondary legislation relating to exemptions, clause 1(2)(d), and the introduction of a requirement for professional competence for restricted licenses, clause 12(12), to be subject to draft affirmative resolution. Are members content?

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed that clause 57, as amended by the Department, be accepted?

*Members indicated assent.*

**The Deputy Chairperson:** I remind members that during the formal clause-by-clause analysis on 20 November, they agreed the proposed departmental amendment to drop schedule 1 and incorporate its contents into clause 1. Unfortunately, the wrong wording was used and members are asked to reconfirm that they are happy for schedule 1 to be dropped. Is the Committee agreed that schedule 1 be dropped?

*Members indicated assent.*

**The Deputy Chairperson:** That concludes the formal clause-by-clause analysis. Members will receive the second draft of the Committee's report at Thursday's meeting, and any changes resulting from today's meeting will be included.





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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR THE ENVIRONMENT

4 December 2008

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### GOODS VEHICLES (LICENSING OF OPERATORS) BILL (NIA 15/07)

#### **Members present for all or part of the proceedings:**

Mr Cathal Boylan (Deputy Chairperson)

Mr Roy Beggs

Mr Trevor Clarke

Mr Tommy Gallagher

Mr Ian McCrea

Mr Daithí McKay

Mr Alastair Ross

Mr Peter Weir

**The Deputy Chairperson (Mr Boylan):** We come to the Goods Vehicles (Licensing of Operators) Bill report. Does any member have an interest to declare?

The clause-by-clause scrutiny has been completed and the Committee is considering the second draft of its report on the Bill. Sections that have been substantially changed or added to since the first draft have been underlined for ease of reference. Amendments made as a result of last Thursday's meeting have been included.

Members must formally approve each section of the report and the list of appendices, and then order the report to be printed. Are members content to do that today? We can run through it fairly quickly.

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed on membership and powers?

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed to the executive summary?

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed to the report's recommendations?

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed to the report's introduction?

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed to appendix 1?

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed to appendix 2?

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed to appendix 3?

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed to appendix 4?

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed to appendix 5?

*Members indicated assent.*

**The Deputy Chairperson:** Is the Committee agreed to the final amendments and the explanations? Are members also agreed to the inclusion of the relevant sections of Tuesday's minutes, and the inclusion of today's minutes as approved and signed by me, along with the Hansard reports of both meetings?

*Members indicated assent.*

**The Deputy Chairperson:** Finally, is the Committee agreed to order the report to be printed?

*Members indicated assent.*

**The Deputy Chairperson:** Thank you very much.



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# NORTHERN IRELAND ASSEMBLY

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## COMMITTEE FOR FINANCE AND PERSONNEL

3 December 2008

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### PRESUMPTION OF DEATH BILL (NIA 23/07)

#### Members present for all or part of the proceedings:

Mr Mitchel McLaughlin (Chairperson)  
Dr Stephen Farry  
Mr Fra McCann  
Ms Jennifer McCann  
Mr Adrian McQuillan  
Mr Declan O'Loan  
Mr Ian Paisley Jnr  
Ms Dawn Purvis  
Mr Peter Weir

#### Witnesses:

Mr Neil Lambe	}	Department of Finance and Personnel
Mr Oswyn Paulin		

**The Chairperson (Mr McLaughlin):** The purpose of the session is to recap on the issues arising from the Committee Stage of evidence and the Department's depositions. The intention is to identify any residual issues that require clarification or resolution between now and the formal clause-by-clause consideration of the Bill, which is scheduled for next week's meeting. Officials from the Department of Finance and Personnel (DFP) will summarise, and outline the Department's position on, each issue, after which members will respond. We will go through the issues one by one.

Neil Lambe is a principal legal officer in the civil law reform division of the Departmental Solicitor's Office, and Oswyn Paulin is the departmental solicitor and head of the Government Legal Service. I welcome you back to the Committee; we are old friends by this stage.

As Hansard is recording the session, mobile telephones must be completely switched off. I invite Neil or Oswyn to take the Committee through the issues. Members may wish to ask questions or have further discussion on particular issues.

**Mr Oswyn Paulin (Department of Finance and Personnel):** I hope to dispense with any introductory comments and, if the Committee is content, I will move straight to the consideration of the issues arising from the evidence sessions. As we go through the table of issues drawn up by the Committee, I will also mention, as appropriate, those clauses to which the Department intends to propose amendments. It is, therefore, a question of going through the Bill clause by clause following the table, but also introducing items on which the Department has proposals.

**The Chairperson:** That is satisfactory.

**Mr Paulin:** The first of several issues relating to clause 1 is jurisdictional. Concern has been expressed about the scope of the rules relating to domiciled and habitual residents. The Department is considering recommending to the Minister an additional third jurisdictional rule. Under our proposal, the High Court would have jurisdiction to hear cases in which the applicant is a close relative of a victim of violence within the meaning of the Northern Ireland (Location of Victims' Remains) Act 1999. That, in effect, applies to the disappeared, who would have a specific entitlement and jurisdiction under that provision. An amendment along those lines would mean that the amendment suggested by Ms Purvis would not be necessary. That is an attempt to deal with the first three items on the Committee's list.

**Ms Purvis:** Will you explain that again?

**Mr Paulin:** Our proposed suggestion to the Minister is that there should be a third basis for jurisdiction whereby the High Court would have jurisdiction to hear cases where the applicant is a close relative of a victim of violence within the meaning of the Northern Ireland (Location of Victims' Remains) Act 1999, which implemented the agreement between the two Governments.

The next point relates to cohabitants, which was raised by the Human Rights Commission. For reasons that the Department has previously explained, we do not consider that the amended jurisdictional rules should address the issue of cohabitants. The legal regime that applies to cohabiting couples is under review in England and Wales, and the Department is monitoring developments there. We do not want to do something that is peculiar to this piece of legislation, because, if a general proposal for change is introduced, we may have to change that along with a lot of other pieces of legislation. It would be better to look and see what comes out of that review, and then to look at the issue again. The Act could then be amended if necessary, but there may be a recommendation for no change.

The Committee raised the next issue, which relates to sufficient interest. We have discussed the matter previously. The Committee asked how the courts

interpret sufficient interest. DFP's response of 3 October provided examples of how the courts have interpreted that phrase in other contexts, principally in nullity applications. As the Committee may know, nullity applies to the dissolution of a marriage on the basis that it is invalid. Ordinarily, people who are parties to the purported marriage would be the normal parties, but those cases gave all sorts of examples of people who were not parties to the marriage who could apply for it to be annulled. However, they must have some interest in the outcome, and those cases give examples of how sufficient interest has been examined by the court. We gave other examples from judicial review. Therefore, it is our view that the courts are familiar with the formula. It is a term that has a wide meaning, but, nonetheless, it greatly limits those applicants who can apply. It gives the courts a fair degree of discretion, but they are well used to exercising that discretion in an appropriate manner.

**Dr Farry:** Given the comments that we heard earlier about the special recognition of the category of the disappeared, I wish to make a relevant point. Is it possible to write into the Bill to treat the Independent Commission for the Location of Victims' Remains as a body with sufficient interest to take a case, given that some of the relatives of the disappeared have a certain reluctance to go through that process? Is it possible for the commission to be recognised as a body with sufficient interest to initiate those proceedings? I presume that the Act would not necessarily need to be amended, because you are not actually granting a duty on the commission, but rather simply enabling it to do that in this piece of legislation?

**Mr Paulin:** That is an interesting question. First, would the commission have sufficient interest to bring proceedings? Secondly, if it does not have sufficient interest, how do we change the legislation? Do we have the power to change the legislation to enable it to do so, and how would it be done?

**Dr Farry:** It is, obviously, more difficult if one has to go back and amend the 1999 legislation in two different jurisdictions, but would it be possible to grant the commission that standing in this Bill?

**Mr Neil Lambe (Department of Finance and Personnel):** The difficulty that we might encounter is that the Bill could say that the independent commission is to be regarded as having sufficient interest to make an application under clause 1, but unless the function of the commission as established under the Northern Ireland (Location of Victims' Remains) Act 1999 allows it to make applications to the court, then whatever we do in this Bill might not then enable the commission to make an application. What the commission can and cannot do is prescribed by its governing statute.

**Mr Weir:** I understand that. None of us has the governing statute to hand. I wonder if it is possible to find out whether the commission would have that power. To return to Stephen Farry's comment, there is absolutely no point in clearing that hurdle if we immediately run into a brick wall because the commission does not have the necessary power. Could the Committee be sent some information on that?

**The Chairperson:** It would be helpful to get a quick turnaround on that information, and on any other information that we might request, because the Committee must prepare for next Wednesday's meeting. Members would like to get a response by Monday in order to be able to prepare for that meeting..

**Mr Paulin:** We could give an off-the-cuff response now if we had the legislation in front of us, but it would be better if we wrote to the Committee.

**The Chairperson:** Working to Monday would be best. The response would then be authoritative, and one on which the Committee could depend for the clause-by-clause scrutiny on Wednesday. Is that OK?

**Mr Paulin:** We are happy to do that.

**The Chairperson:** Thank you.

**Mr Paulin:** The next question is whether the period of seven years, which is mentioned in clause 1, is too long. Again, I think that we discussed that earlier. The Department believes that the periods of time set out in the Bill are appropriate at this stage. The Bill provides for a power to amend those time periods, which is set out in clause 12. That provides the Department with the necessary flexibility to respond to changes of opinion at domestic and international level.

**Mr O'Loan:** Does that mean that further primary legislation would not be required in order to alter the seven-year period?

**Mr Paulin:** No, it would not.

**The Chairperson:** The power to amend is built into the Bill.

**Dr Farry:** Richey Edwards, the guitarist from the Manic Street Preachers who disappeared seven years ago, was presumed dead only last week. It was fairly obvious that he was gone, but the family had to wait that seven-year period.

**Mr Paulin:** Sorry, who?

**Dr Farry:** Richey Edwards, the guitarist from the Manic Street Preachers.

**Mr Paulin:** Oh, yes. Well, under this legislation, I believe, the family might have been able to declare him presumed dead a bit earlier.

**Mr Lambe:** In all those cases, it depends on when the family wishes to pursue the issue and make an application to a court.



**The Chairperson:** That was an interesting insight into Stephen's back catalogue. *[Laughter.]*

**Mr Paulin:** There is a vacancy. *[Laughter.]*

The next issue was the application process. I think it was WAVE that raised that issue. The Bill and the new court rules will endeavour to make the application process as straightforward as possible. However, all High Court proceedings necessarily involve a degree of formality in order to maintain the integrity of the court process. Dr Farry and the families raised questions as to the role that the Independent Commission for the Location of Victims' Remains may choose to play. We discussed that matter already, and we will get back to the Committee on that. That is what I intended to say about the application process, but I am happy to answer any questions.

**Mr O'Loan:** Are costs addressed anywhere? What level of costs might be involved in a straightforward case, if there is such a thing?

**Mr Paulin:** The amount that solicitors charge would be very much up to individual solicitors. First, the question is whether they would charge.

Solicitors and barristers will work for nothing when there is a particularly deserving case and where there is no obvious method of funding.

However, we cannot say what the cost would be because we do not know the amount of time involved or what rates would be charged. It is up to individual practitioners in private practices to decide what rates they charge.

There are no issues arising in respect of clauses 2 to 5. Clauses 6 and 7 deal with capital sums and annuities, and in our briefing to the Committee on 12 September, we indicated that we intend to table amendments to both clauses to ensure that the obligations to repay capital sums, or take out insurance in respect of the repayment of those sums, does not extend to capital sums paid out by insurers in the form of annuities or other periodical payments. That would bring the insurance provisions into line with the corresponding Scottish legislation.

**Ms Purvis:** I think that the representatives from Wave Trauma Centre raised the issue of making a variation to the register — would that come in under variation orders?

**Mr Paulin:** We were going to deal with that matter later, as it relates to the registration process.

**The Chairperson:** OK; we can come back to that.

**Mr Paulin:** We move to clause 7 and insurance costs. In an earlier briefing paper, the Department indicated that the insurance industry was unable to provide details of likely premium rates to be paid in cases where the Bill, or an insurer, imposes an

obligation on a person to take out insurance to cover the possibility that the missing person may not be dead. The clarification of the treatment of annuities will reduce the instances when insurance may be required. It is important to bear in mind that the court retains the power to disapply the requirement in certain circumstances, so it is not always the case that there will be a requirement for insurance.

Clause 8 deals with supplementary provisions in court rules. The Human Rights Commission had some concerns about the advertising of notices of intention to make an application and other issues regarding who would receive notice of the making of an application under the Bill. Clause 8 makes the necessary provision to allow rules of court to prescribe who is to receive automatic notification of proceedings in respect of a missing person, as well as giving the High Court the power to dispense with the requirement to place advertisements in the local media.

Therefore, the High Court would have the power to decide whether there is a requirement for advertising in particular cases. That is the general formula in existing statutory provision in relation to declarations on family matters. Analogous litigation includes the provision for advertising but also allows the courts to have discretion about whether it is needed in particular cases.

Clause 9 relates to rules of court and the Attorney General. We do not propose to amend clause 9, but it is possible that through clause 19, which is the commencement clause, the rule-making power in clause 9(1) will come into force one month after the Bill receives Royal Assent. That will allow rules of court to be made quickly.

There are no issues arising in clause 10, and cost of proceedings has been dealt with in earlier discussions. There are no issues arising in clauses 12 to 15.

We indicated earlier that we were considering replacing the definition of "insurer" in clause 16(2) and 16(3) of the Bill with a simpler definition that is not tied to the regulatory framework, and we are making progress on that. There are no issues arising in clauses 17 and 18 and I have referred already to a possible change to clause 19, which deals with commencement provisions.

That leads us to clause 20, and I understand that there are no issues arising around that.

Schedule 1 is concerned with the regulation provisions. Previous briefing papers, which DFP provided to the Committee, addressed several issues concerning the registration powers that are available to the Registrar General under the Births and Deaths Registration (Northern Ireland) Order 1976 and under this Bill. The evidence made it clear that the Registrar General for Northern Ireland has limited powers when

death occurs, or is registered, outside Northern Ireland. His primary responsibility relates to Northern Ireland. The Department sees no need to alter the existing civil registration framework to provide for registration in Northern Ireland of vital events — which is the phraseology for births and deaths — that are recorded by the registration authorities of other countries.

In our view it would not be appropriate for the Bill to require the Registrar General to apply to the High Court for a variation order when the remains of a missing person are found and registered outside Northern Ireland.

**Ms Purvis:** Who would apply for that variation order?

**Mr Paulin:** We are talking about the situation in which a person is registered as presumed dead in Northern Ireland, and then their body is found outside Northern Ireland. The question is; should a variation be made to the register of presumed deaths? My understanding is that rather than a variation of the register, it should be noted on the register that that has occurred.

**Ms Purvis:** How would that be done?

**Mr Paulin:** That would be done by the registrar if the information comes to him. If, for example, someone writes to him, he would make the necessary enquiries.

**Ms Purvis:** An organisation such as the Independent Commission for the Location of Victims' Remains could write to the Registrar General if it had reason to believe that a body had been located and registered dead in, for example, the Republic of Ireland. The Registrar General could then make a note in the register of presumed deaths.

**Mr Lambe:** In schedule 1 to the Bill, the Registrar General is given the power to annotate the register. That power is not specified or limited: the schedule states that the Registrar General “may” annotate the register; it is entirely up to the Registrar General.

**The Chairperson:** It is interesting that the word “may” is used, and that it is not a requirement that a note be attached to the entry.

**Ms Purvis:** Being conscious of the needs of the families, I wonder whether a note, rather than the cancellation of the register, is sufficient. The families have expressed concern that they do not want their relatives to be classed as missing; they want them to be classed as disappeared.

**Mr Lambe:** When a body is located, whether in the Republic of Ireland, or in France, as in the case of Anne Morgan's brother, the death would be registered there, and a death certificate from those jurisdictions would be available to the families.

**Ms Purvis:** I understand that.

**Mr Lambe:** The purpose is simply for the Registrar General to annotate the entry in the register of presumed deaths — to make it clear that the entry has been superseded by the recording of the death by a registration service in another jurisdiction.

**Ms Purvis:** I take your point, Chairman, on the use of the word “may”.

**The Chairperson:** From the evidence we have heard, it seems to me that families prefer that the annotation should follow the locating of the remains in another jurisdiction and the issuing of a death certificate. Otherwise, the existing entry would remain.

The families are looking for assurance that on notification that a death certificate has been issued, albeit from another jurisdiction, the Registrar General would automatically attach a note and the record would be corrected. That was a particularly important issue to the families.

**Mr Lambe:** It is likely that the Registrar General would do that when it is brought to his attention. If the Bill were to state that the Registrar General “must” make a note, it would be necessary to specify the triggers for that requirement. For example, should the Bill specify that it must be brought to his attention by the coronial authorities in the Republic of Ireland or by the independent commission? This is an occasion on which, if information comes to light, the Registrar General will exercise his discretion to annotate the register, and I have cleared, with the Registrar General, my understanding of how he would view the matter.

**Dr Farry:** I, too, am concerned about the difference between the words “may” and “shall”, and I appreciate the difficulties that you have outlined. At some point, the Committee will consider a civil registration Bill. Could the issue be included in that legislation if the Committee flags it up now?

**Mr Lambe:** Certainly, it would be a more appropriate forum in which to discuss the matter — within the general constraints in which civil registration procedures operate.

**Dr Farry:** That might be a way to solve this particular problem.

**The Chairperson:** I am not entirely convinced that doing so would satisfy the representation that we heard. The trigger should be as simple as possible. Some families may wish to follow the matter through to its ultimate conclusion, whereas others might not. Is it not straightforward to define the trigger as the production of a death certificate and use the word “shall” with reference to the Registrar General's duty? The families who decide to follow through would produce a death certificate as evidence, which the Registrar General would accept as the basis for annotating the record.

**Mr Paulin:** In other words, are you suggesting wording such as: on the production of a death certificate, or analogous document, from any jurisdiction in the world, an entry in the register of presumed deaths shall be cancelled by the Registrar General? We would like to reflect on that, because it may be — although I suspect that it is not the case — that registers of death in other jurisdictions include presumed deaths. That might produce the odd situation whereby a person could be presumed dead in two different jurisdictions. I am unsure as to whether one presumption could be used to cancel an entry in another jurisdiction.

**The Chairperson:** Oswyn, your example goes to the furthest extreme of what I was suggesting. I am reflecting the views of the delegation to the best of my ability. It seemed to me that it was important for some of the families to resolve the issue subsequent to the recovery of the remains and the issuing of a death certificate. I got the impression that an annotation to the record would be sufficient. I might be misrepresenting the views of the families, but I believe that that would alleviate their concerns.

**Mr Paulin:** I assume that annotation of the record would mean that no certificate of presumed death would be issued thereafter. In other words, the Registrar General would, if asked for a certificate —

**The Chairperson:** A cancellation —

**Mr Paulin:** Well, he would refuse to issue a certificate on the basis that the annotation indicated that the presumption of death, on which the entry was made, was no longer sound.

**Mr Lambe:** Or that a certificate would be issued with the annotation marked on it.

**The Chairperson:** We probably cannot resolve the issue today. Will you consider the matter and return to the Committee?

**Mr Paulin:** We are happy to do so.

**Dr Farry:** The annotation process, as it stands, does not apply exclusively to the disappeared: it applies in any situation where a person is recorded as presumed dead in Northern Ireland and when his or her body is subsequently located overseas.

**Mr Paulin:** Also, the provision was sufficiently wide to include other issues that would arise, subsequent to the presumption of death being made, which show that there was an error in the entry.

No issues arose concerning schedules 2 and 3.

There are other issues that do not fall so neatly into the existing provisions. One of those was the inclusion of a separate category for the disappeared, which was requested by various organisations, including the Wave Trauma Centre. It was included in the list of issues that the Committee sent to the Department. We

have attempted to address the issue in the proposed amendment earlier in the Bill as regards who may apply, giving particular status to applications falling into the category of “the disappeared”.

Dr Farry mentioned recent cases; for example, the Lisa Dorrian case. We think that it would be a matter for the Parliaments of the UK and the Republic of Ireland to legislate to include the cases of people who went missing after April 1998 in the remit of the Independent Commission for the Location of Victims’ Remains.

**Dr Farry:** I accept that that is where the responsibility lies. Am I right to presume that the Dorrian family falls under the general scope of the Bill?

**Mr Paulin:** Yes.

The next issue that the Committee raised was on disclosure of information and disclosure powers. The briefing papers provided by the Department explain the purpose of providing the High Court with the power to order someone who is not a party to the proceedings to disclose information to the court. Such a power should only be used when necessary, so that the High Court is able to dispose of the application before it. It is not designed to enable the court to hold an investigation into the circumstances surrounding the disappearance of a missing person, especially in cases where there is clear evidence that the missing person is dead. For example, we do not expect the High Court to consider it necessary to order disclosure where the application concerned one of the disappeared.

We consider that a discretionary power is preferable to the imposition of a general duty of disclosure on any person with information about the circumstances surrounding the disappearance of a missing person. A duty of disclosure could result in the provision of large quantities of information to the court, which could in no way assist it in making a decision on an application. Our view is that that would place an unnecessary burden on those providing the information and an unnecessary burden on the court in considering that information.

**Mr O’Loan:** I have raised this issue on several occasions. Would you provide, in writing, the response that you have just given, because it is not included as a departmental comment? Why is there such resistance to including what is such an obvious provision? The Bill has been heavily modelled on Scottish legislation, which — as the Committee has observed — contains this requirement, and it does not seem to cause any undue burden in Scotland.

**Mr Lambe:** When looking at the Scottish legislation, I made enquiries of colleagues in the Scottish courts administration and the Scottish General Register Office to discover what information they had about the operation of their 1977 Act. They informed



me that no information had ever been disclosed as a result of the duty of disclosure that is imposed by the Scottish Act. It seemed to be a redundant provision in the Scottish Act. We began to consider what form of disclosure provision might work better and might lead to disclosure of evidence or information in certain circumstances.

The consultation paper, which was published in January 2008, explained that there is a duty under the Scottish Act but that it does not seem to produce anything, because people are not aware that an application has been made to the Scottish courts. Therefore, we sought views on whether it would be better to give the High Court, when it is seized of a case before it, the power to make an order for disclosure in certain circumstances. The responses, albeit limited, to the consultation paper were that giving the High Court a power to order disclosure was preferable to imposing what amounts to a general duty on all of the world to come forward with information.

**Mr O'Loan:** I wish to make a correction to that. My recollection is that there were a significant number of responses to the consultation. The judiciary, above all, said that there ought to be a duty of disclosure. I am open to being corrected on that.

**Mr Paulin:** That is what we are saying. During the consultation process, we raised issue of disclosure and invited responses on it. There were a number of responses on that point saying that there should be —

**Mr O'Loan:** An open duty to disclose —

**Mr Paulin:** No, the judiciary's response was fairly brief.

**Mr Lambe:** I correct myself; Mr O'Loan is right.

**The Chairperson:** Do you have the paperwork to confirm that?

**Mr O'Loan:** Neil is confirming that I am right.

**Mr Lambe:** I am confusing the situation with my subsequent thoughts on the issue. The consultation did propose a duty to disclose, but, subsequently, when considering the issue, it appeared to us that a targeted, discretionary power in the High Court would be preferable, given the fact that the Scottish duty of disclosure has not produced information to the Scottish courts.

**Mr O'Loan:** I think that it will be for the Committee to reflect on what is eventually offered. Obviously, we will bear in mind the point that has just been raised about the opinions that came out of the consultation, including those of the judiciary. Northern Ireland's particular circumstances relating to the issue of the disappeared create a situation that is distinct here.

For a court to proactively request information would require some foreknowledge or awareness someone

exists who might have information. However, if there were a duty to disclose, the onus would be placed on bodies, such as the police or security services, which would be aware that proceedings were going through the courts and that they had information which they would be under a duty to disclose. The families of the disappeared have asked for that; I asked for that, and I think that that is the better approach. The duty of disclosure should be made available: that would allow us to see whether the same outcome would happen here as in Scotland.

**Mr Paisley Jnr:** Are the witnesses saying that the effect of the duty of disclosure in Scotland has been nil?

**Mr Lambe:** Colleagues in Scottish courts could not recall information being provided to the court on foot of a general duty of disclosure that is contained in the Scottish Act.

**Mr O'Loan:** I am saying that, because of the particular circumstance in relation to the disappeared, and the long history of investigation, there could well be —

**Mr Paisley Jnr:** I understand that point. However, I am interested in how effective legislation will be. If it is effective and it draws something, so be it; however, if it is a principle, that is a different matter. Has the effect in Scotland been nil?

**The Chairperson:** In addition to both the broad proposition that Declan makes and the point made by Ian, are people concerned about cutting across the remit and ability of the independent commission to do its work?

**Mr Paulin:** There is that. Furthermore, what is the function of the High Court in dealing with those cases? Is it to hold an inquiry into a number of deaths, or is it to provide a means by which deaths may be registered and the legal consequences of death being allowed to ensue, with respect to dissolution of —

**The Chairperson:** As opposed, for example, to criminal proceedings.

**Mr Paulin:** That is another matter entirely. As the Committee knows, those are reserved matters and are not for the Northern Ireland Assembly.

**The Chairperson:** For the time being — at any rate.

**Mr Paulin:** We have approached this on the basis that the court, where necessary, should have the power to order disclosure rather than hold a free-ranging inquiry.

**The Chairperson:** Declan, do you want to make a particular proposal or suggestion?

**Mr O'Loan:** I will express my view when the time comes — that is not what we are doing at the moment: we are just receiving evidence.



**The Chairperson:** I ask the witnesses to reflect on this discussion and share any additional considerations with the Committee by Monday.

**Mr O'Loan:** I will make it absolutely clear when we are presenting our views on this: I want the Committee to present the view that it will be seeking a proactive clause.

**Dr Farry:** From what sample size is the conclusion being drawn that the Scottish approach is redundant? How many cases have been presented in Scotland under the Act? The legislation does not seem to have been used frequently, and I am concerned lest the conclusions being drawn are premature.

**Mr Lambe:** In the past couple of years, there have been roughly five declarations of presumed death issued per year. Going back further, into the 1980s, just after the Scottish Act was brought into force, there were perhaps only two declarations issued per year. In the past couple of years, the average has been five.

**Dr Farry:** I am cautious about making general assumptions and drawing conclusions from such a small number.

**Mr Weir:** Against that, it has been the practice in Scotland for roughly 30 years. I appreciate the differences between Scotland and Northern Ireland, but, over that period, the annual average in Scotland has varied from two to five, which makes a total of roughly 100 cases. Is that assumption reasonable?

**Mr Paulin:** We turn to the issue of the disclosure power reaching outside the United Kingdom. In a previous briefing paper, the Department explained the territorial limits on the jurisdiction of the courts in Northern Ireland to enforce orders abroad. Mechanisms exist that allow for taking evidence abroad, but those largely depend on information being disclosed on a voluntary, rather than compulsory, basis.

The Human Rights Commission raised the issue of privacy of proceedings. The Department's written briefings for the Committee explain that the manner in which the High Court conducts cases is largely a matter for the courts. The courts in Northern Ireland are experienced in handling sensitive information and in conducting proceedings in a manner which attempts to minimise distress to applicants and others involved in a case. The court will carefully balance competing arguments in favour of privacy against the general rule that proceedings should be conducted in open court and in a transparent manner.

By allowing the court to hear all or part of any proceedings in private, the Bill gives the court the maximum flexibility to decide, on a case-by-case basis, how best to conduct the particular case before it.

**Mr O'Loan:** On the issue of disclosure, will the answer that was given be provided in writing?

**The Chairperson:** Yes.

**Mr Paulin:** The Bill has now been covered, subject to whether the Committee has any other questions.

**The Chairperson:** Are Members agreed that the matter has been covered?

*Members indicated assent.*

**The Chairperson:** I thank Neil and Oswyn for their assistance: they will come back to us on a couple of issues. A quick turnaround would be most appreciated, as we will attempt to proceed to clause-by-clause scrutiny of the Bill at next week's meeting. Thank you.



# Written Answers

This section contains the written answers to questions tabled by Members. The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.





# NORTHERN IRELAND ASSEMBLY

Friday 14 November 2008

## Written Answers to Questions

### AGRICULTURE AND RURAL DEVELOPMENT

#### Country of Origin Labelling

**Mr McKay** asked the Minister of Agriculture and Rural Development to outline her position on country of origin labelling. (AQW 1986/09)

**The Minister of Agriculture and Rural Development (Ms M Gildernew):** Primary responsibility for food labelling rests with the Food Standards Agency. However, my Department is responsible for the EU-wide Beef Labelling Regulations which require all operators in the supply chain down to retail level, but excluding food service, to label their beef with specified traceability and origin information. This includes the country, or countries, in which the animal was born, reared and slaughtered. These regulations are enforced by DARD inspectors in meat plants and by local authority Environmental Health Officers in retail outlets.

Although origin labelling of beef in the food service sector lies outside the Beef Labelling Regulations, I am keen that all consumers should be provided with clear reliable information about the origin and provenance of the beef they purchase. My officials are monitoring developments in the South and are also working closely with the Food Standards Agency on an EU proposal for a new regulation on the provision of food information to consumers, which may support developments in this area. My Department, in conjunction with the food service sector and the LMC, is taking forward a voluntary labelling pilot scheme in a number of local restaurants. While I have not ruled out the introduction of compulsory origin labelling of beef in the food service sector, I want to give the voluntary scheme time to become established, so that we can make a proper assessment of the best way forward.

#### River Loop: Overflowing

**Mr Newton** asked the Minister of Agriculture and Rural Development what action she has taken to ensure that the people who suffered damage from flooding, due to the overflowing of the River Loop at Castlereagh Road, will not suffer from flooding in the future. (AQW 2048/09)

**The Minister of Agriculture and Rural Development:** I am pleased to confirm that the Rivers Agency has completed a comprehensive study of the Loop River system and identified a viable flood alleviation scheme for the Loop River, including the reaches in the vicinity of Castlereagh Road and Ladas Drive. The Agency is aiming to commence the scheme in the 2010/2011 financial year. Rivers Agency, in cooperation with DRD Roads Service, proposes interim maintenance / silt cleaning works on watercourse culverts in the vicinity to reduce risk until the main scheme is in place. The main scheme will provide a high degree of flood protection consistent with the Agency's standards for urban areas, however it is not possible to guarantee immunity from flooding in all circumstances.

#### Public Sector Jobs: Location

**Mr Durkan** asked the Minister of Agriculture and Rural Development to set out her Department's plans to decentralise Departmental employment and operations of its agencies to locations outside Belfast. (AQW 2172/09)

**The Minister of Agriculture and Rural Development:** Following publication of the Bain Review, I will give consideration along with Executive Colleagues to the relocation of DARD HQ as suggested in the report. Also consideration may be given to the relocation of individual posts should business needs require this.

DARD already has a number of offices and posts in various locations throughout the North of Ireland.

### Rural Development Programme

**Mr Durkan** asked the Minister of Agriculture and Rural Development what plans her Department has to transfer responsibility for the delivery of rural development measures to local government and social partners. (AQW 2212/09)

**The Minister of Agriculture and Rural Development:** I have introduced subordinate legislation to enable councils to form themselves into Joint Committees for the purposes of their role with the newly formed local action groups implementing Axes 3 and 4 of the NI Rural Development Programme 2007-13. In fulfilling this role they act as agents for my Department and will have both an important administrative and governance role in the financial assistance to projects under Axes 3 and 4 of the Programme. This is not a transfer of a responsibility as DARD remains accountable for programme funds.

However Local Government and the Social Partners are represented on the Local Action Groups and it is they who will make the decisions about where the funds should be distributed.

## CULTURE, ARTS AND LEISURE

### Irish Colleges Funding

**Mr McKay** asked the Minister of Culture, Arts and Leisure (i) what contact his Department has had with the Republic of Ireland Government on its plans to cut funding for Irish colleges; and (ii) what effect this will have on the Irish language service that the Gaeltacht provides for people in Northern Ireland. (AQW 1988/09)

**The Minister of Culture, Arts and Leisure (Mr G Campbell):** My Department has not had any contact with the Government of the Irish Republic on its plans to cut funding for Irish colleges. The Department is not in position to assess at this stage what effect this might have for people in Northern Ireland.

### Public Appointments

**Ms Purvis** asked the Minister of Culture, Arts and Leisure to detail, for each of the last 3 years, (i) all public appointments filled by his Department; (ii) public appointments still outstanding; and (iii) the grounds on which some appointments were not made; for his assessment of (a) the process adopted for public appointments; and (b) the Office of the Commissioner for Public Appointments guidance; and what action he is taking to ensure more efficient application of the procedures. (AQW 2019/09)

**The Minister of Culture, Arts and Leisure:**

(i) Set out below are all public appointments made by my Department since January 2005.

Year	Body	Number of Appointments Made (Including Reappointments)
2005	Armagh Observatory & Planetarium	1
	Arts Council of Northern Ireland	1
	Fisheries Conservancy Board	12
	Northern Ireland Screen Commission	1
	<b>Total</b>	<b>15</b>

Year	Body	Number of Appointments Made (Including Reappointments)
2006	Armagh Observatory & Planetarium	3
	National Museums & Galleries of Northern Ireland	12
	Northern Ireland Museums Council	9
	<b>Total</b>	<b>24</b>
2007	Architecture & the Built Environment Ministerial Advisory Group	9
	Arts Council of Northern Ireland	15
	Fisheries Conservancy Board	1
	Northern Ireland Events Company	3
	Northern Ireland Screen Commission	6
	<b>Total</b>	<b>34</b>
2008 (to 31/10/08)	Architecture & the Built Environment Ministerial Advisory Group	1
	Arts Council of Northern Ireland	1
	Fisheries Conservancy Board	5
	National Museums & Galleries of Northern Ireland	15
	Northern Ireland Screen Commission	6
	Sport Northern Ireland	15
	<b>Total</b>	<b>43</b>

- (ii) My Department recently conducted appointment processes for the positions of Chair to NI Screen, Chair to the New Northern Ireland Library Authority and Board Membership of the Armagh Observatory & Planetarium Management Committee. I am currently considering the outcome of these processes. In the near future the Department will be completing competitions for the following public appointments: Chair to the National Museums & Galleries of Northern Ireland, Vice-Chair to Sport Northern Ireland and Board membership of the New Northern Ireland Library Authority.
- (iii) Where an appointment has not been made this has been due to the process failing to produce a sufficient range of candidates from which to make a choice. In these instances the process has been extended with the aim of identifying a larger pool of suitably qualified candidates.
- (a) All DCAL public appointments have been made in line with the Code of Practice as set out by OCPA NI. This guidance stems from the Nolan Principles of Public Life which ensure an appointments process built on the merit principle.
- OCPA NI Kitemarks used in advertisements for all appointments, publicly demonstrate my Department's commitment to the OCPA Code of Practice and the merit principle.
- Independent scrutiny has been applied to all public appointments made within my Department.
- (b) OCPA NI is currently overseeing the development of a new Code of Practice. DCAL, along with other Departments and stakeholders will fully engage with, and contribute, to the review process.
- My Department conducts all public appointment processes in line with the OCPA NI Code of Practice and supplements this with guidance set out by Central Appointments Unit, OFMDFM.

### Public Sector Jobs: Location

**Mr Durkan** asked the Minister of Culture, Arts and Leisure to set out his Department's plans to decentralise Departmental employment and operations of its agencies to locations outside Belfast. (AQW 2201/09)

**The Minister of Culture, Arts and Leisure:** As the Member will be aware, there has already been significant debate around the relocation of public sector jobs outside of Belfast. As recently as the 21 October the Assembly discussed this issue in the context of the findings of the Bain report on Public Sector jobs which was published on 30 September 2008.

The Minister of Finance and Personnel has recently written to Ministerial colleagues seeking their initial views on the report and I understand will be considering all responses.

Professor Bain's report on this matter provides a useful framework around which to discuss this important issue. The report lists the Northern Ireland Library Authority as one of a pool of candidates which presents an opportunity for consideration in terms of the location of public sector jobs.

Consideration of a permanent location for the Northern Ireland Library Authority will commence during 2009, and government policy on location of public sector jobs, the business needs of the service, and equality considerations will provide the context for that decision.

It is anticipated however that a range of administrative functions of the Northern Ireland Library Authority will continue to be located in existing major libraries or library buildings across Northern Ireland, and the Headquarters will remain small, possibly 30-35 posts. In this way a degree of dispersal of posts across the main towns will remain a feature of the service.

### Rathfriland Motor Club Ltd

**Mr W Clarke** asked the Minister of Culture, Arts and Leisure if he will host an event in Parliament Buildings to recognise the achievement of Rathfriland Motor Club Ltd, which has been awarded the top prize in the 2008 JLT Sport MSA Club of the Year awards. (AQW 2207/09)

**The Minister of Culture, Arts and Leisure:** I am aware of the recent achievements of Rathfriland Motor Club Ltd in winning the 2008 JLT Sport MSA Club of the Year Award and I have asked my officials to bring forward proposals for the most appropriate way to recognise this achievement.

## EDUCATION

### School Leavers

**Mr Newton** asked the Minister of Education to detail the number of pupils who left school with no qualifications, as a percentage of the total number of school leavers, in the East Belfast constituency, for each of the last 5 years. (AQW 825/09)

**The Minister of Education (Ms C Ruane):** Please see the table below.

Percentage of school leavers resident in the East Belfast parliamentary constituency achieving no formal qualifications 2001/02 to 2006/07

	East Belfast constituency		Northern Ireland	
	Number	%	Number	%
2006/07	32	3.5	744	3.0
2005/06	25	2.8	817	3.2
2004/05	38	4.0	873	3.5
2003/04	50	5.2	1,268	4.9
2002/03	N/A	N/A	N/A	N/A
2001/02	58	5.8	1,308	5.2

**Source:** School Leavers Survey. Due to technical problems in schools no data for the 2002/03 academic year are available.



### Primary School Pupils

**Mr McKay** asked the Minister of Education to detail the (i) number; and (ii) percentage, of primary school pupils educated in the (i) maintained sector; (ii) controlled sector; (iii) integrated sector; (iv) gaelscoileanna (Irish medium) sector; (v) other. (AQW 853/09)

**The Minister of Education:** Tá an t-eolas a iarradh mionsonraithe sa tábla thíos.

The information requested is detailed in the table below.

Management type	Primary <sup>1</sup>		Post primary	
	Number of pupils	Percentage of total	Number of pupils	Percentage of total
Maintained	76,321	45.8	40,763	27.6
Controlled	78,037	46.8	47,996	32.4
Integrated	7,620	4.6	11,247	7.6
Irish Medium <sup>2</sup>	2,132	1.3	506	0.3
Other	2,529	1.5	47,430	32.1
<b>Total</b>	<b>166,639</b>	<b>100.0</b>	<b>147,942</b>	<b>100.0</b>

**Source:** School census 2007/08

**Note:**

1. Primary includes nursery, reception and year 1 – 7 classes.
2. The Irish Medium sector includes one Irish Medium controlled school with an enrolment of 71 pupils and one Irish Medium Catholic maintained of 159 pupils.
3. Enrolments by school management type are available on the DE website at [http://www.deni.gov.uk/index/32-statisticsandresearch\\_pg/32-statistics\\_and\\_research\\_statistics\\_on\\_education\\_pg/32\\_statistics\\_and\\_research-numbersofschoolsandpupils\\_pg/32\\_statistics\\_and\\_research-northernirelandsummarydata\\_pg.htm](http://www.deni.gov.uk/index/32-statisticsandresearch_pg/32-statistics_and_research_statistics_on_education_pg/32_statistics_and_research-numbersofschoolsandpupils_pg/32_statistics_and_research-northernirelandsummarydata_pg.htm)

### Pupils: Post-Primary School

**Mr McKay** asked the Minister of Education to detail the (i) number; and (ii) percentage, of post-primary school pupils educated in the (i) maintained sector; (ii) controlled sector; (iii) integrated sector; (iv) gaelscoileanna (Irish medium) sector; (v) other. (AQW 854/09)

**The Minister of Education:** Tá an t-eolas a iarradh mionsonraithe sa tábla thíos.

The information requested is detailed in the table below.

Management type	Primary <sup>1</sup>		Post primary	
	Number of pupils	Percentage of total	Number of pupils	Percentage of total
Maintained	76,321	45.8	40,763	27.6
Controlled	78,037	46.8	47,996	32.4
Integrated	7,620	4.6	11,247	7.6
Irish Medium <sup>2</sup>	2,132	1.3	506	0.3
Other	2,529	1.5	47,430	32.1
<b>Total</b>	<b>166,639</b>	<b>100.0</b>	<b>147,942</b>	<b>100.0</b>

**Source:** School census 2007/08

**Note:**

4. Primary includes nursery, reception and year 1 – 7 classes.
5. The Irish Medium sector includes one Irish Medium controlled school with an enrolment of 71 pupils and one Irish Medium Catholic maintained of 159 pupils.
6. Enrolments by school management type are available on the DE website at [http://www.deni.gov.uk/index/32-statisticsandresearch\\_pg/32-statistics\\_and\\_research\\_statistics\\_on\\_education\\_pg/32\\_statistics\\_and\\_research-numbersofschoolsandpupils\\_pg/32\\_statistics\\_and\\_research-northernirelandsummarydata\\_pg.htm](http://www.deni.gov.uk/index/32-statisticsandresearch_pg/32-statistics_and_research_statistics_on_education_pg/32_statistics_and_research-numbersofschoolsandpupils_pg/32_statistics_and_research-northernirelandsummarydata_pg.htm)

### Pupils: Primary School

**Mr Elliott** asked the Minister of Education to detail the average amount spent per primary 7 pupil in (i) controlled sector schools; and (ii) Irish language schools, in the 2007-2008 school year. (AQW 1445/09)

**The Minister of Education:** Faoin Fhoirmle Comh-mhaoinithe, faigheann gach scoil a bhfuil imthosca comhchosúla acu na leibhéil chéanna maoinithe, chun dul i ngleic le riachtanas atá sainaitheanta.

Under the Common Funding Formula all schools with similar circumstances receive similar levels of funding, to address identified need. Irish-medium schools have additional costs associated with their particular type of provision and the Common Funding Formula provides for extra support for these schools to reflect the costs associated with the development of curriculum materials and to recognise the additional costs incurred in teaching English at Key Stage 2 in Irish-medium primary schools. As an emerging sector, Irish-medium schools have smaller enrolments than average enrolments across controlled schools, and receive higher levels of curriculum support funding for smaller schools. This is reflected in higher average per pupil funding levels in Irish-medium schools.

It is not possible to provide figures based on an academic year, nor is it possible to say how much is spent on a specific year group as under the Common Funding Formula schools and their Boards of Governors determine the needs and priorities of their school.

Information in relation to the average per pupil funding delegated to schools is not broken down into year groups. The average funding attracted by a primary 7 pupil is the same as the funding attracted by pupils in primary years 1 to 6.

The information shown below refers to the average funding per primary pupil, (including funding allocated directly to schools from the Children and Young People Funding Package) made available for controlled sector schools and Irish-medium schools in the 2007/08 financial year under the Local Management of Schools (LMS) Common Funding Formula arrangements. The figures exclude those schools with nursery classes or special units, as funding allocations for a nursery class or special unit pupil cannot be disaggregated from the funding allocations for a primary pupil in these schools.

	Average amount per primary pupil
Controlled Sector Schools	£2,509
Irish-medium Schools	£3,025

### Irish-Medium Schools

**Mr Burnside** asked the Minister of Education to detail, in the last two years, the administrative expenses in her Department and associated bodies, for the operation of Irish language medium schools. (AQW 1994/09)

**The Minister of Education:** Níl an Roinn Oideachais ábalta na costais riaracháin a bhaineann le feidhmiú na nGaelscoileanna a dhíchomhbhailiú.

The Department of Education cannot disaggregate the administrative costs associated with the operation of Irish language medium schools.

The Department of Education funds Comhairle na Gaelscolaíochta, the Council for Irish Medium schools, to undertake a range of activities in relation to Irish Medium Education. While again it is not possible to disaggregate the amount expended by Comhairle in relation to the operation of Irish Medium schools, its overall administrative budget for the years in question was:

	2006/07 £	2007/08 £
Comhairle na Gaelscolaíochta	525,000	591,000

## Neighbourhood Renewal

**Mr Durkan** asked the Minister of Education for an update on the review of services that her Department has responsibility for under Neighbourhood Renewal; and when the findings will be made public. (AQW 2000/09)

**The Minister of Education:** Tá m'óifigigh ag ullmhú tuairisce i ndiaidh athbhreithnithe a rinneadh ar na seirbhísí a bhí aitheanta ag an DSD mar chuid de na freagrachtaí a bhaineann le mo roinn. Nuair a bheidh ábhair na tuairisce seo measúnaithe agam, tabharfaidh mé comhairle don DSD dá réir sin.

My officials are preparing a report following a review of the services that DSD has identified as being the responsibility of my department.

Once I have considered the content of this report I will advise DSD accordingly.

## Teacher Vacancies

**Mr Easton** asked the Minister of Education how many job vacancies there are for teachers in the maintained sector. (AQW 2020/09)

**The Minister of Education:** The Department seeks information on teacher vacancies from all grant-aided schools on an annual basis. The information provides a “snapshot” of vacancies at a specific date each year. The latest information available identifies vacancies at 2 November 2007, and details for the maintained and integrated sectors are set out below:

	No. of vacancies still to be filled during the 2007/08 academic year in the integrated sector <sup>1</sup>			at 2nd November 2007
	Full-time, Permanent	Part-time, Permanent	Full-time, Temporary	Part-time, Temporary
Primary	2	1	0	1
Post-Primary	4	0	1	0
<b>Total</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>1</b>

1. Includes Controlled Integrated and Grant Maintained Integrated.

	No. of vacancies still to be filled during the 2007/08 academic year in the integrated sector <sup>1</sup>			at 2nd November 2007
	Full-time, Permanent	Part-time, Permanent	Full-time, Temporary	Part-time, Temporary
Primary <sup>2</sup>	30	2	8	3
Special	0	0	0	0
Post-Primary	13	0	3	1
<b>Total</b>	<b>43</b>	<b>2</b>	<b>11</b>	<b>4</b>

1. Includes Catholic Maintained and excludes Other Maintained

2. Primary includes nursery, primary and preparatory departments of grammar schools.

Tá an Roinn ag iarraidh sonraí a fháil ó scoileanna faoi láthair maidir leis na folúntais do mhúinteoirí atá ann ar 3 Samhain 2008.

The Department is currently seeking data from schools on teacher vacancies which exist at 3 November 2008.

## Teacher Vacancies

**Mr Easton** asked the Minister of Education how many job vacancies there are for teachers in the integrated sector. (AQW 2021/09)

**The Minister of Education:** The Department seeks information on teacher vacancies from all grant-aided schools on an annual basis. The information provides a “snapshot” of vacancies at a specific date each year.

The latest information available identifies vacancies at 2 November 2007, and details for the maintained and integrated sectors are set out below:

	No. of vacancies still to be filled during the 2007/08 academic year in the integrated sector <sup>1</sup>			at 2nd November 2007
	Full-time, Permanent	Part-time, Permanent	Full-time, Temporary	Part-time, Temporary
Primary	2	1	0	1
Post-Primary	4	0	1	0
Total	6	1	1	1

3. Includes Controlled Integrated and Grant Maintained Integrated.

	No. of vacancies still to be filled during the 2007/08 academic year in the integrated sector <sup>1</sup>			at 2nd November 2007
	Full-time, Permanent	Part-time, Permanent	Full-time, Temporary	Part-time, Temporary
Primary <sup>2</sup>	30	2	8	3
Special	0	0	0	0
Post-Primary	13	0	3	1
Total	43	2	11	4

4. Includes Catholic Maintained and excludes Other Maintained

5. Primary includes nursery, primary and preparatory departments of grammar schools.

Tá an Roinn ag iarraidh sonraí a fháil ó scoileanna faoi láthair maidir leis na folúntais do mhúinteoirí atá ann ar 3 Samhain 2008.

The Department is currently seeking data from schools on teacher vacancies which exist at 3 November 2008.

### Balmoral High School

**Mr Butler** asked the Minister of Education for an update on the Post Project Evaluation report into the Balmoral High School PFI/PPP project. (AQW 2072/09)

**The Minister of Education:** Tá an obair mheasúnaithe fós le tabhairt chun críche. Tabharfaidh mé an t-eolas nuair a bheas sé ar fáil.

The evaluation work has still to be completed. I will provide the information when it is available.

### Classroom Assistants

**Mr Storey** asked the Minister of Education to detail her Department's policy on the delivery of training for classroom assistants who are supporting children with complex communication needs. (AQW 2119/09)

**The Minister of Education:** Níl beartas sonrach ag an Roinn Oideachais maidir le soláthar oiliúna do chúntóirí ranga a thugann tacaíocht do pháistí a bhfuil riachtanais chasta cumarsáide acu.

The Department of Education does not have a specific policy regarding the delivery of training for classroom assistants who are supporting children with complex communication needs.

There is, however, a target in each Education and Library Board's Resource Allocation Plan that requires Boards to ensure that arrangements for necessary training of teachers and classroom assistants are in place when a school is named in a statement of special educational need.



## Post-Primary Schools: Enrolment

**Mr McNarry** asked the Minister of Education if her Department has considered increasing enrolment for post primary schools to create super schools of 2000-3000 pupils; and if so, (i) how advanced are discussions; and (ii) which constituencies are involved. (AQW 2146/09)

**The Minister of Education:** Níl aon phleananna ann 'scoileanna ollmhóra' a chruthú a bhfuil rolluithe de 2,000-3,000 dalta acu.

There are no plans to create 'super schools' with enrolments of 2,000-3,000 pupils. It should be noted however that area based planning of post-primary provision could potentially result in proposed arrangements for post-primary provision which might necessitate the Department of Education reviewing the way in which numbers are managed at individual schools to encourage and facilitate growth in collaborative working in support of the Entitlement Framework.

## Census

**Mr Beggs** asked the Minister of Education, pursuant to her answer to AQW 1874/09, when data for the 2006/07 and 2007/08 school years, being collected as part of the current census exercise, will be made available to the public. (AQW 2151/09)

**The Minister of Education:** Tá sonraí ar thinreamh do na scoilbhlianta 2006/07 agus 2007/08 á mbailiú faoi láthair mar chuid de dhaonáireamh na scoile.

Attendance data for the 2006/07 and 2007/08 school years are currently being collected as part of the school census. The data will then be subject to extensive validation and it is hoped that initial outputs will be available at the end of February 2009.

## EMPLOYMENT AND LEARNING

### Further Education Lecturers Pay Dispute

**Mr Butler** asked the Minister for Employment and Learning for his assessment of the Further Education lecturers pay dispute, in light of the comments by the Chief Secretary of the Treasury in relation to the 2% pay limit; and what steps he is taking to address this matter. (AQW 1847/09)

**The Minister for Employment and Learning (Sir Reg Empey):** I plan to meet with the Minister for Finance and Personnel to discuss the comments made by the Chief Secretary to the Treasury. However, the Department of Finance and Personnel has indicated that the 2008-09 pay round continues to be constrained by a 2% basic award limit, which is included within a 3.75% earnings growth threshold.

In accordance with the Executive's pay policy, public sector staff groups must adhere to these limits unless there is a strong evidence-based case for setting them aside. Such a case might involve factors such as a contractual entitlement or labour market distortion. These factors do not apply in determining the pay of Further Education lecturers in Northern Ireland. A labour market argument has already been tested but was rejected by the Public Sector Pay Committee in February 2007.

### Lecturers' Further Education: Centres of Excellence

**Mr Newton** asked the Minister for Employment and Learning what plans he has to engage with the private sector about the development of centres of excellence for (i) vocational; (ii) professional; and (iii) technical education. (AQW 2032/09)

**The Minister for Employment and Learning:** In conjunction with Further Education Colleges, my Department has commissioned a review of Further Education Centres of Excellence. The completion of this review included extensive consultation with a range of interested groups, including local employers and employer representative bodies. The final report on the review is expected shortly and will inform the way forward for

this initiative. Employers, and other stakeholders, will be invited to comment on any proposals for change to the existing Centres of Excellence arrangements.

### **Public-Sector Jobs: Location**

**Mr Durkan** asked the Minister for Employment and Learning to detail his Department's plans to decentralise departmental employment and/or operations of its agencies, to locations outside of Belfast. (AQW 2092/09)

**The Minister for Employment and Learning:** The Department for Employment and Learning has no immediate plans to further decentralise to locations outside the Belfast area. The Department already delivers public services across Northern Ireland with approximately fifty per cent of staff (949 of 1889) working in thirty one offices outside the greater Belfast area. Of those based in the Belfast area, 29% (270) are delivering frontline services to the public, with a relatively small core providing support in Headquarters buildings.

I am however supportive of the prudent relocation of public sector posts to regional areas in the interests of promoting economic stability and sustainability.

### **North West Regional College**

**Mrs McGill** asked the Minister for Employment and Learning if there is a day to day senior manager employed on site at the (i) Strabane campus; and (ii) Limavady campus, of the North West Regional College. (AQW 2107/09)

**The Minister for Employment and Learning:** The North West Regional College (NWRC) has informed me that its Limavady campus has a full-time manager, on site.

I understand, also, that there is provision for a full-time manager on the site of the Strabane campus. This post is vacant following a resignation and the process for appointing a successor is now under way, in the meantime interim arrangements are in place.

### **North West Regional College**

**Mrs McGill** asked the Minister for Employment and Learning if the full review of the North West Regional College estate been completed and submitted to his Department. (AQW 2109/09)

**The Minister for Employment and Learning:** My Department continues to work with the North West Regional College to review the Estates Strategy for all its campuses including Limavady and Strabane. While the full review has not yet been completed, good progress has been made. In order to conclude the Estates Strategy and any accommodation development proposals that may arise from it the College has begun a tender exercise to secure professional advice. I look forward to the receipt of the review upon its completion.

### **North West Regional College**

**Mrs McGill** asked the Minister for Employment and Learning if there is an annual budget for marketing the Strabane campus of the North West Regional College and to detail the amount for the academic year 2008/09. (AQW 2110/09)

**The Minister for Employment and Learning:** The Department provides a recurrent block grant allocation for each of the Further Education Colleges to meet all of the recurrent costs of the college, including marketing. For the 2008/09 academic year the North West Regional College will receive £22,637,800 and it is the role of the Governing Body to determine how this funding is expended in support of activities permitted under the Further Education (NI) Order 1997.

## ENTERPRISE, TRADE AND INVESTMENT

### Waste Management Projects

**Mr Butler** asked the Minister of Enterprise, Trade and Investment to detail which waste management projects (i) have received money from Invest NI, including the amount and date received; and (ii) have applied for but did not receive funding from Invest NI. (AQW 2003/09)

**The Minister of Enterprise, Trade and Investment (Mrs A Foster):** The amount offered through Direct Invest NI since 2002 equates to £998,551, of which £423,693 has been drawn down.

Under the Department of Environment Waste Management Industry Fund which is administered by Invest NI, £1,049,462 has been offered of which £371,089 has been drawn down.

### EREF

Following a competitive selection process for the Environment and Renewable Energy Fund DETI transferred eight projects to Invest NI in June 2007 for further assessment. Of these, three projects have been approved and a further project is in the final stages of appraisal. As several of the projects are currently negotiating private sector funds specific details of the Invest NI offers are commercially sensitive and cannot be provided at this stage. None of the projects have received any funding from Invest NI to date.

### Envirowise Programme

Invest NI also funds the Envirowise programme. Envirowise is a government-funded programme providing free, confidential advice to UK businesses to help increase profitability and improve resource efficiency through reducing environmental impact. Waste management/minimisation and clean technology are key themes of the Envirowise programme which is funded locally by Invest NI. Since 1994, Envirowise has helped UK industry to save more than £1 billion.

Invest NI has funded the delivery of Envirowise in Northern Ireland by providing £661,562 of funding from April 2003 to March 2008. An additional £190,255 of DEFRA funding also supported the programme in Northern Ireland over this period.

The current contract for programme delivery in 2008/09 is for £621,000, of which £228,000 has been paid to date.

The Social Entrepreneurship Programme has helped five waste start-up companies by providing them each with a £5,000 start up grant.

The attached tables give a break down of Invest NI Assistance and those applicants who were unsuccessful.

### INVEST NI ASSISTANCE WASTE MANAGEMENT INDUSTRY FUND

Client	Amount Offered	Date of Offer	Paid to Date
Asset Management Ireland Limited	14,000	27-Mar-03	12,999
Traynors Ltd	30,405	16-Apr-03	24,567
Michael Dorman	10,980	30-Apr-03	3,698
Patrick Durkan	100,000	09-May-03	97,026
S N Lennox Ltd	50,000	23-Jun-03	47,799
Greenacre Composting Enterprises Ltd	100,000	15-May-03	
Kosmos Glass Recycling Limited	158,750	11-Jul-03	155,000
Felix Mc Parland & Co Ltd	50,000	31-Mar-04	30,000
Natural World Products Ltd	45,000	31-Mar-04	0
Harry, Philip, Alan and Geoffrey Crozier	55,500	08-Jun-04	0
Benny O'Neill	27,000	01-Jun-04	0
Patrick McCartan	21,600	14-Jun-04	0

Client	Amount Offered	Date of Offer	Paid to Date
Robert Delaney	72,750	01-Jun-04	0
Eastwood Limited	94,500	14-Jun-04	0
Chris Moran	4,200	22-Jun-04	0
Curran Environmental Recycling Limited	14,777	23-Jul-04	0
Clearway Disposals Ltd	200,000	13-Oct-04	0
<b>Totals</b>	<b>1,049,462</b>		<b>371,089</b>

**WASTE MANAGEMENT SELECTIVE FINANCIAL ASSISTANCE**

Client	Amount Offered	Date of Offer	Paid to Date
Robert Delaney T/A Organic Waste Recycling	93,165	01-Jun-04	16,431
Greenacre Composting Enterprises Ltd	101,965	15-May-03	56,425
Amber Merchants Limited	53,000	28-Jan-04	14,278
Eastwood Limited	118,043	14-Jun-04	83,530
Patrick Durkan	28,050	31-Mar-03	23,184
Patrick Durkan	100,000	09-May-03	10,000
Asset Management (Ireland) Limited	9,620	27-Mar-03	4,029
Asset Management (Ireland) Limited	6,912	11-Mar-04	6,210
Asset Management (Ireland) Limited	14,000	25-Apr-05	14,000
Asset Management (Ireland) Limited	11,480	06-Oct-06	7,544
Asset Management (Ireland) Limited	33,096	11-Jul-08	0
Envva (NI) Limited	1,096	22-Apr-02	1,096
Envva (NI) Limited	19,250	14-Aug-02	5,250
African Clothing Exports Ltd	40,000	05-Aug-03	40,000
Bailey Waste Recycling	1,096	2-Apr-02	0
Bailey Waste Recycling	9,600	06-Sep-02	9,600
F Mc Parland & Co Ltd	2,250	09-Jul-03	2,250
F Mc Parland and Company	23,200	31-Mar-04	20,000
McNabb Brothers (Waste Disposal) Ltd	1,940	03-Aug-04	1,940
Miceal Haughey	4,225	10-May-04	42,25
Natural World Products Ltd	68,155	31-Mar-03	52,911
Natural World Products Ltd	10,037	17-Mar-04	750
Natural World Products Ltd	15,000	31-Mar-04	11,563
Natural World Products Ltd	1,200	22-Jul-04	999
Natural World Products Ltd	6,400	01-Nov-06	0
NWP Recycling Ltd	3,375	30-Apr-02	3,375
NWP Recycling Ltd	39,200	11-Oct-05	0
NWP Recycling Ltd	24,831	08-Dec-06	0
NWP Recycling Ltd	18,800	13-Aug-08	0
Patrick McCartan	29,150	14-Jun-04	0



Client	Amount Offered	Date of Offer	Paid to Date
Paul O'Meara	1,100	12-Dec-02	1,100
Paul O'Meara	15,300	31-Mar-03	6,000
R 4 Limited	5,638	21-Jan-03	5,638
R 4 Limited	10,000	20-Aug-03	10,000
Regen Waste Ltd	16,480	17-Feb-05	15,590
Regen Waste Ltd	36,328	01-Mar-05	0
Enviroways Technologies Ltd	12,480	29-Oct -08	0
Safety Solutions NI Ltd	13,089	23-Oct-07	0
<b>Totals</b>	<b>998,551</b>		<b>423,693</b>

## WASTE MANAGEMENT INDUSTRY FUND UNSUCCESSFUL APPLICANTS

ADCO Recycling	K & T Clarke Gases
Adrian Cathers	Kinturk Compost
All Ireland Environmental Solutions Ltd	MacNabb Bros (Waste Disposal) Ltd
Allen Johnston	Masksips
Allied Wastes Industry	MacWaste Ltd
ALR Waste Management Ltd	Marin McLaughlin
Atlas Environmental (NI) Ltd	MC Reclamation
Aughrim Engineering & Skip Services	McCaffrey Recycling Ltd
BPF Recycling Plastics	McGurk Recycling Ltd
Bryson House Enterprises Ltd	McKelvey Recycling Ltd
Capital Fuels Ltd	Montupet UK Ltd
Capper Trading Ltd	Newco Ltd
City Industrial Waste Ind	NIPAK Ltd
Clinty Regen Ltd	P & V McKavanagh
Colin Glen contractors	Pallets Direct
Conway Bros	Park Ferguson
Damien Mulholland	Paul O'Meara
Delft Geotechnics Ireland Ltd	Practical Waste Solutions Ltd
Donald Montgomery	R J Maxwell & Son
Echemsco Recycling	Re-Spin
Eco Waste Recycling & Disposal Ltd	ROF Services
Eglinton (Timber Products) Ltd	Rooney Tyre Recycling Ltd
Elaine McConnell	S C L Onyx
Environmental Systems & Solutions Ltd	Short Brothers
Enviros Consulting Ltd	Sprenky Recycling
Erne Worm Farm	Stephen McLarnon
Euro-Recycle	Sterile Technologies
G Molloy Automobile Mercedes & Parts	Superjet
Glassdon Waste	Thomas Hamill & Sons

Grass Roots	Transco Waste
Grease Trap Services	Waste Beater Recycling
Greenpak Cardboard Cartons	Waste Not
Haughey Metals	William Little
Irish Polymers	William Thompson
Irish Waste Services Ltd	Wilson Waste Management Ltd
JA Graham Renewable Energy Services	
James Slevin	
Jim McIlroy	
Joe Beattie	

### Rose Energy

**Mr Butler** asked the Minister of Enterprise, Trade and Investment to provide a copy of the (i) full commercial appraisal of the Rose Energy project completed in February 2008; and (ii) review of the commercial appraisal completed in October 2008. (AQW 2004/09)

**The Minister of Enterprise, Trade and Investment:** The full commercial appraisal and review have been the subject of a Freedom of Information (FOI) request to Invest NI. A response to this is due by the 24th November. When Invest NI issues the response, I will provide you with the same copies of both documents, redacted as necessary under FOI legislation. I will also arrange for copies of both to be placed in the Assembly Library.

### Rose Energy

**Mr Butler** asked the Minister of Enterprise, Trade and Investment, pursuant to the answer to AQW 1017/09, to detail (i) the updated project costs for the Rose Energy plant; and (ii) the amount of public money being requested by the company. (AQW 2005/09)

**The Minister of Enterprise, Trade and Investment:** I cannot disclose the project costs of this plant until the commercial negotiations between Invest NI and the promoters are completed. I have not been informed of the amount of public money being requested by the company nor would it be appropriate for me to be informed until the appropriate stage in the approval process is reached. If the project is successful in the process, once a legal agreement has been completed between Invest NI and the promoters, this information may be released.

### Ballycastle to Campbeltown Ferry Service

**Ms Purvis** asked the Minister of Enterprise, Trade and Investment for an update on the plans to reopen the Ballycastle to Campbeltown ferry service; and when she last discussed this matter with her Scottish counterpart. (AQW 2018/09)

**The Minister of Enterprise, Trade and Investment:** The consultants, jointly funded by my Department and the Scottish Government to undertake a fresh economic appraisal of the case to restore the Ballycastle to Campbeltown ferry service, have now reported. As previously agreed with my Scottish counterpart, we will meet to discuss the outcome of the appraisal and decide on the way forward.

### Campsie Business Park

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment, pursuant to her answer to AQW 7417/08, to provide details of the original terms and conditions of the rental contract for the vacant rented unit at Campsie Business Park; and to place a copy of the original rental agreement in the Assembly Library. (AQW 2059/09)

**The Minister of Enterprise, Trade and Investment:** The terms and conditions of the lease for the office at Campsie Industrial Estate can be viewed in their entirety in the certified copy of the lease which will be provided by Invest NI.

A certified copy of the lease has been requested from Land and Property Services and will be placed in the Assembly Library as soon as received.

The lease, which was signed in 1992, was inherited by Invest NI from the Department of Economic Development through the Industrial Development Board.

### Invest NI

**Mr Dallat** asked the Minister of Enterprise, Trade and Investment to detail the cost to Invest NI of co-sponsoring the International Renewable Energy Conference and Exhibition to be hosted by Agri-Food & Biosciences Institute Conference on 29 and 30 October 2008 at the Slieve Donard Hotel. (AQW 2116/09)

**The Minister of Enterprise, Trade and Investment:** As one of seven co-sponsors, Invest NI contributed £3,000 towards the cost of the first International Renewable Energy Conference and Exhibition.

### Invest NI

**Mr Dallat** asked the Minister of Enterprise, Trade and Investment whether she and her officials were aware that Invest NI was co-sponsoring an event in partnership with Rose Energy and the Department of Agriculture and Rural Development, and which is being organised by Morrow Communications, who are working as public relations consultants for Rose Energy. (AQW 2117/09)

**The Minister of Enterprise, Trade and Investment:** My officials were aware that Invest NI was one of seven sponsors associated with the Agri-Food and Bio-Sciences Institute (AFBI) International Renewable Energy Conference and participated with the objective of showcasing its work in the renewable energy sector. I was not advised of the event nor did I have cause to be as the provision of sponsorship, such as this, is a routine operational matter.

The event provided Invest NI with the opportunity to present identified business opportunities and share European Best Practice with a substantial audience. I understand that Morrow Communications was selected as the event management company by AFBI following a competitive procurement exercise run by the agency in strict adherence to CPD guidelines. Morrow Communications had no responsibility for raising sponsorship. All sponsorship negotiations by Invest NI were undertaken directly with AFBI staff.

Invest NI sponsored a speaking slot to promote the business opportunities in the renewables sector and outline some of Invest NI's work in building a Northern Ireland Renewables Sector. The agency chose and organised for Dean Marcejla, from the EU Renewable Energy Centre to speak on this issue. The total cost incurred by Invest NI was £3,000.

### Invest NI

**Mr Dallat** asked the Minister of Enterprise, Trade and Investment what assessment she has made of the possible conflict of interest in relation to Invest NI co-sponsoring the International Renewable Energy Conference and Exhibition, given the involvement of the Department of Agriculture and Rural Development, Rose Energy and Morrow Communications, who are organising the conference and working as public relations consultants for Rose Energy on its incinerator proposal. (AQW 2132/09)

**The Minister of Enterprise, Trade and Investment:** I do not consider that there was any conflict of interest in relation to Invest NI co-sponsoring Agri-Food Bio-sciences Institute's (AFBI) International Renewable Energy Conference and Exhibition. Invest NI was one of seven sponsors associated with the event and participated with the objective of showcasing its work in the renewable energy sector. The event provided Invest NI with the opportunity to present identified business opportunities and share European Best Practice with a substantial audience.

I understand that Morrow Communications was selected as the event management company by AFBI following a competitive procurement exercise run by the agency in strict adherence to **Central Procurement Directorate** (CPD) guidelines. Morrow Communications had no responsibility for raising sponsorship. All sponsorship negotiations by Invest NI were undertaken directly with AFBI staff.

### Invest NI

**Mr Dallat** asked the Minister of Enterprise, Trade and Investment if public money provided by Invest NI for the Rose Energy Incinerator proposal could be used by Rose Energy to cover costs for hiring public relations and public affairs consultants to promote the project. (AQW 2133/09)

**The Minister of Enterprise, Trade and Investment:** Invest NI has offered no public money towards the Rose Energy Ltd project. The negotiations and case for support are still in progress between Invest NI and the promoters. Consequently, any public money that may be provided by Invest NI towards the Rose Energy Ltd Waste to Energy project in the future could not be used to cover these costs retrospectively.

In this case no public relations or promotional costs have been included in the business plan submitted by the promoters.

### Public-Sector Jobs: Location

**Mr Durkan** asked the Minister of Enterprise, Trade and Investment to set out her Department's plans to decentralise Departmental employment and operations of its agencies to locations outside Belfast. (AQW 2173/09)

**The Minister of Enterprise, Trade and Investment:** Approximately 140 staff of the Department and its agencies are currently located outside Belfast. This includes Consumer Affairs, Invest NI, Health and Safety Executive NI, Tourism Ireland and Intertrade Ireland, which, collectively, have staff in the following towns:

Armagh, Ballymena, Coleraine, Cookstown, Craigavon, Enniskillen, Londonderry, Newry and Omagh.

The recent report by Professor Sir George Bain on Location of Public Sector Jobs did not identify any additional areas of the Department or its agencies for relocation. The issue of dispersal is a complex matter and future location decisions will be informed by, and will take account of, a range of factors, including proximity to customers and stakeholders, as well as the Executive's response to the Bain recommendations.

### Renewable Energy Technology

**Mr W Clarke** asked the Minister of Enterprise, Trade and Investment what grants are available to encourage members of the public to install renewable energy technology in their homes. (AQW 2208/09)

**The Minister of Enterprise, Trade and Investment:** The UK-wide Low Carbon Building Programme offers grant support of up to £2,500 per property to domestic households for the installation of renewable energy technologies. The programme is set to remain open until 2010 and households in Northern Ireland are eligible to apply.

Additionally, there is a reduced rate of VAT at 5% for small scale renewable technologies and for those technologies generating electricity, Renewable Obligation Certificates are available.

## ENVIRONMENT

### Wind Turbines

**Mr T Clarke** asked the Minister of the Environment the number of (i) wind turbines; and (ii) applications for additional wind turbines, broken down by parliamentary constituency. (AQW 1493/09)



**Mr T Clarke** asked the Minister of the Environment the number of (i) wind turbines; and (ii) applications for additional wind turbines, broken down by parliamentary constituency. (AQW 1493/09)

**The Minister of the Environment (Mr S Wilson):** To date my Department has granted planning permission for 33 wind farms, incorporating 280 turbines. A further 50 wind farm applications are in the system and those propose an additional 458 turbines. The breakdown of wind farm applications by parliamentary constituency is as follows:

Parliamentary Constituency	Approved applications	Proposed applications
Belfast East	0	0
Belfast North	0	0
Belfast South	0	0
Belfast West	0	0
East Antrim	0	0
East Londonderry	3	7
South Tyrone	7	10
Foyle	1	2
Lagan Valley	0	0
Mid Ulster	0	3
Newry & Armagh	0	0
North Antrim	7	4
North Down	0	0
South Antrim	0	3
South Down	0	1
Strangford	0	0
Upper Bann	0	0
West Tyrone	15	20
<b>Total</b>	<b>33</b>	<b>50</b>

Since 1st April 2007 my Department has approved 101 applications for domestic wind turbines and wind turbines associated with a farm, incorporating 102 wind turbines. A further 5 applications for wind turbines are currently in the system. The breakdown of wind turbine applications by parliamentary constituency is as follows:

Parliamentary Constituency	Approved applications	Proposed applications
Belfast East	0	0
Belfast North	0	0
Belfast South	0	0
Belfast West	0	0
East Antrim	4	0
East Londonderry	6	0
Fermanagh & South Tyrone	2	0
Foyle	0	0
Lagan Valley	4	0
Mid Ulster	6	1
Newry & Armagh	16	0

Parliamentary Constituency	Approved applications	Proposed applications
North Antrim	6	1
North Down	2	0
South Antrim	11	1
South Down	25	2
Strangford	9	0
Upper Bann	2	0
West Tyrone	8	0
<b>Total</b>	<b>101</b>	<b>5</b>

These figures have been extracted from a live database which is continuously updated and validated. They should therefore be regarded as indicative only at this point in time and should not be compared with any previous figures published by the agency.

### Employment Opportunities

**Ms J McCann** asked the Minister of the Environment to detail any significant planning applications currently in the system which would create employment opportunities. (AQW 2001/09)

**The Minister of the Environment:** For the purposes of answering this particular question, a significant planning application is interpreted as one which represents a large scale investment proposal for Northern Ireland. At the present time, there are approximately 70 such applications in the planning system. The majority, if not all, of these applications are considered to offer employment opportunities for local people and businesses – either during the construction phase of the development, the operational phase or both.

Details relating to these applications are attached as annex 1.

#### ANNEX 1

Planning Application Ref	Location	Nature of Proposal
T/2006/0629	Antrim	Retail Development
T/2007/0251	Antrim	Retail Development
T/2007/0656	Antrim	Commercial Development
U/2006/0377	Ballyclare	Residential Development
U/2007/0153	Ballyclare	Retail Development
U/2007/0264	Ballyclare	Mixed Use Development
R/2007/0853	Ballynahinch	Retail Development
W/2008/0294	Bangor	Residential Development
W/2008/0302	Bangor	Residential Development
W/2008/0456	Bangor	Mixed Use Development
W/2008/0749	Bangor	Residential Development
Z/2000/0520	Belfast	Mixed Use Development
Z/2003/0437	Belfast	Mixed Use Development
Z/2004/2377	Belfast	Mixed Use Development
Z/2004/2742	Belfast	Retail Development
Z/2006/2018	Belfast	Retail Development

Planning Application Ref	Location	Nature of Proposal
Z/2008/0599	Belfast	Mixed Use Development
Z/2008/0692	Belfast	Retail Development
Z/2008/0832	Belfast	Mixed Use Development
Z/2008/0830	Belfast	Mixed Use Development
Z/2008/0829	Belfast	Mixed Use Development
Y/2008/0227	Belfast	Retail Development
Z/2008/1963	Belfast	Mixed Use Development
Z/2008/2152	Belfast	Retail Development
Z/2008/1548	Belfast	Mixed Use Development (Titanic Quarter)
Z/2008/1428	Belfast	Tourist/Leisure Development (Titanic Quarter Signature Project)
Z/2008/1058	Belfast	Office Development (Titanic Quarter Financial Services Campus)
E/2007/0075	Bushmills	Tourist/Leisure Development
E/2008/0200	Bushmills	Tourist/Leisure Development
Y/2007/0612	Carryduff	Mixed Use Development
N/2005/0253	Craigavon	Retail Development
T/2008/0079	Crumlin	Industrial Development
R/2008/0439	Downpatrick	Commercial Development
R/2008/0441	Downpatrick	Office Development (Call Centre)
F/2006/0131	Larne	Mixed Use Development
F/2007/0455	Larne	Mixed Use Development
F/2008/0114	Larne	Retail Development
S/2004/1757	Lisburn	Retail Development
S/2007/1482	Lisburn	Mixed Use Development
S/2008/0192	Lisburn	Residential Development
S/2008/0400	Lisburn	Residential Development
S/2008/0482	Lisburn	Residential Development
S/2008/0485	Lisburn	Residential Development
S/2008/0527	Lisburn	Residential Development
S/2008/0537	Lisburn	Mixed Use Development
A/2004/1251	Londonderry	Office Development
A/2006/0180	Londonderry	Retail Development
A/2007/0145	Londonderry	Retail Development
A/2008/0648	Londonderry	Retail Development
U/2005/0070	Newtownabbey	Retail Development
X/1999/0030	Newtownards	Residential Development
X/1999/0842	Newtownards	Residential Development
X/2000/0414	Newtownards	Residential Development
X/2001/0457	Newtownards	Residential Development
X/2004/1800	Newtownards	Retail Development

Planning Application Ref	Location	Nature of Proposal
X/2005/0653	Newtownards	Retail Development
X/2005/1156	Newtownards	Retail Development
P/2008/1103	Newry	Retail Development
K/2008/0779	Omagh	Mixed Use Development
G/2008/0240	Randalstown	Tourist/Leisure Development
J/2006/0616	Strabane	Mixed Use Development
T/1999/0376	Templepatrick	Templepatrick
P/2008/0926	Warrenpoint	Warrenpoint
T/2001/0517	Randalstown	Randalstown
B/2005/0329	Dungiven	Dungiven
S/2008/0630	Glenavy	Glenavy

### Employment Opportunities

**Ms J McCann** asked the Minister of the Environment what action he is taking to ensure that significant planning applications, currently within the system which would help to create employment opportunities, are dealt with in an expedient manner. (AQW 2002/09)

**The Minister of the Environment:** The Programme for Government refers to a six month target being applied to large scale planning proposals. These are proposals which are considered to have significant economic or social implications for the whole or a substantial part of Northern Ireland. They will be handled by the Strategic Projects Division of Planning Service and the six month target will apply provided there have been pre-application discussions with an agreed outcome.

Within the Strategic Projects Division I have agreed to the creation of two multi-disciplinary teams – teams which are comprised of planning staff as well as professionals from other relevant disciplines – to help to further enhance the efficiency of the service that is provided. I am hopeful these multi-disciplinary teams will be in place by the early part of next year.

In addition a planning circular was issued to Planning Service staff in July 2006 to provide guidance for prioritising applications. It clarified that priority be given to applications on which grant-aid may depend and certain commercial, industrial, social and infrastructure proposals with clear strategic, employment, community or public interest dimension.

My officials have also published guidance for prospective developers/applicants on pre-application discussions. This will assist in the development of procedures for meaningful pre-application engagement between the Planning Service, our key consultees – some of whom will be represented in our multi-disciplinary teams – and applicants. As part of the pre-application discussions, an indicative timescale for processing the application will be provided. Clearly, if this is to be a success in terms of speeding up the process there will be obligations on everyone involved in the planning process, including agents, through a mutual commitment to improve the quality of applications and maximise the prospects of getting through the statutory process quickly.

### PPS 14

**Mr Ross** asked the Minister of the Environment when the revised draft PPS 14 will be published. (AQW 2030/09)

**The Minister of the Environment:** I hope the Executive will consider the Revised draft PPS 14 at the earliest opportunity. If there is no agreement, I will shelve the revised draft and we will live with the existing policies.

This would mean residential development in rural areas continuing to be hampered by restrictive planning policy, and planning policy on farm diversification continuing to lag behind rural development policies.



## Development Control

**Mr Lunn** asked the Minister of the Environment to outline a timescale for the transfer of development control to local authorities. (AQW 2085/09)

**The Minister of the Environment:** The programme of work, which includes primary legislation, to transfer planning functions to the responsibility of local councils is being taken forward on the same timeline as the overall reorganisation of local government, with an implementation date of May 2011.

## Public-Sector Jobs: Location

**Mr Durkan** asked the Minister of the Environment to detail his Department's plans to decentralise departmental employment and/or operations of its agencies, to locations outside of Belfast. (AQW 2091/09)

**The Minister of the Environment:** Almost 50% of my Department's staff are already employed at locations outside the Belfast area and I have no current plans for further decentralisation. The Executive will, however, need to consider the recommendations in the Bain Report on the scope for decentralisation and on the specific candidates cited in the report, including the Northern Ireland Environment Agency.

## Ministerial Correspondence

**Mr Kennedy** asked the Minister of the Environment to detail the correspondence he has exchanged, including that with MLAs, during 2008 in relation to (i) the processing of any development plans now at (a) Issues Paper stage; and (b) draft plan stage; and (ii) the implications of Mr Justice Weatherup's judgement in the Seaport Investments case, the related appeal, and the reference to the European Court of Justice, on the progressing of those development plans. (AQW 2246/09)

**The Minister of the Environment:** The Departmental records indicate that during 2008 I have responded to a total of 46 items of correspondence, including Assembly Questions and invitations to meet, in relation to the Development Plans currently being prepared by my Department and the litigation associated with a number of these plans. The major issues raised in the correspondence relate to the timing of key process stages for the various development plans and the delay associated with ongoing legal proceedings. I have also responded to queries in relation to the costs of preparation for the development plans and the associated litigation. Finally I have addressed a number of queries regarding the subject matter of, or site specific issues relating to, individual plans. A list setting out the items of correspondence is attached.

### ANNEX 1 CORRESPONDENCE, ASSEMBLY QUESTIONS AND INVITATION CASES

Date	Ref No	Name	Area Plan	Subject
Oct	COR/786/08	Ian Paisley Jnr	Antrim, Ballymena and Larne	Delays due to Appeal and ways of overcoming legal issues to speed up process
July	COR/541/08	Samuel Gardiner	Ards and Down	Slow progress in finalising and adopting plan
June	COR/499/08	Margaret Ritchie	Ards and Down	Lack of progress and timescale for adoption
June	COR/498/08	Jim Wells	Ards and Down	On behalf of Keith Toner re delays in adoption
June	COR/483/08	Willie McCrea	BMAP	Proposal in BMAP to build an estate adjacent to Doagh Village and statutory requirement re public consultation.
April	COR/294/08	Margaret Ritchie	Ards and Down	Timescale for publishing
Jan	COR/51/08	Eddie McGrady	Banbridge, Newry and Mourne	Timescale for progress
Jan	COR/26/08	Eddie McGrady	Ards and Down	Reasons for delay in publishing report
Nov	AQW/2029/09	Alastair Ross	Larne	When the draft plan will be published

Date	Ref No	Name	Area Plan	Subject
Oct	AQW/1879/09	Jim Shannon	Ards and Down	If the implementation of plan will be delayed due to the requirement for PPS 14 legislation to be passed through the Assembly
Oct	AQW/1878/09	Jim Shannon	Ards and Down	If the plan will be (i) finalised; and (ii) released to the public.
Oct	AQO/914/09	Kieran McCarthy	Ards and Down	Update on the plan
Sept	AQW/918/09	Jim Wells	Ards and Down	(i) explain the delay in the publication of the plan; and (ii) confirm when it will be published.
Sept	AQW/688/09	Jim Wells	BMAP	Update of the Belfast Metropolitan area urban and rural windfall figures, in relation to the statistics provided to the BMAP inquiry in January 2007, which only covered the period 1 April 2003 to 31 April 2006
Sept	AQO/335/09	Sean Neeson	BMAP	Update on the plan.
Sept	AQW/414/09	Ian Paisley Jnr	Antrim, Ballymena and Larne	When the draft plan will be published; and to detail the reasons for the 7 year delay in its publication
July	AQW/8859/08	Trevor Clarke	Ards and Down	Delay in adopting plan, and what steps are being taken to have the plan finalised and adopted.
July	AQW/8878/08	Ian Paisley Jnr	Magherafelt	How much has been spent on the litigation of the plan; and what the estimated full legal cost will be.
July	AQW/8877/08	Ian Paisley Jnr	Northern	How much has been spent on the litigation of the plan; and what the estimated full legal cost will be.
July	AQW/8836/08	Ian McCrea	Legal costs for each Plan in last 5 yrs	What legal fees have been incurred for each area plan over the last five years.
May	AQW/7238/08	Willie Clarke	Ards and Down	When will the Planning Service publish a statement with the adopted plan, outlining the decisions that it has reached
May	AQO/3658/08	Barry McElduff	West Tyrone	Current status of the plan
May	AQO/3581/08	Alex Easton	BMAP	Number of new homes required for North Down under BMAP
May	AQW/6771/08	Jim Shannon	Ards and Down	Outcome of the plan finding for light industrial land between Kiltonga and Milecross Road, Newtownards
May	AQW/6770/08	Jim Shannon	Ards and Down	When the findings of the plan will be made available to (i) the public; and (ii) elected representatives, in light of a potential economic recession
May	AQW/6769/08	Jim Shannon	Ards and Down	Action being taken to ensure that the plan is announced urgently.
April	AQO/3176/08	Kieran McCarthy	Ards and Down	To confirm when the Plan Inquiry will be published.
April	AQW/5664/08	Jim Shannon	Ards and Down	Timescale within which the PAC decision on the plan will be fed into the present planning process in Downpatrick
April	AQW/5663/08	Jim Shannon	Ards and Down	What steps are being taken to ensure that the PAC completion of the plan is considered for current planning decisions at Downpatrick
April	AQW/5435/08	Mervyn Storey	Northern	Update on the draft Plan
April	AQW/5369/08	Peter Weir	BMAP	What action is being taken to update the figures that were provided in a paper to the BMAP Inquiry in January 2007 in relation to the count of windfall approvals achieved in the Belfast Metropolitan Area Urban and Belfast Metropolitan Area Rural areas over the period 1 April 2003 – 31 August 2006.

Date	Ref No	Name	Area Plan	Subject
April	AQW/5311/08	Peter Weir	BMAP	Assessment of the impact of the introduction of a two tier system of housing forecasts on the BMAP's receipt of a certificate of conformity
April	AQW/5286/08	Alastair Ross	Larne	When the plan will be published
April	AQW/5237/08	Pat Doherty	West Tyrone	Timeframe for the completion of the plan.
Feb	AQW/4431/08	Jim Shannon	Ards and Down	Timescale for the declaration of the plan.
Feb	AQW/3611/08	Allan Bresland	West Tyrone	Timetable within which the plan will be published.
Jan	AQW/3290/08	Alasdair McDonnell	BMAP	Confirm whether or not targets set for new housing developments in Carryduff, under the BMAP have been met
Jan	AQW/3289/08	Alasdair McDonnell	BMAP	Number of applications for (i) single housing developments; and (ii) multiple housing developments, that have been approved for Carryduff since the adoption of BMAP.
Jan	AQW/3209/08	Willie Clarke	Ards and Down	Update on when the plan will be available.
Jan	AQW/3036/09	Jim Shannon	Ards and Down	Reasons for a 3 month delay in the announcement of the plan.
Jan	AQW/2833/08	Daithi McKay	Northern	Timescale within which the plan will be finalised and adopted.
Jan	AQW/2807/08	Mervyn Storey	Northern	Update on the plan
July	INV/409/08	Margaret Ritchie	Ards and Down	Meeting to discuss finalising and publishing the plan
June	INV/298/08	Tommy Morrow	BMAP	Request to discuss an ATC in the village Area of South Belfast
May	INV/284/08	David McCammick	Antrim, Ballymena and Larne	Council request to discuss delays in publishing
July	INV/378/08	Iris Robinson	Ards and Down	Publication of the plan and site in Killyleagh

## FINANCE AND PERSONNEL

### Penny Product

**Mr Beggs** asked the Minister of Finance and Personnel (i) to indicate the discrepancy between the estimated penny product and the actual penny product for each District Council in 2007/8; and (ii) where the discrepancy is greater than 1%, to account for the discrepancy, in each case.[R] (AQW 1195/09)

**The Minister of Finance and Personnel (Mr N Dodds):** Land and Property Services provides the Estimated Penny Product figures to councils to assist them in the consideration of striking a rate. The figures are estimates based on information available some 16 to 18 months in advance of the close of the financial year in question. Councils are free to use or to disregard the estimate in finalising a rate. There will always be variances between the initial estimate and final outcome, this is a natural part of the process caused by, for example, properties going into and out of occupation, and revisions to the tax base.

Set out in the attached tables are the differences between the Estimated Penny Product and the Actual Penny Product for 2007/08 in two categories – Councils where the difference was less than 1% and Councils where the difference was greater than 1%.

**TABLE 1**  
**SHOWING THOSE COUNCILS WHERE THE DIFFERENCE BETWEEN THE ESTIMATED PENNY PRODUCT AND THE ACTUAL PENNY PRODUCT FOR 2007/2008 WAS LESS THAN 1%.**

<b>Council</b>	<b>Variance %</b>
Ards Borough Council	-0.52
Ballymoney Borough Council	+0.02
Banbridge District Council	+0.98
Castlereagh Borough Council	-0.26
Coleraine Borough Council	-0.17
Down District Council	+0.40
Dungannon and South Tyrone Borough Council	+0.90
Fermanagh District Council	+0.80
Moyle District Council	-0.27
Newtownabbey Borough Council	+0.93
Omagh District Council	+0.60
Strabane District Council	-0.92

**TABLE 2**  
**SHOWING THOSE COUNCILS WHERE THE DIFFERENCE BETWEEN THE ESTIMATED PENNY PRODUCT AND THE ACTUAL PENNY PRODUCT FOR 2007/2008 WAS MORE THAN 1%.**

<b>Council</b>	<b>Variance %</b>
Antrim Borough Council	+2.54
Armagh City and District Council	-1.23
Ballymena Borough Council	+1.88
Belfast City Council	-4.94
Carrickfergus Borough Council	-4.48
Cookstown District Council	+2.55
Craigavon Borough Council	+2.21
Derry City Council	-2.36
Larne Borough Council	-1.52
Limavady Borough Council	+2.78
Lisburn City Council	+1.82
Magherafelt District Council	+6.27
Newry and Mourne District Council	-1.33
North Down Borough Council	-5.90

Differences between the Estimated Penny Product and the Actual Penny Product arose for a variety of reasons. For those councils where the discrepancy was greater than 1%, the reasons were:

- Lack of growth in the council tax-base, or significant growth in the council tax-base.
- Significant growth in the council tax-base off-set by increased vacancy discharges.
- Increased vacancy discharges, particularly in the domestic sector.
- Increases in cost of collection to implement rating reforms.
- Increases in Landlord Allowances from 10% to 15%.
- Introduction of the CAP reduced income.



## Townland Names

**Mrs O'Neill** asked the Minister of Finance and Personnel what action his Department is taking to promote townland names. (AQO 1203/09)

**The Minister of Finance and Personnel:** The Department of Finance and Personnel recognises the historic, cultural and linguistic importance of Townland names and uses them when it is appropriate to do so.

In addition, Land & Property Services maintains the Pointer product which is a definitive address database for Northern Ireland. Every address within Pointer is allocated to its appropriate Townland and the system also records the history and alternative spellings of the name, based on information provided by the Northern Ireland Place-Name Project. The Pointer product is available to all public servants in Northern Ireland under the terms of the Northern Ireland Mapping Agreement and is increasingly used across Government. It therefore provides Townland names for all addresses to all public servants, and public sector mailings created from Pointer will include the Townland name in each address.

The latest editions of the 1:50 000 Discoverer Map series produced by my Department also include Townlands.

## Cardiac Conditions

**Mr McElduff** asked the Minister of Finance and Personnel to detail the number of people aged between 14 and 35 who have died from cardiac conditions in each of the last 3 years, broken down by Health and Social Services Board area. (AQW 2213/09)

**The Minister of Finance and Personnel:** Cause of death statistics are classified by the International Classification of Diseases, the number of deaths due to all circulatory diseases<sup>1</sup> has been provided in the tables attached by Health and Social Services Board for those aged 14 to 35 years for registration years 2005 to 2007.

International Classification of Diseases, Tenth Revision code I00-I99 – this includes ischaemic heart disease as well as other conditions such as stroke, pulmonary heart disease and other forms of heart disease.

**TABLE 1**  
**NUMBER OF DEATHS REGISTERED WHERE THE UNDERLYING CAUSE OF DEATH WAS A CIRCULATORY DISEASE, FOR PERSONS AGED 14 TO 35, BY HEALTH AND SOCIAL SERVICE BOARD, REGISTRATION YEAR 2005**

Cause of Death	ICD10 <sup>1</sup> Code	Eastern HSSB	Northern HSSB	Southern HSSB	Western HSSB	Northern Ireland
Ischaemic heart disease	I20-I25	-	2	-	1	3
Pulmonary heart disease	I26-I28	-	2	-	1	3
Other heart disease	I30-I52	2	1	2	2	7
Cerebrovascular disease	I60-I69	1	-	-	1	2
Other diseases of the circulatory system	I70-I99	4	-	1	-	5
<b>All Circulatory Diseases</b>	<b>I00-I99</b>	<b>7</b>	<b>5</b>	<b>3</b>	<b>5</b>	<b>20</b>

<sup>1</sup> The tenth revision of the International Statistical Classification of Diseases, Injuries and Causes of Death (ICD10) is used in Northern Ireland to code cause of death.

**TABLE 2**  
**NUMBER OF DEATHS REGISTERED WHERE THE UNDERLYING CAUSE OF DEATH WAS A CIRCULATORY DISEASE, FOR PERSONS AGED 14 TO 35, BY HEALTH AND SOCIAL SERVICE BOARD, REGISTRATION YEAR 2006**

Cause of Death	ICD10 Code	Eastern HSSB	Northern HSSB	Southern HSSB	Western HSSB	Northern Ireland
Chronic rheumatic heart disease	I05-I09	-	-	1	-	1
Ischaemic heart disease	I20-I25	2	-	2	-	4
Other heart disease	I30-I52	1	2	2	1	6

Cause of Death	ICD10 Code	Eastern HSSB	Northern HSSB	Southern HSSB	Western HSSB	Northern Ireland
Cerebrovascular disease	I60-I69	-	1	-	1	2
Other diseases of the circulatory system	I70-I99	2	1	-	-	3
All Circulatory Diseases	I00-I99	5	4	5	2	16

1 The tenth revision of the International Statistical Classification of Diseases, Injuries and Causes of Death (ICD10) is used in Northern Ireland to code cause of death.

**TABLE 3: NUMBER OF DEATHS REGISTERED WHERE THE UNDERLYING CAUSE OF DEATH WAS A CIRCULATORY DISEASE, FOR PERSONS AGED 14 TO 35, BY HEALTH AND SOCIAL SERVICE BOARD, REGISTRATION YEAR 2007P**

Cause of Death	ICD10 Code	Eastern HSSB	Northern HSSB	Southern HSSB	Western HSSB	Northern Ireland
Hypertensive disease	I10-I15	1	-	-	-	1
Ischaemic heart disease	I20-I25	5	2	1	1	9
Pulmonary heart disease	I26-I28	2	1	-	-	3
Other heart disease	I30-I52	2	2	3	1	8
Cerebrovascular disease	I60-I69	4	3	-	1	8
Other diseases of the circulatory system	I70-I99	-	1	-	2	3
All Circulatory Diseases	I00-I99	14	9	4	5	32

1 The tenth revision of the International Statistical Classification of Diseases, Injuries and Causes of Death (ICD10) is used in Northern Ireland to code cause of death.

P Provisional data.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Locum Staff Grade Anaesthetists

**Mr Spratt** asked the Minister of Health, Social Services and Public Safety to detail the (i) highest hourly rate paid to a locum staff grade anaesthetist; and (ii) average hourly rate paid to locum staff grade anaesthetists, in each hospital, for each of the last 3 years. (AQW 1465/09)

**The Minister of Health, Social Services and Public Safety (Mr M McGimpsey):** Two Trusts have reported using locum staff grade anaesthetists. The information provided relates to the rates paid to this group of staff through locum agencies. The details are set out in the table below.

Trust	Hospital	Average Hourly Rate			Highest Hourly Rate		
		2005/06	2006/07	2007/08	2005/06	2006/07	2007/08
Northern	Causeway	None	£58.42	£58.65	None	£58.42	£75.00
Western	Erne	£57.25	None	None	£67.24	None	None

### Medicines and Healthcare Products Regulatory Agency

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many reports on the Northern Ireland Blood Transfusion Service have been conducted by the Medicines and Healthcare Products Regulatory Agency, in the last 5 years. (AQW 1635/09)

**The Minister of Health, Social Services and Public Safety:** In the last five years, the Medicines and Healthcare Products Regulatory Agency have completed three full inspection reports on the Northern Ireland Blood Transfusion Service – in March 2004, April 2006 and April 2008.

### **Portstewart Fire Station**

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety if he will guarantee the future of the Portstewart Fire Station for at least the next 10 years. (AQW 1717/09)

**The Minister of Health, Social Services and Public Safety:** The future of Portstewart Fire Station is entirely a matter for the Northern Ireland Fire and Rescue Service which has an Integrated Risk Management Process in place to assess the level of fire and rescue coverage required.

The proposal to withdraw the second pumping appliance from Portstewart Fire Station was published for public consultation on 1 October. No final decisions will be taken on the second appliance at Portstewart until the Northern Ireland Fire and Rescue Service has had an opportunity to consider the responses to that consultation.

### **Pharmacy Provision: Community Pharmacy in the Bogside**

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety for his assessment of rejection by the Pharmacy Practices Committee of the Western Health and Social Services Board, of an application to establish a community pharmacy in an area of high deprivation in the Bogside area of Derry/Londonderry. (AQW 1996/09)

**The Minister of Health, Social Services and Public Safety:** A pharmacist wishing to open a pharmacy must apply to the relevant Health and Social Services Board to join the pharmaceutical list. The decision making role is delegated to the local Pharmacy Practices Committee (PPC) of each Board who must decide whether it is 'necessary or desirable' to approve the application in order to secure the adequate provision of pharmaceutical services, taking into account relevant socio-economic factors.

The decision making process of the PPC is independent of the Department and the Minister. Therefore it would be inappropriate for me to comment on individual cases. The PPC must follow procedures set out in Schedule 4 to the Pharmaceutical Services Regulations (Northern Ireland) 1997. The regulations can be accessed at this web address; [http://www.opsi.gov.uk/sr/sr1997/nisr\\_19970381\\_en.pdf](http://www.opsi.gov.uk/sr/sr1997/nisr_19970381_en.pdf)

If an applicant is dissatisfied with the decision of the PPC then they have the right of appeal to the National Appeal Panel.

### **Pharmacy Provision: Derry/Londonderry**

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety (i) to detail the current level of pharmacy provision in the Derry/Londonderry area, including locations; and (ii) if this provision meets the needs of the region, particularly in the socially deprived wards. (AQW 1997/09)

**The Minister of Health, Social Services and Public Safety:** Information provided by the Central services Agency show that there are 34 pharmacies currently located in the Derry Local Government District. Of these, 22 pharmacies (65%) are situated in census output areas which are among the 20% most deprived areas in Northern Ireland.

The decision making process followed by the Pharmacy Practices Committee (PPC) of each Health and Social Services Board in relation to applications to join the pharmaceutical list is independent of the Department and the Minister. The PPCs take into account socio-economic factors. The procedures set out in Schedule 4 to the Pharmaceutical Services Regulations (Northern Ireland) 1997 must be followed by all of the Board PPCs. The regulations can be accessed at the following website address;

[http://www.opsi.gov.uk/sr/sr1997/nisr\\_19970381-en.pdf](http://www.opsi.gov.uk/sr/sr1997/nisr_19970381-en.pdf)

### Pharmacy Practices Committee

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety to detail the processes followed by the Pharmacy Practices Committee of the Western Health and Social Services Board carrying out its deliberations. (AQW 1998/09)

**The Minister of Health, Social Services and Public Safety:** The Pharmacy Practices Committee of the Western Health and Social Services Board follows the same processes as the Pharmacy Practices Committees in the other three Area Boards. Those procedures are set out in Schedule 4 to the Pharmaceutical Services Regulations (Northern Ireland) 1997. These can be viewed at [www.opsi.gov.uk/sr/sr1997/nisr\\_19970381\\_en.pdf](http://www.opsi.gov.uk/sr/sr1997/nisr_19970381_en.pdf)

### Deaf People with Mental Health Problems: Available Resources

**Mr Newton** asked the Minister of Health, Social Services and Public Safety to detail the resources he is allocating for people who (i) are deaf; and (ii) have mental health problems. (AQW 2033/09)

**The Minister of Health, Social Services and Public Safety:** Information on the resources allocated to services for deaf people with mental health problems is not held centrally. Part of the £3.9m planned expenditure relating to aids, adaptations and audiology within the Physical and Sensory Disability Programme of Care will be incurred on those that are deaf.

Although deaf people with a mental illness have access to the full range of mental health services, many are treated by a specialist team established to address their specific needs.

### Osteoporosis

**Mr Molloy** asked the Minister of Health, Social Services and Public Safety to detail his future plans for the treatment and prevention of osteoporosis. (AQW 2053/09)

**The Minister of Health, Social Services and Public Safety:** From September 2008, osteoporosis has been included in the General Medical Services Contract as a Directed Enhanced Service. This new service will target female patients aged 50 and over who have suffered a fragility fracture. This target group has been varied from my previous Answer on this topic (which indicated the target would be all patients aged 65 and over), in order to provide enhanced treatment, diagnosis and prevention for those patients at greatest risk of osteoporosis.

My Department supports osteoporosis prevention through the promotion of regular exercise, a balanced diet, smoking prevention/cessation and a responsible approach to alcohol consumption.

### Osteoporosis

**Mr Molloy** asked the Minister of Health, Social Services and Public Safety for the number of osteoporosis nurse positions in the Health Service. (AQW 2054/09)

**The Minister of Health, Social Services and Public Safety:** There are 9 (7.12 Whole-Time Equivalent) posts for Osteoporosis Nurses within the Northern Ireland Health and Social Care Trusts. All of these posts are currently filled.

### Health and Social Services Provision

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety if his Department is undertaking a review of Health and Social Services provision and when the results will be published. (AQW 2062/09)

**The Minister of Health, Social Services and Public Safety:** I received a total of £3.3bn over the 10 years of the Investment Strategy 2008, against a bid of £5.8bn. A major element of this investment has already been contractually committed, reducing further the availability of capital resources needed to modernise our healthcare infrastructure after many years of under investment.



In light of these funding constraints I commissioned on 31 May 2008 a Review of Capital Priorities. I am currently considering the report, which has already highlighted that some very difficult decisions will need to be taken in order that the limited funding available to me will be allocated to areas of highest need across all Programmes of Care, and optimise the benefits for the entire population of Northern Ireland.

I have recently announced the allocations that will be made to NIFRS, NIAS and ICT and hope to be in a position to finalise the HSC Trust allocations within the coming weeks.

### **Health and Care Facility: Derry/Londonderry**

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety what priority he has given to the cityside health and care facility for Derry/Londonderry. (AQW 2064/09)

**The Minister of Health, Social Services and Public Safety:** The development of primary and community care infrastructure, along with all other Trust priorities across Northern Ireland, will be considered in the context of funding constraints.

I received a total of £3.3bn over the 10 years of the Investment Strategy 2008, against a bid of £5.8bn. A major element of this investment has already been contractually committed, reducing further the availability of capital resources needed to modernise our healthcare infrastructure after many years of under investment.

This funding is not enough to meet all of the demands within the Health and Social Care estate. As a result I commissioned a review of capital investment priorities which reported to me at the end of September. I am in the process of completing my deliberations and will make an announcement on capital investment, in the Western Trust, in the coming weeks.

### **Hospital Projects**

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety for assurances that commitments made for hospital projects in the West will not displace investments in health and care facilities. (AQW 2065/09)

**The Minister of Health, Social Services and Public Safety:** The development of primary and community care infrastructure, along with all other Trust priorities across Northern Ireland, will be considered in the context of funding constraints.

I received a total of £3.3bn over the 10 years of the Investment Strategy 2008, against a bid of £5.8bn. A major element of this investment has already been contractually committed, reducing further the availability of capital resources needed to modernise our healthcare infrastructure after many years of under investment.

The recently completed review of priorities, which I am currently considering, will ensure that the limited funding available to me will be allocated to areas of highest need across all Programmes of Care, in order to optimise the benefits for the entire population of Northern Ireland.

### **Hospital Cleanliness**

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety to detail the action he has taken to address the issue of hospital cleanliness, following a meeting with a constituent on 15 September 2008. (AQW 2069/09)

**The Minister of Health, Social Services and Public Safety:** On 14 October I advised the Assembly that I had accepted all the recommendations contained in the reports of the RQIA review of the outbreak of *Clostridium difficile* in Northern Trust Hospitals. These include a region-wide baseline review of all HSC Trust cleaning arrangements against current standards and methodologies.

At the meeting on 15 September with Mr George Robinson MLA and his constituent, a number of concerns were raised with me about hospital cleanliness. Subsequent to that meeting I wrote to the Chief Executive of the Belfast Trust. He has now replied to me and I shall be writing to Mr Robinson and his constituent shortly on foot of that reply.

### Medical Information: 'Statement of Fact' Letters

**Mrs McGill** asked the Minister of Health, Social Services and Public Safety if parents of children under 18 years old should be liable for payment of 'statement of fact' letters from GPs, given that medical information of crucial importance to the child should, in all cases, be shared by the relevant educational institutions.

(AQW 2111/09)

**The Minister of Health, Social Services and Public Safety:** The provision of medical reports or 'statement of facts' letters outlining details of a patient's medical condition for purposes other than the diagnosis, management and ongoing care and treatment of a patient is not considered to form part of essential services under the General Medical Services contract, nor are GPs remunerated for conducting such work within any of the funding streams of the contract.

As independent contractors, it is for each GP practice to decide if they wish to seek a fee for making available medical information for purposes other than the provision of health care, including making such information available to educational institutions.

### Medical Information: Children Under the Age of 18

**Mrs McGill** asked the Minister of Health, Social Services and Public Safety what action he is taking to ensure that medical information, that is crucial to the wellbeing of children under the age of 18, is shared with primary and post-primary institutions.

(AQW 2112/09)

**The Minister of Health, Social Services and Public Safety:** Patient information held by a GP practice is generally held under legal and ethical obligations of confidentiality that prevent the pro-active sharing of information without consent. If medical information is required from a GP practice by primary and post-primary educational institutions this should be specifically requested by the relevant educational institution or if appropriate the parents of the child, and will always require the necessary consent.

My Department currently has no plans to revise the current arrangements within the General Medical Services contract regarding the provision of information for purposes other than the provision of health care; to do so would require negotiation with the relevant bodies representing the medical profession and wider consultation with the general public.

### Greenfield Residential Care Home

**Mr Bresland** asked the Minister of Health, Social Services and Public Safety if Greenfield Residential Care Home in Strabane will remain open.

(AQW 2165/09)

**The Minister of Health, Social Services and Public Safety:** The Western Health and Social Care Trust have advised that proposals on the future of Greenfield Residential Care Home have been submitted to the Western Health and Social Services Board as part of an overall review of statutory residential provision in the area. These proposals were discussed with residents, their families, and staff at a meeting in Greenfield on November 10th. The Trust will also be launching a 12 week public consultation on December 15th, and no decision on the future of Greenfield will be taken until after the outcome of the consultation is known.

### Greenhaw Lodge: Daycare Service

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety if he is aware of the current proposal by the Western Health and Social Care Trust to move the learning disability day care service, currently at Greenhaw Lodge in Londonderry/Derry, into an institutional environment at Gransha Park.

(AQW 2171/09)

**The Minister of Health, Social Services and Public Safety:** I am aware of the current proposal to move to the Evergreen Centre which provides services for people with a learning disability and is located at Gransha Park.

The decision to temporarily relocate to available accommodation at the Evergreen Centre on the Gransha Park site has been made to enable continuance of the service provided to the 24 people on the Greenhaw register. This will not result in any diminution of service.

### Public-Sector Jobs: Location

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety to set out his Department's plans to decentralise Departmental employment and operations of its agencies to locations outside Belfast.

(AQW 2174/09)

**The Minister of Health, Social Services and Public Safety:** I am currently considering the implications of Professor Bain's recent report The Independent Review of Policy on Location of Public Sector Jobs for my Department and the Health and Social Care sector in regard to location decisions arising from the proposed reforms.

I will also be considering the Report's longer-term implications with my Executive colleagues.

### Greenhaw Lodge: Daycare Service

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety for his assessment of whether the current proposal by the Western Health and Social Care Trust, to move the learning disability day care service, currently at Greenhaw Lodge in Londonderry/Derry, into an institutional environment at Gransha Park, contravenes the Trust's draft report 'Modernising and Reforming Day Services for Adults with a Learning Disability 2008-2013'.

(AQW 2176/09)

**The Minister of Health, Social Services and Public Safety:** The Western Health and Social Care Trust (the Trust) has advised me that the temporary relocation of day services to the Evergreen Centre on the Gransha Park site will not result in any diminution of service. The Trust will be identifying a more long term solution to ensure a safe and effective service delivery which will continue to meet the individual needs of people who avail of day services, against the background of the regional and local strategic direction set by the Bamford Review.

The Trust remains committed to implementing the recommendations of the Western Health and Social Services Board review of day opportunities for adults with severe learning disability "Opportunities for Change 2007".

### Musgrave Park Hospital: Orthopaedic beds

**Dr McDonnell** asked the Minister of Health, Social Services and Public Safety, pursuant to his answer to AQW 1724/09, to explain why an elected MLA did not receive a written response to the question by the due date but the information sought was disclosed to a journalist and subsequently appeared in the Irish News on 28 October 2008.

(AQW 2180/09)

**The Minister of Health, Social Services and Public Safety:** As the Member is aware, I issued a holding response to Priority Written AQ 1724/09 on the 23 October 2008 as I was unable to answer his question fully within the short timescale allowed.

This question was one of 62 questions tabled for answer in the week preceding Recess and of these 14 were Priority Written Questions. Whilst I do endeavour to answer as many questions on time as possible, occasionally it is not possible to answer each question appropriately within the timeframe requested by Members.

It is my understanding the information in the Press was not obtained from the Department and I will be in contact with the Trust about this matter.

### Home-Start

**Mr Irwin** asked the Minister of Health, Social Services and Public Safety what plans he has to sustain the Home Start outreach schemes after March 2010.

(AQW 2209/09)

**The Minister of Health, Social Services and Public Safety:** My Department will continue to fund until March 2009 all of those projects formerly supported by the Children's Fund that are primarily health and social care-focused, including the locally-based Home Start schemes. Decisions about which projects will continue to receive funding after this date will be based on a review of their performance, and the contribution that they continue to make to children's service planning priorities in their areas. Arrangements for this review are currently being put in place with Children and Young People's Committees in each Health & Social Services

Board area. I am keen that the review is completed before the end of the year, and that projects are notified speedily thereafter of its outcome.

### Attention Deficit and Hyperactivity Disorder

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to detail (i) the funding in place to help families of people with Attention Deficit and Hyperactivity Disorder; (ii) for his assessment of the work carried out by the Northern Ireland ADD Charity; and (iii) what funding he will provide to this charity.

(AQW 2218/09)

**The Minister of Health, Social Services and Public Safety:** Services for children with ADHD are provided by Child & Adolescent Mental Health services. A breakdown of the funding allocated for ADHD is not held and could only be obtained at disproportionate cost. My Department has provided £25k funding to Northern Ireland Attention Deficit & Hyperactivity Disorder (NI-ADD) Support Centre in each of the last 5 years.

I appreciate the value of the work of NI-ADD for this particular group and my Department will continue to fund the NI-ADD Support Centre by providing £25k in 2009/2010. Decisions beyond then will be subject to the outcome of the Department's review voluntary sector funding.

### Nursing staff: Patients

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety to detail (i) the necessary ratio of nursing staff to patients required to deliver satisfactory care; and (ii) how levels of care will affect both patients and nurses by the proposed removal of 700 nurses.

(AQO 935/09)

**The Minister of Health, Social Services and Public Safety:** There is no single applicable ratio of nurses to patients. The clinical need of the individual determines the appropriate treatment and care and the levels of nursing, medical or social care intervention.

In relation to proposals to reduce the number of nursing posts, I must stress that, at this stage, key proposals require consultation. Only when I have considered the results of consultations will I be in a position to take decisions. However, I must stress that my fundamental principle is that all patients and clients must receive safe and effective treatment and care. Any reconfiguration of services or reductions in nursing posts will not impact adversely upon patient safety.

### Bamford Review

**Dr Farry** asked the Minister of Health, Social Services and Public Safety what actions he has taken to implement the Bamford Review's recommendations.

(AQO 1018/09)

**The Minister of Health, Social Services and Public Safety:** My Department is leading on and playing its part in the Executive-wide response to the Bamford Review. The Executive has accepted the broad thrust of the Bamford Review. A public consultation on the Executive's response to Bamford closed on 3 October and Departments are now considering carefully the responses received. We expect to publish a cross-departmental Action Plan early in 2009 in the light of the consultation process.

### Sexual-Health Strategy

**Mr McNarry** asked the Minister of Health, Social Services and Public Safety for an update on the Sexual Health Strategy.

(AQO 991/09)

**The Minister of Health, Social Services and Public Safety:** My Department has developed a Sexual Health Promotion Strategy and Action Plan which, due to the cross-departmental nature of its actions, requires approval by the Executive prior to its publication.

The Executive was invited to endorse the publication of the Strategy at its meeting scheduled for 3rd July. However this meeting did not take place and there have been no subsequent meetings of the Executive. As a result it has not been possible to publish the Strategy.



### Binge Drinking

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety, following his recent visit to the Odyssey Arena with the Ambulance Service, if he will address the issue of binge drinking with Belfast City Council. (AQO 989/09)

**The Minister of Health, Social Services and Public Safety:** My Department has already held discussions with representatives from Belfast City Council and the Northern Ireland Office, in relation to measures both to address underage and binge drinking, and to reduce alcohol related anti-social and risk-taking behaviour. I intend to build on this work through the Young People's Drinking Action Plan.

I believe that it is imperative that we work in partnership with local Government across a range of key health issues, and I anticipate that the new administration arrangements for public health will strengthen their role.

### Glaucoma

**Mrs Long** asked the Minister of Health, Social Services and Public Safety for his assessment of the clinical monitoring and management of patients diagnosed with glaucoma. (AQO 1013/09)

**The Minister of Health, Social Services and Public Safety:** The monitoring and management of patients diagnosed with glaucoma is a matter for individual clinicians taking into account the patient's individual condition and the best available evidence about treatment and management options.

Generally speaking, most patients with stable glaucoma would be seen at 6-12 month intervals, but some may be seen more frequently or less frequently depending on their individual circumstances.

### Ambulance Provision: North Antrim

**Mr McKay** asked the Minister of Health, Social Services and Public Safety if his Department is considering the withdrawal of any ambulance provision in North Antrim. (AQO 1037/09)

**The Minister of Health, Social Services and Public Safety:** It is for the Northern Ireland Ambulance Service (NIAS) to plan the appropriate level of emergency care cover to meet local demand, and allocate resources accordingly.

In response to the Northern Ireland Executive's requirement that all Departments should produce 3% efficiency savings, NIAS has set out efficiency savings proposals which include increasing the number of hours of single paramedic Rapid Response Vehicle cover and reducing the number of A&E ambulance hours. This will not reduce emergency care provision but will in fact result in an increase of around 61,000 hours of paramedic cover across Northern Ireland.

In NIAS's Northern Division, which includes north Antrim, the proposals will entail a reduction of some 2,085 hours of A&E ambulance cover and an increase of 11,064 hours of Rapid Response cover, providing a net gain of almost 9,000 hours of paramedic cover.

### Health Provision: Ballycastle

**Mr Storey** asked the Minister of Health, Social Services and Public Safety for an update on health provision in Ballycastle. (AQO 997/09)

**The Minister of Health, Social Services and Public Safety:** I am committed to the continuation of high quality healthcare services in Ballycastle – as elsewhere in Northern Ireland.

The issue of Ballycastle Health Centre was the subject of an adjournment debate in this House on 30 September. During the debate I acknowledged that the current facilities at the Health Centre are unacceptable. Both the Northern Board and Trust are currently considering what work could be undertaken to improve the facilities in Ballycastle Health Centre within budgetary constraints.

### Prevention of Suicide and Self Harm

**Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety what progress has been made in bringing forward an implementation plan for all 26 recommendations contained in the Assembly Health Committee's Report into the Prevention of Suicide and Self Harm. (AQO 1035/09)

**The Minister of Health, Social Services and Public Safety:** The Assembly motion tabled by the Chair of the Health Committee on 19 May 2008 asked for the Executive to bring forward a timeframe for implementing the recommendations of the Report on the Inquiry into the Prevention of Suicide and Self Harm.

My Department has prepared a draft response and time frame for implementation of the 26 recommendations. This was to be discussed at the Executive meeting scheduled for 3 July, however, this meeting did not take place and there have been no subsequent meetings of the Executive. It has not therefore been possible to bring forward an implementation plan.

### Fire Appliance in Portstewart

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety when he will make a final decision on the future of the second fire appliance in Portstewart. (AQO 1001/09)

**The Minister of Health, Social Services and Public Safety:** The decision about the future of the second pumping appliance at Portstewart is for the Chief Fire Officer and the Board of the Northern Ireland Fire and Rescue Service to make after considering responses to the current public consultation on this matter.

### Treatment Unavailability

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety what financial assistance is available to patients who have to travel abroad to attend hospitals and clinics due to the unavailability of treatments in Northern Ireland. (AQO 955/09)

**The Minister of Health, Social Services and Public Safety:** I refer you to the answer I gave to AQW 7859/08 on 23 June 2008.

### Fire and Rescue Service

**Mr Cobain** asked the Minister of Health, Social Services and Public Safety to detail his plans for capital investment in the Fire and Rescue Service. (AQO 996/09)

**The Minister of Health, Social Services and Public Safety:** As I indicated in my announcement of 16 October, I plan to invest £168 million over the next 10 years in Fire and Rescue Services. This is subject to approval of the NI Fire & Rescue Service Strategic Investment Plan which details proposals for investment in fire stations, fire appliances, fire fighting equipment, and modern information technology systems.

In the 10 year period the service intends to replace 26 fire stations, including the purchase of 22 new sites, and refurbish a further 10. The funding also includes £30 million towards the planned new Public Sector Training College at Desertcreat near Cookstown which is being developed by the NI Fire & Rescue Service, the PSNI and the NI Prison Service.

£26 million of the £168 million will be invested in the current 3 year budget period. This will, subject to the requisite approvals, complete a new fire station in Armagh and provide 4 new stations in areas of the highest need. The NI Fire & Rescue Service will also be looking to purchase suitable sites in other high priority locations across Northern Ireland.

11 frontline fire appliances will be replaced each year as part of an agreed rolling fleet replacement programme, and all fire appliances will be equipped with modern mobile data technology including satellite navigation so that firefighters have access to critical risk information at incidents to enable them to carry out life saving work in modern, reliable vehicles.

## Emergency Services: Attacks

**Mr B McCrea** asked the Minister of Health, Social Services and Public Safety for his assessment of the number of attacks on the emergency services in the last 12 months. (AQO 993/09)

**The Minister of Health, Social Services and Public Safety:** Violent attacks against healthcare staff have been formally monitored by the Department since April 2004 and are recorded on a 6 monthly basis (1 April -30 September and 1 October – 31 March). Figures for 2007-2008 indicate that there were 4363 physical attacks reported by HSC staff. This represents an increase of 80 from the previous year. However, the rate of increase has reduced from 700 in the previous two years.

In the 12 months to 30 September 2008 there were 249 reported attacks on Northern Ireland Fire and Rescue Service vehicles and personnel resulting in injury to 3 firefighters.

## Bamford Review

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety for an update on his Department's implementation of the Bamford Review's recommendations. (AQO 1016/09)

**The Minister of Health, Social Services and Public Safety:** My Department is leading on and playing its part in the Executive-wide response to the Bamford Review. The Executive has accepted the broad thrust of the Bamford Review. A public consultation on the Executive's response to Bamford closed on 3 October and Departments are now considering carefully the responses received. We expect to publish a cross-departmental Action Plan early in 2009 in the light of the consultation process.

## Mental-Health and Learning Disability Provision

**Mr Ford** asked the Minister of Health, Social Services and Public Safety to outline his Department's plans for mental health and learning disability provision over the next three years. (AQO 1020/09)

**The Minister of Health, Social Services and Public Safety:** The Department's plans for mental health provision over the next 3 years are:

- By 2009, a 13 week minimum wait for some psychotherapy services.
- By 2011, a reduction of 10% in those resident in mental health hospitals.
- By 2011, a reduction of 10% in mental health hospital admissions.
- By 2011, an additional 200 multi-professional staff for community mental health teams.
- Improved services for people with personality disorders.
- Additional psychotherapists to improve access to such services.
- Better advice and advocacy services for service users and carers.
- A refeeding centre for people with eating disorders (4 beds)
- By 2011 and thereafter, 2,000 additional dementia respite weeks per year.

The Department's plans for learning disability provision over the next 3 years are:

- Resettle some 80 long stay learning disability hospital clients and support them in the community.
- Ensure that no child is resident in a learning disability hospital by 2009.
- Provide 200 residential respite packages and improve transition services through alternatives to day care.
- Improve diagnosis and provision of interventions for children and adults with autism through training and recruitment of additional Psychiatrists, and support for AHPs.

## REGIONAL DEVELOPMENT

### Cullybackey Bypass

**Mr McKay** asked the Minister for Regional Development for an update on the proposed Cullybackey by-pass. (AQW 1984/09)

**The Minister for Regional Development (Mr C Murphy):** My Department's Roads Service has been involved in discussions with potential housing developers, as part of a planning application on the line of the throughpass, and I can advise that an agreed housing layout, which includes the construction of the central portion of the throughpass, has now received planning approval.

To date the developer has not started this housing development, and there is no indication when this might progress.

The completion of the throughpass is not included in any current major works programme. However, Roads Service has stated its commitment to the completion of the remainder of the route and has progressed preliminary design of the throughpass. Roads Service is currently assessing how this scheme might be delivered, which could possibly be in two phases, following on from the section being constructed by the developer.

As with all proposed works, the delivery of the throughpass will be subject to the programming of schemes on a priority basis, the successful acquisition of lands and the availability of funding.

### A43 Route Study

**Mr McKay** asked the Minister for Regional Development when (i) Section 28 (Tuftarney Road); (ii) Section 29 (Craigdunloof Road); and (iii) Section 30 (Glenravel Road/Craigdunloof), of the A43 Route Study, will be completed. (AQW 1987/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the works, relating to the provision of traffic signs and renewal of road markings, at Section 28 (Tuftarney Road) and Section 29 (Craigdunloof Road), of the A43 Route Study have been completed.

With regard to Section 30, the layout of the junction of the Craigdunloof Road with Glenravel Road is currently being examined to consider options to improve the present bus stop arrangements.

### Traffic Flows: High Street, Holywood

**Mr Weir** asked the Minister for Regional Development to detail the average daily traffic flows for High Street in Holywood. (AQW 2015/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that it collects data from approx 300 automatic traffic census sites located throughout the North's road network. Unfortunately, none of these automatic traffic census sites are currently situated on either the Donaghadee Road, Bangor or High Street in Holywood. Therefore, it is not possible to provide the current average daily traffic flows for these locations.

### Traffic Flows: Donaghadee Road, Bangor

**Mr Weir** asked the Minister for Regional Development to detail the average daily traffic flows for the Donaghadee Road in Bangor. (AQW 2016/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that it collects data from approx 300 automatic traffic census sites located throughout the North's road network. Unfortunately, none of these automatic traffic census sites are currently situated on either the Donaghadee Road, Bangor or High Street in Holywood. Therefore, it is not possible to provide the current average daily traffic flows for these locations.



### Crystal Alliance: Performance

**Mr McQuillan** asked the Minister for Regional Development, considering the shortfall and overcharging of Northern Ireland Water customers, who is monitoring Crystal Alliance's performance. (AQW 2036/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that the Director of Customer Services is the Senior Responsible Officer for the customer billing and contacts management element of the Crystal Alliance contract awarded in January 2006. He is therefore responsible for monitoring Crystal Alliance's performance in this area.

### Translink

**Mr Burns** asked the Minister for Regional Development to detail the total number of people currently employed by Translink, broken down by (i) grade; and (ii) job category. (AQW 2038/09)

**The Minister for Regional Development:** Translink have informed me that a formal grade structure does not exist, except in the area of clerical employees who comprise less than 10% of the organisation.

The table below details the total number of people Translink currently employs by job category:

Job Category	Number
Managers	78
Professional/Technical/Administrative	124
Clerical	372
Engineering Supervisors	47
Inspectors/Supervisors	205
Placement Students	12
Bus Drivers	1970
Train Drivers/Trainee Train Drivers	126
Train Managers/Conductors/Trainee Conductors	119
Other Operating Staff	374
Engineering Staff	597
Infrastructure	169
<b>Total</b>	<b>4193</b>

### Northern Ireland Water: Redeployment Programme

**Mr McQuillan** asked the Minister for Regional Development for his assessment of the compliance of the current redeployment programme undertaken by Northern Ireland Water with employment law. (AQW 2040/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that the redeployment of staff is part of a wider programme to improve efficiency and reduce costs. NIW is satisfied that the processes used to redeploy employees comply fully with current employment legislation.

### Northern Ireland Water: Use of Consultants

**Mr McQuillan** asked the Minister for Regional Development for his assessment of the necessity for Northern Ireland Water to employ the services of 18 consultants for Industrial Pollution Prevention Control, considering its current financial pressures. (AQW 2041/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that it is required under the Integrated Pollution Prevention and Control Regulations to obtain permits from the Northern

Ireland Environment Agency for a number of its wastewater treatment works. However, NIW does not have the in-house specialist knowledge and expertise required to complete the permit applications which require modelling for odour, noise and vibration assessment. It was therefore considered necessary to engage consultants to assist with the process.

Permits were required initially for 9 wastewater treatment works and it was considered best value for money to use the consultants employed on the design of these works, as they had ready access to the technical information required. A further 12 works have recently been identified for inclusion and a firm of consultants was appointed in September 2008 to prepare these applications.

### **SmartPass Scheme**

**Mr G Robinson** asked the Minister for Regional Development to detail the (i) current position; and (ii) future, of the over 60's Smartpass scheme. (AQW 2043/09)

**The Minister for Regional Development:** Free travel for people aged 60 to 64 was introduced on 1 October 2008, and provides free bus and rail travel, without time restrictions, on most scheduled public transport services within the North. The decision to provide free travel for people aged 60 to 64 was taken by the Executive. The resources have been made available and are being safeguarded. I remain committed to providing this important concession.

### **Northern Ireland Railways: Enterprise Service**

**Mr G Robinson** asked the Minister for Regional Development what action he is taking to improve the infrastructure of the Northern Ireland Railways' Enterprise service. (AQW 2044/09)

**The Minister for Regional Development:** The Transport sectoral group of the North South Ministerial Council received a joint presentation from NIR and Iarnród Éireann setting out issues relating to the short and medium term options for improving services on the Belfast to Dublin rail link. That work is being developed and I will be considering it further with my Southern counterpart as part of our discussions of transport matters of mutual interest.

In addition, work started in February of this year to construct a new railway station at Newry costing £14.6m. Planning is also underway to relay an 11 mile stretch of the track between Knockmore and Lurgan, with work programmed to start in 2009.

My Department has also approved a £950,000 capital programme to overhaul the Enterprise Trains. The new corporate livery for the service has been completed and work on various engineering and safety measures is still being undertaken.

### **Northern Ireland Railways: Sunday Services**

**Mr G Robinson** asked the Minister for Regional Development what criteria would be used in his determination on the withdrawal of services on Sundays by Northern Ireland Railways. (AQW 2045/09)

**The Minister for Regional Development:** There are no plans to withdraw Northern Ireland Railways Sunday services.

Work is currently being carried out to consider options which might address possible financial issues as part of a budget exercise for the next two years. This exercise involves all departments. In that context, Translink and DRD have been considering the financial position of Northern Ireland Railways. Before any consideration would be given to changing the level of service provision, options to be considered would be to explore ways to increase available revenue support both from my department and internally generated; to increase revenue from passenger growth; and to introduce efficiency measures.

### Northern Ireland Railways: Sunday Services

**Mr G Robinson** asked the Minister for Regional Development to detail the reasons behind the recent press stories on the proposed withdrawal of Northern Ireland Railways' services on Sundays. (AQW 2047/09)

**The Minister for Regional Development:** There is no proposed withdrawal of NIR services. NIR may face financial pressures in relation to the level of the Public Service Obligation revenue subsidy from government and the revenue raised from passengers over the next two years. This has been communicated to the Department of Finance and Personnel as part of the current stocktake of departmental budgets. Addressing any shortfall would involve considering a range of possible options: those which would involve additional means of revenue generation and making efficiency savings would be considered before any option which would impact on levels of service.

### Office Relocation: Strangford

**Mr McNarry** asked the Minister for Regional Development to detail the representations he has made to have the Strangford constituency included in his office relocation plans. (AQW 2056/09)

**The Minister for Regional Development:** My Department is already one of those with the highest proportions of staff dispersed to work locations outside the Belfast area. This reflects the need to manage and maintain the regional road network, which strongly influences location. In this respect, 11 Roads Service staff are based at locations within the Strangford constituency.

I wrote to Professor Bain earlier this year, expressing my full support for the decentralisation of jobs. Whilst scope for further dispersal of DRD jobs to the Strangford constituency or any other area is limited, my Department will continue to explore any opportunities for relocation, even if on a relatively small scale, where they arise.

### Northern Ireland Water: Financial Controls

**Mr McQuillan** asked the Minister for Regional Development to detail the controls Northern Ireland Water plans to put in place to ensure the current financial situation does not arise in the future. (AQW 2071/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that the introduction of new financial reporting systems is supporting more accurate forecasting and monitoring. The company will continue to review the integrity and validity of the underlying data, applied assumptions and the projections used in its billed income and forecasting processes, in order to ensure that they are as accurate and reliable as possible. Nevertheless, it must be recognised that projections, by their nature, can also be affected by unpredictable factors such as the impact on consumption of an unusually wet summer and/or a downturn in the housing market.

### Northern Ireland Water: Financial Shortfall

**Mr McQuillan** asked the Minister for Regional Development, apart from the customer service director, who else was aware of the financial shortfall and overcharging of Northern Ireland Water customers. (AQW 2074/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that the error in the application of standing charges to non-domestic customer bills, which regrettably resulted in some customers being over or undercharged, was identified in early 2007. A number of staff at different levels within NIW and its billing partners Crystal Alliance were aware of the error from its discovery and they worked to remedy the issue until the matter was brought to the attention of the Chief Executive by the Director of Customer Services in early October 2008. The key stakeholders were subsequently informed.

A potential shortfall in the income projection for 2008/09, which is not related to the over/undercharging issue, was identified by NIW during a routine mid-year forecasting exercise. The exercise involved a number of staff at different levels within NIW and drew on information provided by Crystal Alliance. The Director of Finance and Regulation notified the Chief Executive of the potential shortfall in early October 2008. Key stakeholders were subsequently informed.

The company has advised me that it is currently reviewing its procedures for escalating issues of concern in a more timely manner.

### **Northern Ireland Water: Front Line Services**

**Mr McQuillan** asked the Minister for Regional Development what effect the financial shortfall will have on the front line services of Northern Ireland Water. (AQW 2080/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that the financial shortfall will have no effect on front line services.

### **C84 Corkey Road and Coolkeeran Road Route Study**

**Mr McKay** asked the Minister for Regional Development to detail the amount spent implementing the C84 Corkey Road and Coolkeeran Road Route Study. (AQW 2086/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that, all works relating to the improvement and replacement of warning signs and lining along the route, were completed at a cost of £10,800.

### **Public-Sector Jobs: Location**

**Mr Durkan** asked the Minister for Regional Development to detail his Department's plans to decentralise departmental employment and/or operations of its agencies, to locations outside of Belfast. (AQW 2090/09)

**The Minister for Regional Development:** Overall some 65% of staff in DRD are based in locations outside the district council areas of Belfast, Newtownabbey and Castlereagh. DRD is one of the Departments with the highest proportions of staff dispersed to work locations outside Belfast. This reflects that most of them are attached to Roads Service, where the need to manage and maintain the regional road network strongly influences location.

Scope to disperse more jobs is therefore limited and, apart from the considerations currently being given to the location of the new NIW headquarters, it is not surprising that no other candidates from within the DRD remit were proposed for relocation in Professor Bain's report of the review on the location of public sector jobs.

Despite the limited scope to relocate DRD staff we will continue to explore opportunities for relocation, even if on a relatively small scale, where they arise. By way of example of this, in the recent past a number of new jobs for processing Parking Enforcement work were allocated to Omagh.

### **Roads and Footway Bonds**

**Mr Shannon** asked the Minister for Regional Development what is the total bond given by a developer to his Department to ensure that roads will be finished after homes are built. (AQW 2106/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the total bond required for roads and footways, which have been determined under the Private Streets (Northern Ireland) Order 1980, is calculated on a site by site basis, using Roads Service Contract Rates. The value of each bond is dictated by the length, width and types of road, as well any roads-related structures or features that are provided.

### **Public Realm Scheme**

**Mr Burns** asked the Minister for Regional Development what improvements his Department will make to Ballyclare town centre as part of the recently announced Public Realm scheme; and to outline a timescale for these improvements. (AQW 2135/09)



**The Minister for Regional Development:** My Department's Roads Service has advised that the environmental improvement scheme in The Square, Ballyclare, includes replacing the existing footway and kerbing with granite paving and granite kerbs, new street lighting and improved pedestrian facilities.

The scheme will be jointly funded by the Department for Social Development, Department for Regional Development and Newtownabbey Borough Council and will be constructed in two stages, with a break during December 2008. It is anticipated that the scheme will be completed for Spring 2009.

### **Woodburn Road, Carrickfergus: Traffic Volume**

**Mr Hilditch** asked the Minister for Regional Development to detail the latest available traffic volume figures for the Woodburn Road in Carrickfergus. (AQW 2154/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the latest available traffic volume figures for the Woodburn Road, Carrickfergus were taken on Friday 2 May 2008. This temporary 12 hour survey was carried out 300 metres south of the junction of Woodlawn Court, between 7.00 am and 7.00 pm and showed two-way traffic volume figures of 19,016 for this 12-hour period.

### **Limavady Town Centre: Pedestrian Area**

**Mr G Robinson** asked the Minister for Regional Development his Department's plans for repaving the pedestrian area of Limavady town centre. (AQW 2187/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that it has no plans for the repaving of the pedestrian area of Limavady Town Centre.

Such Environmental Improvement Schemes are usually initiated and funded by other Agencies, such as the Department for Social Development, or promoted by Town Centre Management or District Councils. Roads Service is not aware of any proposal being taken forward in this regard. However, if such a scheme were initiated, Roads Service would seek to be involved from an early stage to ensure that future maintenance issues can be resolved and a planning application is developed which can be supported by Roads Service.

I can also advise that Northern Ireland Water intend to carry out significant watermain replacement in the town centre area during the course of next year, and this will impinge on any proposal to carry out environmental works.

### **Bramblewood Development, Crumlin**

**Mr Burns** asked the Minister for Regional Development, pursuant to his answer to AQW 2610/08, for an update on the Bramblewood development in Crumlin; and what legal action his Department will take against the developers, given their failure to improve roads and sewers to an adoptable standard. (AQW 2220/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that it is currently estimating the costs of remedial works required to bring the streets within the development up to adoption standards, as the developer is not in a position to complete the necessary roadworks. Roads Service will shortly initiate proceedings, under the Private Streets (NI) Order 1980, against the developer to ensure completion of the streets.

Northern Ireland Water (NIW) has advised that the necessary remedial work has now been completed by the developer to bring the sewers at Bramblewood up to an acceptable standard for adoption. NIW is at present liaising with the developer to finalise the adoption procedure of the sewers.

### **Translink: Gender Equality**

**Mr G Robinson** asked the Minister for Regional Development, pursuant to the answer to AQW 1861/09, if he will ensure that Translink addresses the gender equality issue as a priority. (AQW 2225/09)

**The Minister for Regional Development:** I refer to my previous answer AQW 1861/09 and would like to add the following.

Train announcements are an operational detail and it is the responsibility of Translink to consider the content of such announcements in relation to equality legislation.

Translink are fully compliant with Section 75 of the Northern Ireland Act 1998, (the 1998 Act) and operate within their Equality Scheme as required under Schedule 9 of the 1998 Act. The Scheme has been approved by the Equality Commission.

### Northern Ireland Railways: Sunday Services

**Mr G Robinson** asked the Minister for Regional Development, given the terms of Regulation (EEC) No. 1191/69, that an alternative service will be provided if Northern Ireland Railways withdraws Sunday services. (AQW 2226/09)

**The Minister for Regional Development:** There are no proposals for the withdrawal of Sunday services.

In compliance with Regulation (EEC) No. 1191/69 Article 14 paragraph 2(c), under the Public Service Obligation (PSO) contract, if NIR considered that the schedule of passenger services should be altered, proposals would have to be put to DRD in advance of any changes being made. It would also be necessary to consider any legal requirements arising from the provisions of the Transport Act (NI) 1967 which relate to the adequacy of rail services or the procedures for the discontinuance of rail services. If I were to receive such a proposal from NIR, I would expect to see a review of alternative bus services currently in place and how they might be augmented.

This overall approach would be consistent with Regulation (EEC) No. 1191/69 Article 4 paragraph 2 which indicates that any application from a transport undertaking to terminate part of the PSO may include a proposal for the substitution of some other form of transport.

### Translink: Sunday Services

**Mr G Robinson** asked the Minister for Regional Development for his assessment of the potential risk to Translink, if Sunday services are withdrawn and alternative bus and train services are not provided, as per Regulation (EEC) No 1191/69, of losing the £20m public service obligation grant it receives for running these services. (AQW 2227/09)

**The Minister for Regional Development:** in compliance with Regulation (EEC) No. 1191/69 Article 14 paragraph 2 (e), the PSO contract with NIR includes a clause where a 10% retention may be enacted if all conditions in the letter of offer are not complied with to DRD's satisfaction. Therefore, if NIR were to alter services without DRD approval, a 10% penalty would be enforced rather than complete removal of the PSO subsidy. However for the reasons set out above, it is not envisaged this will be necessary.

### Public Sector Jobs: Location

**Mr Weir** asked the Minister for Regional Development to detail the representations he has made in the North Down constituency in relation to his office relocation plans. (AQW 2268/09)

**The Minister for Regional Development:** My Department is already one of those with the highest proportion of staff dispersed to work locations outside the Belfast area. This reflects the need to manage and maintain the regional network, which strongly influences job location.

I wrote to Professor Bain earlier this year in the context of his review on the location of public sector jobs, expressing my full support for the decentralisation of jobs.

Despite the limited scope to relocate DRD staff, my Department will continue to explore opportunities for relocation and will give full consideration to the many factors involved in the relocation of jobs, where such opportunities arise, even if on a relatively small scale.

### Water Costs

**Mr P Ramsey** asked the Minister for Regional Development when he became aware that the apportionment of water costs by Northern Ireland Water between domestic and non-domestic customers contravened EU

Regulations; and what assurance he can give that this will not lead to an additional cost burden on domestic customers. (AQO 966/09)

**The Minister for Regional Development:** I assume that the Member is referring to the requirements set out in Article 9 of the Water Framework Directive. This Article, which is given a statutory basis in Regulation 10 of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003, requires that by 1 January 2010 costs should be disaggregated across at least industry, households and agriculture and that adequate contributions should be raised from these groups.

As the date for meeting the requirements of the Regulations is still in the future the water company cannot have contravened them. However, the apportionment of costs will enable the company to fulfil the requirements of the Directive. It is also a requirement of the company's Licence that costs be fairly allocated between domestic and non-domestic customers.

The change to cost apportionment earlier in the year corrected inaccurate assumptions about the consumption level of non-domestic customers.

A number of mitigation measures, including additional efficiencies and reduced capital maintenance spend, were implemented in order to minimise the impact of reapportionment and it remains my intention to drive down costs to the benefit of all customers.

The reapportionment did not increase the cost burden on domestic customers in 2008/09 as no additional contributions were sought this year. For the future, the cost burden on both the domestic and non-domestic customer groups will be appropriate to the demands they make on the services.

### Public Transport: People with Disabilities

**Mr Ford** asked the Minister for Regional Development what extra provision he will provide on public transport for people with disabilities. (AQO 1011/09)

**The Minister for Regional Development:** I am pleased to be able to tell you that at present, 83% of the existing Metro bus fleet is wheelchair accessible. In terms of Ulsterbus, 54% of the fleet is fully accessible and I understand that Translink is working hard to meet the target of achieving 100% accessibility by 2012.

In relation to trains, all of Translink's trains are accessible. Indeed, the newer C3K trains feature many additional accessible measures, including passenger ramps, dedicated space for wheelchair users and their companions, Braille signage at toilets, doors and at emergency and safety notices, audible and visual passenger information on board, accessible toilets, high contrast interiors, emergency call buttons, and conductors on board who can assist people with disabilities if necessary.

My Department also funds Door-to-Door transport in the main towns and cities in the North, a fully accessible service for elderly and disabled people who find it difficult to use mainstream public transport. In the rural areas, my Department, through the Rural Transport Fund, supports transport services for people who are socially isolated.

### Glenmona: Development of Lands

**Mr Adams** asked the Minister for Regional Development to detail the progress made in creating an inter-departmental steering group to oversee the future development of lands at Glenmona and adjacent sites in West Belfast. (AQO 1054/09)

**The Minister for Regional Development:** I met with the Minister for Social Development and agreed that as a preliminary step her department would host a statutory workshop to discuss a way forward for the Glen Road sites. A senior official from my department attended the workshop in September.

I have written to the Minister for Social Development advising her of my particular concerns for the area and the need for a co-ordinated approach. I intend to meet with the Minister for Social Development again to further discuss the development of these lands.

### Water and Sewerage Services: Charges

**Mr Armstrong** asked the Minister for Regional Development what impact the failure of the Executive to meet is having on the deferral of charges for water and sewerage services. (AQO 973/09)

**The Minister for Regional Development:** I have already expressed my preference for a deferral of the Executive's proposal to introduce additional household payments next year. A number of other Ministers have expressed similar views. As a result, my current working assumption, in the absence of an agreed Executive decision, is that additional household payments will be deferred for 2009/10. I have assessed the budgetary implications of this and have identified them to the Department of Finance and Personnel as part of the current Budget Stocktake exercise.

This will be an important agenda item at the next Executive meeting, when political circumstances allow that to happen.

### Northern Ireland Water: Job Cuts

**Mr Burns** asked the Minister for Regional Development what discussions his Department has had with Northern Ireland Water in relation to the recently announced job cuts. (AQO 961/09)

**The Minister for Regional Development:** I met with the Chairman and Acting Chief Executive of NIW on 30 September to discuss the company's ongoing change programme which is intended to improve efficiency and services. This discussion included issues such as the implementation of the Mobile Work Management Programme and the Depot Rationalisation proposals.

Departmental officials have also been briefed by representatives of the company on a number of occasions on NIW's proposals to deliver the agreed efficiency targets.

### Between the Bridges 2009 Run

**Mr O'Dowd** asked the Minister for Regional Development to outline the nature and the purpose of the 'Between the Bridges' 2009 run, to take place on the Westlink. (AQO 1056/09)

**The Minister for Regional Development:** The "Between the Bridges" event is a charity event which will mark the significant milestone of the completion of the improvement works on the M1/Westlink and is to be held in aid of the Northern Ireland Hospice. It will comprise a 10 kilometre road race and a 5 kilometre fun run along the new road.

I plan to take part myself and would ask my fellow MLA's to encourage as many people as possible to participate. If you do not want to run, I hope you will support those who do.

The event is scheduled to take place on the 8 March 2009. Anyone wishing to register to participate in the run can do so by logging on to the website "[www.betweenthebridges.org.uk](http://www.betweenthebridges.org.uk)", in November 2008.

I would take this opportunity to thank all the organisations and individuals for their support and expertise in preparation for this event. I include in this, Belfast City Council, SportNI, the Community Relations Council, the Contractor for the works - HMC, Belfast City Marathon Company and our lead community partner Cumann Spoirt an Phobail.

I look forward to raising much needed funds for this very worthwhile local charity.

### Westlink

**Mr Molloy** asked the Minister for Regional Development to provide an update on the development of the Westlink and proposals for the event to mark its opening. (AQO 1030/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that good progress continues to be made on the M1/Westlink scheme. It is planned that the third lane of the M1 motorway and Westlink will be opened to traffic, in each direction, by the end of November 2008. The overall scheme remains on target for completion by March 2009, which is some six months ahead of programme.



It is intended to mark this milestone with a charity fun run event. This event entitled “Between the Bridges” will comprise a 10 kilometre road race and a 5 kilometre fun run along the new road, and will be in aid of the Northern Ireland Hospice. I plan to take part myself and would ask fellow MLAs to encourage as many people as possible to participate. The run is scheduled to take place on the 8 March 2009 and everyone will be able to register to participate by logging on to the website “betweenthebridges.org.uk” in November 2008.

I would like to take this opportunity to formally thank all the organisations and individuals for their support and expertise in preparation for this event.

### **Business and Construction Industries: Economic Slowdown**

**Mr McLaughlin** asked the Minister for Regional Development to detail the engagements he has had with representatives of the business and construction industries, in relation to the economic slowdown being experienced in these sectors. (AQO 1043/09)

**The Minister for Regional Development:** The attached list sets out the engagements by way of meetings, conferences and dinners I have had with representatives of the business and construction industries since May 2007.

In addition I have held numerous meetings with the Department’s associated bodies, NIW and NITHCO, the Trust Ports and Airports.

The economy and the developing economic slowdown have been covered to a greater or lesser extent in all these engagements.

- Advice Northern Ireland
- Aer Lingus
- Amalgamated Transport and General Workers Union
- Banbridge Community Forum
- Belfast Harbours User Group
- BMF Business Services
- *Banbridge* Regeneration Agencies Network
- Belfast Chamber of Trade and Commerce
- Belfast City Centre Management Company
- Carvill Group
- CBI
- CEI Collins Engineers Ltd
- Chamber of Trade and Commerce
- Chartered Institute of Public Finance and Accountancy
- Coalition Against Water Charges
- Construction and Property Group
- Construction Employers Federation
- Consumer Council
- Derry Chamber of Commerce
- Derry Junior Chamber of Commerce
- Dundalk Chamber of Commerce
- Economic Development Forum
- Highway Management Consortium
- IBEC-CBI Joint Council
- Irish Central Border Area Network
- Institute of Chartered Ship Brokers
- Institute of Directors
- Institute of Highways and Transportation
- International Centre for Local and Regional Development

- Irish Congress of Trade Unions
- Markets Development Association
- Northern Ireland Environment Link
- Northern Ireland Public Service Alliance
- North Belfast Taxi Association
- Northern Ireland Federation of Housing Associations
- Phoenix Natural Gas
- Port of Waterford
- Public Affairs Ireland
- Quarry Products Association
- Rathlin Island Group
- Regeneration Civic Forum
- St Mary's University College – Cultural Economy Conference
- Stena Line
- The Wright Group
- Transport Salaried Staffs' Association
- UNITE
- US Northern Ireland Conference Centre
- Utility Regulator
- Water Group of Trade Unions
- West Belfast and Greater Shankill Enterprise Council
- West Belfast Taxi Association
- West Belfast Traders Forum
- Wrightbus

### **Irish Language: Arm's-Length Bodies**

**Mr Butler** asked the Minister for Regional Development to provide examples of the practical application of the European Charter on Minority Languages in relation to the Irish language within his Department's operations and those of its arms length bodies. (AQO 1047/09)

**The Minister for Regional Development:** I have recently reviewed compliance by my Department and its agency, Roads Service, with the European Charter for Regional or Minority Languages and implemented the following changes to promote the use of the Irish language:

- The translation of all Ministerial forewords to Plans, Reports and Consultation documents into Irish;
- The translation of all new or revised information leaflets into Irish;
- The launch on 29 September 2008 of a multi-lingual website for the Department;
- The publication of significant departmental announcements in an appropriate Irish language newspaper;
- The use of bilingual headings in the advertising of all departmental public notices;
- The identification of Irish speakers in DRD to help handle telephone calls in Irish ; and
- The issue of revised Codes of Courtesy on Irish and Ulster Scots to all staff.

In addition, my Department has prepared a draft policy for the introduction of a range of bilingual road signs in response to the European Charter for Regional or Minority Languages.

Translink has recently launched a range of new Irish language passenger materials. This includes:

- bus-shelter timetable and route information;
- a Bus Rules for Safety leaflet and poster targeting school children;
- a 'See Belfast by Metro' Guide to the city's main landmarks and attractions; and

- a Travelling with Translink guide to using public transport in Northern Ireland including bus and railway route maps.

NITHCo/Translink, the Port of Belfast, Londonderry Port and Harbour Commissioners, Warrenpoint Harbour Authority, and Northern Ireland Water all fulfil their requirements under the Charter. They allow users of regional or minority languages to submit a request in these languages, provide translation or interpretation as may be required, and allow the use or adoption of family names in the regional or minority languages at the request of those concerned.

### **Glenmona: Development of Lands**

**Mr P Maskey** asked the Minister for Regional Development what consultations he has had with Executive colleagues in relation to the future development of lands at Glenmona and adjacent sites in West Belfast.

(AQO 1050/09)

**The Minister for Regional Development:** I met with the Minister for Social Development and agreed that as a preliminary step her department would host a statutory workshop to discuss a way forward for the Glen Road sites. A senior official from my department attended the workshop in September.

I have written to the Minister for Social Development advising her of my particular concerns for the area and the need for a co-ordinated approach. I intend to meet with the Minister for Social Development again to further discuss the development of these lands.

### **Road Projects**

**Mr Ross** asked the Minister for Regional Development if any proposed road projects have been affected by the announcement of the Budget in the Republic of Ireland.

(AQO 1022/09)

**The Minister for Regional Development:** I can confirm that proposed road projects contained in the Investment Delivery Plan, including the A8 Belfast to Larne and the A5 Western Transport Corridor, will not be affected by the Irish Government's recent budget announcement and that development work is proceeding as planned.

### **Bridge at Narrow Water**

**Mr P J Bradley** asked the Minister for Regional Development when his Department will publish its findings on the proposed bridge at Narrow Water.

(AQO 959/09)

**The Minister for Regional Development:** The proposal for a bridge at Narrow Water is being taken forward by Louth County Council and their Consultant, Roughan O'Donovan. My Department's Roads Service has no direct involvement in this project.

Roads Service is at present undertaking a feasibility study for a Newry Southern Relief Road, which would provide improved access between the A2 Warrenpoint dual carriageway and the A1 Belfast to Dublin road.

It has been agreed that Roads Service and Louth County Council will share information from the technical studies on these two projects when they have been completed.

### **Road Closures**

**Mr Dallat** asked the Minister for Regional Development to outline his Department's policy on the closure of roads undergoing repairs and resurfacing in relation to (i) notifying the public; (ii) selecting alternative routes; and (iii) avoiding roads remaining closed when they are usable.

(AQO 980/09)

**The Minister for Regional Development:** My Department's Roads Service policy and procedures for road closures have been developed with the aim of, maximising the safety of the public and the workforce undertaking the road repairs, as well as, minimising traffic disruption to the public and securing good value for money.

As way of background, I should explain that Roads Service's power to close roads is contained in the Road Traffic Regulation (Northern Ireland) Order 1997. Article 7 provides that the Department may, upon application, grant a Temporary Regulation Order to restrict or prohibit traffic on a road.

Roads Service seeks to co-ordinate with utilities and contractors when planning works on the road network. Although the majority of road works are carried out with traffic management signing and lane closures, for safety reasons road closures are sometimes unavoidable. However, I can assure the member that every request for a road closure is scrutinised, and no road closure will be granted unless Roads Service is satisfied that it is absolutely necessary for carrying out the works. Road closures will not be given if, for example, an alternative means of traffic control or reasonable alterations to the existing road is possible.

Where a road closure is deemed necessary, Roads Service will agree and approve a suitable diversionary or alternative route. This route would be clearly signed with temporary diversion signs, until traffic has been diverted back onto the original route. The choice of this diversionary or alternative route is usually determined only after Roads Service has considered the following factors:

- the expected traffic inconvenience;
- the possible traffic congestion; and
- the local road conditions of the proposed diversionary route.

In some cases remedial repairs may be necessary in order to bring the diversionary route up to a satisfactory standard.

Where a road closure is likely to remain in force for more than two weeks duration, the road to be closed must be advertised in the local newspapers.

Roads Service endeavours to ensure that the general public, and in particular those frontagers most affected, are given advance notification of the necessary works and/or road closures before the works commence. This may involve organising local meetings, letter drops, leaflets, advance warning or information signs and advertisements in the local press. It is also normal practice that the PSNI, emergency services, schools, school bus services etc are consulted, prior to the start of the works, and their views generally taken into account. Local Councils are generally made aware of the planned resurfacing schemes through normal consultative procedures.

Roads do not remain closed for any longer than is absolutely necessary. Extensions of time, to road closures, are not normally granted unless there are extenuating circumstances.

## SOCIAL DEVELOPMENT

### Housing Association: Borrowing

**Mr F McCann** asked the Minister for Social Development to detail the discussions her Department has had with bankers on borrowing money by Housing Associations; and what assurance she can give that best value will be sought in all transactions. (AQW 1951/09)

**The Minister for Social Development (Ms M Ritchie):** The ability of Housing Associations to attract Private Finance is an important part of their role in helping deliver the Social Housing Development Programme.

Whilst Housing Associations are responsible for their own Private borrowing, it is in both the Department's and Associations' interest that this borrowing is at appropriate and competitive rates.

Last year my Department hosted a seminar in Belfast between leading representatives of the Council of Mortgage Lenders and registered Housing Associations to encourage leading banks and lenders to support the work of our Housing Associations here in Northern Ireland.

As part of my Department's regulation and inspection process, Housing Associations are required to submit quarterly accounts where 'gearing' and 'lending ratios' are carefully examined to ensure the Housing Association has the ability to repay their debts and ensure their borrowing does indeed represent value for money.



## Procurement Strategy

**Mr F McCann** asked the Minister for Social Development what assurance she can give that her Department's procurement strategy will not adversely affect smaller contractors. (AQW 1993/09)

**The Minister for Social Development:** The Procurement Strategy is designed to further mainstream good practice into the procurement of social housing. The delivery of this strategy will require full compliance with the wider government procurement objectives and EU procurement policy.

The Procurement Strategy, particularly the creation of four procurement groups and separate consultant and contractor frameworks, will enable small and medium contractors to come together in consortiums to bid for work.

## Smoke Alarms

**Mr Butler** asked the Minister for Social Development how many Housing Executive dwellings currently (i) have; and (ii) do not have, smoke alarms fitted. (AQW 2073/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive currently has 87,263 tenanted properties of which, at October 2008, 68,426 have hard wired smoke alarms. The Housing Executive installs hard wired smoke alarms where dwellings' electrical systems are being upgraded, through its planned improvement and maintenance programme. Each year, the Housing Executive advises tenants who have yet to have a 'hard-wired' smoke alarm fitted to buy one or more of the battery smoke alarms, and some of the remaining 18,837 tenants may have done so.

## Developer Contributions

**Mr Lunn** asked the Minister for Social Development to outline the timescale for the introduction of Developer Contributions to assist with housing affordability, in line with the Semple Report. (AQW 2084/09)

**The Minister for Social Development:** Legal responsibility for the implementation of Article 40 agreements requiring developer contributions for social and affordable housing rests with the Department of the Environment.

I met with the Environment Minister in early September to press for the introduction of developers' contributions. On 30 October I wrote to him again asking him to urgently release resources to move forward the necessary work which will allow contributions to be introduced. I expect it will take around eight months to finalise the policy once the Department of the Environment actively engages with officials in my Department.

## Housing-Relating Functions

**Mr Lunn** asked the Minister for Social Development what housing related functions she is proposing to (i) transfer to local authorities in 2011; and (ii) retain within the Housing Executive. (AQW 2087/09)

**The Minister for Social Development:** The housing related functions which will transfer to the new local councils under the Review of Public Administration are:-

- Houses in Multiple Occupation
- Unfitness
- Travellers transit sites
- Energy conservation

The functions being retained within the Northern Ireland Housing Executive that were originally to transfer are:

- Urban Renewal Areas
- Private sector grants
- Group repair
- Supporting people

## Social Housing

**Mr Lunn** asked the Minister for Social Development to set out a comparison of the Housing Executive's 'Assessment of Need' and her Department's targets for new social housing, for the financial years (i) 2008/9; (ii) 2009/10; and (iii) 2010/11. (AQW 2088/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive's 2007/08 Housing Need Assessment determined a need for 2721 new dwellings annually. I have set targets to start 1500 new units of social housing in 2008/09, 1750 in 2009/10, and 2000 in 2010/11 in accordance with the budget which I have been allocated. The 2008/09 Housing Need Assessment is currently underway.

## Code for Sustainable Homes

**Mr Lunn** asked the Minister for Social Development to detail the timescale for all new properties to achieve (i) Level 4; and (ii) Level 6 on the 'Code for Sustainable Homes'. (AQW 2089/09)

**The Minister for Social Development:** As part of the New Housing Agenda, I have introduced Level 3 of the Code for Sustainable Homes as the minimum standard all new build social housing must now comply with. This rating replaces and indeed surpasses the previous Eco homes rating of "Very Good."

Whilst I have made it clear that I want to develop more environmentally friendly and sustainable housing, I am conscious that there are cost and technology issues associated with moving to higher levels of the Code. Given that we have just moved to Code 3, I want to fully evaluate this further before committing to a specific date to move beyond our current level of Code 3.

## Town Centre Regeneration: Derry/Londonderry

**Mr Craig** asked the Minister for Social Development what money her Department has spent on town centre regeneration in Derry/Londonderry in each of the last 10 years. (AQW 2095/09)

**The Minister for Social Development:** For the purposes of answering this question, the Town Centre has been defined as the City Centre Retail Core together with the Waterside Business District as defined by Planning Service.

The Department for Social Development was established in 1999 but only holds accounts as that entity from April 2001. Therefore, the figures available relate to the last 7 years only. Prior to this, financial records were held by the Department of the Environment and are no longer available.

Town Centre Regeneration in Derry/Londonderry is carried out by my Department through the North West Development Office and spend is reported on that basis. The figures provided for Environmental Improvement and Public Realm programmes contain small elements of funding that have been spent in Strabane, Limavady and the wider Council areas of all three towns. The provision of a breakdown of figures for each individual town and area would be at a disproportionate cost.

The table below shows details of payments made across all programmes administered by my Department. The table also shows full costs for Ilex, the Urban Regeneration Company for Derry/Londonderry. The total spend for all programmes across the North West region over the 7 year period for which figures are available, together with full Ilex running costs amounts to £27,795,978.00.

The Peace II figures are reported in the calendar year in which they were incurred in line with the EU accounting convention. All other programme figures relate to the financial year in which spend occurred.

### AQW 2095/09 TOWN CENTRE REGENERATION DERRY/LONDONDERRY

	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	Total
<b>Grant</b>								
<b>EI</b>								
Total	1,651	544,397	574,128	494,273	393,817	181,603	126,335	2,316,203

	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	Total
<b>UDG</b>								
Total	2,077,170.00	780,760.00	778,452.00	183,158.00	271,203.00	1,436,485.00	1,396,741.00	6,923,969.00
<b>Public Realm</b>								
Total	0	0	0	0	475,629.00	540,051.00	945,741.00	1,925,420.00
<b>Integrated Development Fund</b>								
Total	0	0	0	0	0	-	192,055.00	192,055.00
<b>Site Acquisition(Fort George)</b>								
Total				11,900,000	100,000			12,000,000.00
<b>Ilex</b>								
			210000	644000	739000	957,000.00	1,712,000.00	4,262,000.00
Total Central Government Funding								27,619,647
<b>Peace II</b>								
			2003	2004	2005	2006	2007	
Total			41,341.00	26,318.00	-	19,373.00	89,300.00	176,331.00
<b>Total EU Funding</b>								<b>176,331.00</b>
<b>Overall Total</b>								<b>27,795,978</b>

### Town Centre Regeneration: Belfast

**Mr Craig** asked the Minister for Social Development what money her Department has spent on town centre regeneration in Belfast in each of the last 10 years. (AQW 2096/09)

**The Minister for Social Development:** The figures requested are outlined in the table below:

**TABLE 1. EXPENDITURE ADMINISTERED BY DSD ON TOWN CENTRE REGENERATION IN BELFAST IN EACH OF THE LAST 10 YEARS (COMMENCING 1ST APRIL 1998) \***

Year	Departmental Expenditure (£)	EU Funding (£)	Total Expenditure (£)
1998/99	10,951,637	1,278,845	12,230,482
1999/00	9,702,582	1,953,827	11,656,409
2000/01	9,035,463	13,566	9,049,029
2001/02	10,377,373	738,400	11,115,773
2002/03	10,179,506		10,179,506
2003/04	7,383,745	1,229,250	8,612,995
2004/05	10,156,520		10,156,520
2005/06	10,076,724		10,076,724
2006/07	10,227,100		10,227,100
2007/08	10,626,513		10,626,513

\* The Belfast City Centre statutory area set out within the draft Belfast Metropolitan Area Plan has been used as the basis for assembling the expenditure figures for the answer to this question. The Belfast City Centre area includes the Main Shopping Area, part of the Laganside designated area and those neighbourhood renewal areas with boundaries located within Belfast City Centre.

### Ministry of Defence: Houses

**Mr W Clarke** asked the Minister for Social Development (i) how many houses owned by the Ministry of Defence in Springfarm, Antrim are surplus to their requirements; (ii) if she has asked the Ministry of Defence to release houses to the Housing Executive to relieve pressure on the waiting list in Antrim; and if so, what was its response. (AQW 2101/09)

**The Minister for Social Development:** Whilst my Department is pursuing the possibility of acquiring surplus military housing in several locations, I am not aware of any surplus military housing in Springfarm itself. The Northern Ireland Housing Executive already has provision for addressing housing need across Antrim and a former parcel of Ministry of Defence land has already been acquired and developed to meet the housing needs of up to 114 families in Antrim.

### Housing Executive Property: Waiting Lists

**Mr T Clarke** asked the Minister for Social Development how many people are on the waiting list for Housing Executive property in the Antrim Borough Council area. (AQW 2102/09)

**The Minister for Social Development:** At 30 September 2008 there were 1051 applicants on the waiting list for social housing in the Antrim Borough Council area.

### Public Realm Scheme

**Mr Burns** asked the Minister for Social Development what improvements her Department will make to Ballyclare town centre as part of the recently announced Public Realm scheme; and to outline a timescale for these improvements. (AQW 2136/09)

**The Minister for Social Development:** My Department is working with the Department for Regional Development and Newtownabbey Borough Council to take forward an improvement scheme around the Town Hall Square. Work to replace the existing footway and kerbing with granite paving and granite kerbs, new street lighting and improved pedestrian facilities began on 3 November and is due to be completed in Spring 2009.

### Special Purchase of Evacuated Dwellings Scheme

**Mr Hamilton** asked the Minister for Social Development to detail, for each of the last 5 years, (i) how many applications were made to the Special Purchase of Evacuated Dwellings scheme; and (ii) the total payments made under the scheme. (AQW 2149/09)

**The Minister for Social Development:** The attached table shows the number of applications made and total payments made under the Special Purchase of Evacuated Dwellings scheme over the past 5 years.

Financial Year	Applications Received	Total Payments
2003/04	261	£44,598,284
2004/05	123	£7,132,021
2005/06	120	£10,172,504
2006/07	62	£3,242,200
2007/08	60	£4,963,290
<b>Total</b>	<b>626</b>	<b>£70,108,299</b>

### Renovation Scheme

**Mr Hilditch** asked the Minister for Social Development what consideration the Housing Executive is giving to a renovation scheme to replace windows in the Dunliskin area of Carrickfergus. (AQW 2153/09)



**The Minister for Social Development:** Approximately 50% of properties in the Dunloskin area of Carrickfergus had their windows replaced as part of a Northern Ireland Housing Executive improvement scheme which was completed in 2003. All of the properties have been surveyed and the remaining window units found to be of a generally satisfactory condition.

### Public Sector Jobs: Location

**Mr Durkan** asked the Minister for Social Development to set out her Department's plans to decentralise Departmental employment and operations of its agencies to locations outside Belfast. (AQW 2175/09)

**The Minister for Social Development:** There are about 8,100 people working in my Department, 31% of whom (2,500) are currently dispersed to locations outside Belfast.

This figure rises to around 37% if the workforce of the Northern Ireland Housing Executive is taken into account.

Current analysis indicates that 50% of the Department's business functions are dispersed to locations outside Belfast.

The Department is currently considering the recommendations identified in the Bain Report and future plans for decentralisation will be developed in line with the principles set out in the report.

### Social Housing: Waiting List

**Mr F McCann** asked the Minister for Social Development how many children are in families on the social housing waiting list. (AQW 2217/09)

**The Minister for Social Development:** The Housing Executive does not record the information in the format that has been asked. However the total number of households with children on the social housing waiting list at 30th September 2008 was 12,686.

### Crumlin: Population Growth

**Ms Anderson** asked the Minister for Social Development if she is aware of the rapid population growth in the village of Crumlin; and if so, does she have any plans to invest in the social infrastructure in Crumlin. (AQW 2231/09)

**The Minister for Social Development:** I am aware of the growth of population in Crumlin. However, it is not currently defined as urban by DFP's NI Statistics and Research Agency and therefore cannot avail of the urban programmes of my Department. However, it does benefit from a range of my Department's community development programmes – most notably the Community Support Programme delivered in partnership with the local council.

### Crumlin: Community and Recreational Facilities

**Ms Anderson** asked the Minister for Social Development if she is aware of the lack of community and recreational facilities in Crumlin and; if she could detail what measures the Department intends to take to address this deficit. (AQW 2233/09)

**The Minister for Social Development:** Responsibility for community and recreational facilities rests with District Councils under the Northern Ireland Local Government Act 1972 (Chapter 9).

It would be the responsibility of Antrim Borough Council to identify any additional need for community and recreational facilities in Crumlin and to take steps to address any identified need.

My Department does however provide assistance to District Councils through the Community Support Programme.

Crumlin Community Centre attracts the highest level of community centre expenditure from Antrim Council with an average yearly expenditure of £146,011.

### Social Housing: Crumlin

**Ms Anderson** asked the Minister for Social Development to detail the strategies she has in place to address the deficit in social housing in Crumlin; and in the adjoining areas of South Antrim. (AQW 2234/09)

**The Minister for Social Development:** The annual Housing Needs Assessment, based on March 2008 waiting list figures, calculates the housing requirement for Crumlin. Crumlin includes Crumlin town and its surrounding area. At present, the Social Housing Development Programme for 2008/09 – 2012/13 includes 4 schemes totalling 80 dwellings for the Crumlin area.

### Warm Homes Scheme

**Mr Doherty** asked the Minister for Social Development, in light of the continuing fluctuations in home heating costs, if the provision of dual heating systems and the installation of other systems such as wood pellet burners are being considered under the Warm Homes Scheme. (AQW 2282/09)

**The Minister for Social Development:** A number of proposed changes to the Warm Homes Scheme are currently out for public consultation. One of the proposed changes to the Scheme is the introduction of some renewable technologies, such as wood pellet boilers, for hard to treat properties. My officials are currently working with Housing Executive colleagues to agree a new technical specification for heating installations and are discussing the feasibility of dual heating systems. The public consultation exercise will run until 19 December 2008.

### Bridge at Grainger's Mill, Antrim

**Mr Burns** asked the Minister for Social Development, pursuant to her answer to AQW 184/09, for an update on the removal of the bridge at Grainger's Mill, Antrim. (AQW 2286/09)

**The Minister for Social Development:** I understand that the recent Rivers Agency's investigation into flooding at Sixmilewater River in August has determined that normal river flows and flood flows up to 1:50 years are unlikely to be affected by the bridge. A NI Water pressure sewer traverses the bridge and it may also have some built heritage value. In the circumstances my Department has no plans to demolish the bridge.

### Winter Fuel Allowance

**Mr Lunn** asked the Minister for Social Development how many elderly people her Department expects to take their Winter Fuel Allowance. (AQO 1025/09)

**The Minister for Social Development:** I can tell you that in 2007/08 Winter Fuel Payments were made to an estimated 301,000 people over 60, benefiting around 221,000 households. While I do not know precisely how many people will take their payments this year, I anticipate similar numbers will benefit. To increase uptake of the Winter Fuel Payment, I have recently launched an advertising campaign to increase awareness of the payment for newly eligible customers. I am determined to continue the good work done to raise uptake of Winter Fuel Payment and a wide range of other benefits, especially those designed to meet the needs of the most vulnerable in our community.

### Benefit Fraud

**Mr Cree** asked the Minister for Social Development for her assessment of problems in recruiting and retaining staff in those units that are tasked with tackling benefit fraud; and what action she is taking to remedy this situation. (AQO 1002/09)

**The Minister for Social Development:** The primary responsibility within my Department for investigating benefit fraud lies with the Social Security Agency's Benefit Investigation Service. Whilst in the past there have been some difficulties in recruiting and retaining staff, there are no longer any significant problems in this area, a point acknowledged by the Northern Ireland Audit Office in its report on Social Security Benefit Fraud and Error published in January 2008.

## Social Security Agency

**Mr Attwood** asked the Minister for Social Development for her assessment of the recent performance of the Social Security Agency. (AQO 970/09)

**The Minister for Social Development:** In the past year, the Social Security Agency has delivered its best performance ever. Year on year more demanding targets have been set and the Agency has delivered improved operational performance against most of its key target areas, including improvements in financial accuracy and clearance time performance. At the same time, the Agency has delivered a considerable number of modernisation and change initiatives. These achievements have been delivered against the backdrop of a major efficiency programme which saw a 2.5% per annum reduction in its budgets and a headcount reduction of 674 posts.

I would also highlight that the Agency's adherence to a rigorous benefit security strategy has resulted in the lowest ever estimated losses attributable to Fraud and Error, a reduction of 55% over the last 5 years to now arrive at only 1.3% of benefit expenditure.

Although some will always use the Agency for a cheap headline, let me repeat it. The SSA has delivered its best year ever and I would like to pay tribute to the staff of the Agency for their hard work and dedication.

## Phoenix Gas

**Ms Ní Chuilín** asked the Minister for Social Development what discussions her Department has had with Phoenix Gas in relation to the levy charged for gas meters to residents in Social Fold Accommodation. (AQO 1063/09)

**The Minister for Social Development:** My Department has not had discussions with Phoenix Gas in relation to the levy charged for gas meters.

## Positive Steps Report

**Mrs Long** asked the Minister for Social Development what action she is taking to implement the Positive Steps Report. (AQO 1023/09)

**The Minister for Social Development:** Since Positive Steps was published in 2005, Government has been working to implement the recommendations for action. I have taken an active interest and chair the Positive Steps Implementation Group, which is comprised of key senior officials from all government departments. The Group meets twice a year to monitor the implementation of the Positive Steps commitments and address any issues arising from these.

There has been considerable progress with the majority of Positive Steps commitments being achieved. A small number of important and relatively complex commitments have not yet been fully implemented. However, government has plans in place to examine the complexities of these outstanding commitments and to identify options for ensuring full implementation as soon as possible.

Some evidence of the significant progress made since 2005 includes:

Changing the regulation of charities in Northern Ireland. The Charities Act has been introduced and the appointment of the first Charity Commissioners for Northern Ireland will be announced in due course.

The £5 million Community Investment Fund in DSD for the 3 year period 2006 to 2009 is providing more strategic support for community development activity.

Rollout of the £18 million Modernisation Fund to help support and facilitate change is ongoing;

Departmental leads have been identified and strategic developments have been taken forward in key cross-cutting policy areas to do with Disability, Youth, Women and Rural Services.

I am confident that the significant progress made in implementing Positive Steps will have a long-term and beneficial impact on the sector and, most importantly, those it serves. Government and the voluntary and community sector, working together, can deliver the small number of Positive Steps commitments that remain to be fully implemented.

### Absent Parents

**Dr McDonnell** asked the Minister for Social Development for her assessment of how absent parents could increase their financial contribution towards the maintenance and welfare of their children. (AQO 942/09)

**The Minister for Social Development:** Since I took office in May 2007, the number of children benefiting from child maintenance has steadily increased to just over 20,000 at the end of September. However, one of the biggest obstacles to progress in securing money for children has been the unwillingness, indeed refusal, of some Non-Resident Parents to take financial responsibility for their children. We need to change the mindset that it's ok not to support your child. That's why on 10 September, I launched an Enforcement Campaign to target those parents who are failing to meet in full, their financial responsibility towards their children. This campaign is about changing societal attitudes. It is about sending out the simple message that not supporting your children is wrong.

### Fuel Poverty

**Mr Neeson** asked the Minister for Social Development what consultations she has had with the Minister of Enterprise, Trade and Investment in relation to fuel poverty. (AQO 1026/09)

**The Minister for Social Development:** The Fuel Poverty Task Force which I set up in May 2008 to look urgently at the issue of fuel poverty included officials from the Department of Enterprise, Trade and Investment. I also wrote to the Minister for Enterprise, Trade and Investment seeking a meeting to discuss fuel poverty. However, due to diary commitments, a date could not be arranged prior to the Task Force completing its work. Following the circulation of my paper on Tackling Fuel Poverty to ministerial colleagues, I received feedback from Minister Foster. When seeking clearance to bring forward my proposals under the Urgent Procedure I attended a meeting with the Minister for Finance and Personnel and the Minister for Health and a draft Action Plan, detailing required actions and lead responsibility, has been circulated to all Ministerial colleagues. A further meeting is planned in the near future and the Minister for Enterprise, Trade and Investment has been invited to attend this meeting.

### Housing Legislation

**Mr Burns** asked the Minister for Social Development if she is bringing forward housing legislation during this Assembly session. (AQO 964/09)

**The Minister for Social Development:** Yes, I intend to bring forward a Housing Bill during this Assembly session. The proposal for the Bill has been waiting for a decision by the Executive Committee since 3 July and the failure of the Executive to meet has lead to a serious delay in progressing the Bill. If the Bill does not proceed there will be consequences for social landlords and homeless people; social landlords will, for example, continue to face problems repossessing abandoned tenancies and will be unable to seek possession where tenants are guilty of using the house for immoral or illegal purposes; homeless people will have no statutory right to appeal against decisions made in respect of homelessness applications and more significantly no right to appeal to the Courts on points of law. Because of this, I wrote to the First Minister and deputy First Minister on 26 August seeking approval to proceed under the Urgent Procedure in accordance with the Ministerial Code.

### Housing Legislation

**Mr Cobain** asked the Minister for Social Development what impact the failure of the Executive to meet is having on the draft Housing Bill. (AQO 1015/09)

**The Minister for Social Development:** Yes, I intend to bring forward a Housing Bill during this Assembly session. The proposal for the Bill has been waiting for a decision by the Executive Committee since 3 July and the failure of the Executive to meet has lead to a serious delay in progressing the Bill. If the Bill does not proceed there will be consequences for social landlords and homeless people; social landlords will, for example, continue to face problems repossessing abandoned tenancies and will be unable to seek possession where tenants are guilty of using the house for immoral or illegal purposes; homeless people will have no statutory right to appeal against decisions made in respect of homelessness applications and more significantly no right to appeal to the Courts



on points of law. Because of this, I wrote to the First Minister and deputy First Minister on 26 August seeking approval to proceed under the Urgent Procedure in accordance with the Ministerial Code.

### **Improvement Schemes: Ardcarne Park, Newry**

**Mr Boylan** asked the Minister for Social Development if improvement schemes approved for Ardcarne Park, Newry, will go ahead as planned. (AQO 1048/09)

**The Minister for Social Development:** There are currently three improvement schemes within the Housing Executive's planned improvement programme for Ardcarne Park, Newry. A kitchen replacement scheme is planned for April 2009 and an Environmental Improvement Scheme is planned for August 2009. The third scheme is the buy back of one sold property and the demolition of void and fire damaged dwellings with the cleared site to be redeveloped in a future new build scheme. The demolition is currently planned for the 2008/09 financial year, subject to completion of the acquisition the owner-occupied property.

### **Programme for Government Targets**

**Mr Beggs** asked the Minister for Social Development what impact the failure of the Executive to meet is having on the Programme for Government targets set for her Department. (AQO 1017/09)

**The Minister for Social Development:** The work of my Department is being impacted on a number of fronts.

Developer Contributions is a fundamental part of delivery of social and affordable housing. In the absence of a decision on PPS 14, a matter for the Department of the Environment, which has been with the Executive Committee since June this year, the target to identify new initiatives to ensure the provision of 10,000 social and affordable houses by 2013 could be compromised.

Implementation of measures to combat Fuel Poverty is also being delayed. This could threaten the achievement of the Fuel Poverty target in Public Service Agreement 7, impacting on the most vulnerable in our society.

Delays could also be experienced with Comprehensive Development Schemes (Public Service Agreement 12) as the Executive's endorsement of a protocol agreed between my Department and the Department for Regional Development on the disposal of non-surplus car parks is required.

I am pursuing decisions as appropriate through use of the "Urgent" or "Written" Procedure.

The reallocation of monies from September Monitoring was recently agreed by Urgent Procedure, and was announced last Monday. Part of my bid for additional money to cover the shortfall in house and land receipts has been met. Nonetheless, it is regrettable that given the importance of this in the Programme for Government, I had to wait so long for an answer.

### **Shared Future**

**Mrs D Kelly** asked the Minister for Social Development for an update on her Department's work to promote a shared future. (AQO 982/09)

**The Minister for Social Development:** The shared future agenda is at the heart of all my work in the Department. It is an agenda that presents challenges, particularly in terms of our segregated social housing stock, but long term it can only complement our core objective of tackling disadvantage and building communities.

When I launched my New Housing Agenda earlier this year, I made it clear that I wanted to provide housing solutions that would start to bring our people together rather than continue to keep them apart. A recent survey found that eight out of ten people want to live in mixed communities, yet only half feel Government is doing enough to promote this.

That is why in August 2008, I was pleased to launch the Shared Neighbourhoods Programme, which will be delivered by the Northern Ireland Housing Executive and will support 30 shared neighbourhoods across Northern Ireland over the next 3 years.

This will complement our delivery of new social housing developments and good progress has been made on new schemes at Sion Mills, Loughbrickland, Ballygowan, Banbridge, and Magherafelt. I expect to launch these in the coming months

Every scheme we now include on the Social Housing Development Programme is considered for shared future status.

### **Newry Social Security Office**

**Mr Brady** asked the Minister for Social Development what plans he has to reduce frontline staffing levels in Newry Social Security office; and what is her assessment of the impact this reduction would have on the provision of social security grants. (AQO 1057/09)

**The Minister for Social Development:** The Social Security Agency uses its Integrated Complementing System to determine the appropriate staffing levels within each Social Security Office/Jobs & Benefits office. This is based on the volume of work received in an office and the time taken to process that work, using a scientific, HM Treasury approved methodology. Currently Newry office is fully complemented and at this stage there are no plans to reduce frontline staffing levels.

The Agency is carrying out a Strategic Business Review to examine how best to deliver local office services to the public in the future. While there will be no impact on provision of service to customers, the options under consideration involve consolidation of back office functions and this may necessitate some relocation of staff. However, as no decisions have been made yet on the numbers and locations of the back office processing centres, it is not possible to say which local offices will be impacted.

### **Decentralisation of Government Offices**

**Mr P J Bradley** asked the Minister for Social Development for her assessment of the decentralisation of government offices to locations outside greater Belfast. (AQO 969/09)

**The Minister for Social Development:** I very much support the recommendations of Sir George Bain's Report and I urge my Ministerial colleagues to act quickly to address the issue of balanced economic growth across Northern Ireland. I fully support the proposals in the Report in relation to Ballymena, Craigavon, Coleraine, Omagh, Newry and Derry. I would hope that the Executive will pursue the Report's recommendations with an active policy of decentralisation and action by relevant Ministers to address the access problems caused by inadequate infrastructure and poor public transport which Bain identified for the 3 "next tier" centres of Enniskillen, Cookstown and Downpatrick.

### **House Sales Scheme**

**Ms J McCann** asked the Minister for Social Development if a purchaser of a Housing Association property sells before their five year contract is complete, is the full discount that a social tenant may have secured under the right to buy scheme payable, or is there an incremental decrease in the discount to pay back each year of the tenancy of the contract. (AQW 2356/09)

**The Minister for Social Development:** Tenants entitled to purchase their home under the House Sales Scheme must normally repay the full discount initially received if their property is resold within a 5-year period. There is no incremental decrease.

### **House Sales Scheme**

**Ms J McCann** asked the Minister for Social Development if discount repayments can be waived in exceptional circumstances, in the case of a purchaser of a Housing Association property deciding to sell before their five year contract is up. (AQW 2357/09)

**The Minister for Social Development:** Any tenant entitled to purchase their home under the House Sales Scheme, must repay the full discount initially received if their property is resold within a 5-year period. There is no incremental decrease.

However, if a property is sold for any of the following reasons, no repayment is sought:

- (a) disposal between joint purchasers or spouses;
- (b) disposals between members of the same family who have lived together throughout the six month period ending with the disposal;
- (c) disposals where the dwelling has been compulsory purchased or where compulsory powers would have been used if the dwelling had not been acquired voluntarily;
- (d) disposals not involving the residential part of a dwelling;
- (e) disposals in pursuance of an order under Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978;
- (f) disposals under Article 4 of the Inheritance (Provision for Family and Dependents) (Northern Ireland) Order 1979;
- (g) disposals vesting in a person taking under a will or an intestacy.

### House Sales Scheme

**Ms J McCann** asked the Minister for Social Development to detail the duty of care Housing Associations have for people who have taken part in the Right to Buy scheme and are still within their contracts. (AQW 2358/09)

**The Minister for Social Development:** When a property is sold under the House Sales Scheme, the Housing Association, as the former owner, ceases to have any further obligations towards that property. However, where a Service Charge continues to be payable for communal maintenance activities, the Housing Association must continue to take responsibility for that.

### Housing Association: Responsibilities

**Ms J McCann** asked the Minister for Social Development what are the responsibilities of a Housing Association if one of its tenants is convicted of a criminal act towards a neighbour who is not a tenant of the Housing Association. (AQW 2360/09)

**The Minister for Social Development:** If a tenant of a Registered Housing Association is convicted of a criminal act towards a neighbour the Association can take action against that tenant under the terms of the Tenancy Agreement which all tenants are required to sign prior to the commencement of the tenancy.

## ASSEMBLY COMMISSION

### Assembly Grade 8 Competition

**Mr Attwood** asked the Assembly Commission to detail (i) the number of applicants for the recent Assembly grade 8 competition; (ii) the number of applicants deemed appointable; (iii) the validity of applicants sitting tests, given that a number of them had sat the same test in an unrelated NICS competition; (iv) the total cost of the recruitment competition; and (v) total cost of the test. (AQW 2093/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):**

- (i) There were 289 applications for the current Assembly Grade 8 recruitment competition.
- (ii) One hundred and ninety applicants will be invited to interview. Until the selection interviews, which are scheduled to begin week commencing 17 November, have been completed, the number of applicants deemed suitable for appointment will not be known. However there are currently 50 vacancies within the Secretariat at this grade and it is hoped to fill all of these as a result of this competition.

- (iii) The test papers being used in the Assembly Grade 8 competition have been supplied by a third party supplier, SHL. Such papers are used across the UK and the Assembly has no way of determining whether the papers have previously been used by other applicants within Northern Ireland or indeed whether applicants for the Assembly competition have previously sat such tests. However should you be referring to the NICS Executive Officer 2 competition, which was held in October 2007, the Assembly has been assured by experts in this field that such a timescale would not advantage any applicants for the Assembly Grade 8 competition who sat a similar test, or indeed the same test, at that time.

All applicants for the Assembly competition were issued with practice leaflets which are designed to help applicants to become familiar with the testing regime, particularly for those who have never taken the tests before. By providing these leaflets, all Assembly applicants are placed on an “equal footing” prior to the assessment day.

- (iv) The total cost of the recruitment competition will not be known until all interviews have been completed and appointments made. It is likely that the first offers of appointment will issue in mid-January 2009.
- (v) As the tests have not concluded, the total cost cannot yet be determined at this time.



# NORTHERN IRELAND ASSEMBLY

Friday 21 November 2008

## Written Answers to Questions

### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

#### NSMC/BIC Meetings

**Mr Newton** asked the Office of the First Minister and deputy First Minister when the next NSMC and BIC meeting will take place in plenary. (AQW 2031/09)

**The First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness):** The next British-Irish Council Summit is scheduled to take place in Wales on 20 February 2009.

It is planned to hold the next Plenary meeting of the North South Ministerial Council in advance of the February 2009 BIC Summit. No specific date has been agreed.

#### Equality Impact Assessment

**Mr McQuillan** asked the Office of the First Minister and deputy First Minister how many people attended each of the public meetings on the Equality Impact Assessment at a strategic level of the Programme for Government. (AQW 2129/09)

**The First Minister and deputy First Minister:** On 29 January 2008, the Executive launched a 12-week public consultation exercise on the draft Equality Impact Assessment carried out at a strategic level on the PfG, Budget and Investment Strategy. To facilitate direct engagement with interested parties and members of the public, officials held five public consultation seminars across Northern Ireland. Attendance at those events ranged from 2 to 25 as follows:

Date	Venue	Attendance
19/02/08	Spires Conference Centre, Belfast	11
28/02/08	Guildhall, Derry / Londonderry	25
04/03/08	Omagh Community House, Omagh	7
06/03/08	Newry Arts Centre, Newry	16
11/03/08	Clinton Centre, Enniskillen	2

Officials also attended on request a number of consultation meetings organised at local community level or by section 75 representative bodies as follows:

BELB Youth Worker Staff, Belfast	13/03/08
Millennium Centre, Loughiell	04/04/08
Limavady Community Forum, Dungiven	08/04/08
East Belfast Community Development Association	10/04/08

Disability Action, Belfast	17/04/08
Council Offices, Dungannon	18/04/08
Intercomm Centre, Antrim Road, Belfast	21/04/08
Hillyard House, Castlewellan	22/04/08

Attendance at those events also varied considerably from approximately 6 to in excess of 30. In addition, meetings were held on request with the following bodies both during and following the consultation process:

Equality Coalition, Belfast	09/04/08
Oakleaf Rural Community Network, Magherafelt	17/04/08
Rural Community Network, Cookstown	28/04/08
Equality Commission, Belfast	09/06/08
Homestart, Belfast	26/06/08

## Gender Equality

**Mr McKay** asked the Office of the First Minister and deputy First Minister what the Department is doing to promote gender equality. (AQW 2228/09)

**The First Minister and deputy First Minister:** The Department's commitment to tackling gender inequality is outlined in the Programme for Government. It commits the Executive to progress the work of Departments in mainstreaming gender equality into policies, strategies and activities; or to promote gender specific measures to tackle identified gender inequalities.

To take this work forward, a Gender Advisory Panel has been established, ensuring that the views of key stakeholders will help inform policy initiatives and action plans.

Action plans to promote equality for women and men have been commissioned and received from all departments. They are currently being co-ordinated to provide a refreshed strategy to present to the Executive in early 2009.

## Freedom of Information Applications

**Mr Weir** asked the Office of the First Minister and deputy First Minister how many freedom of information applications it has received since devolution. (AQO 1068/09)

**The First Minister and deputy First Minister:** During the 18-month period from May 2007 to October this year, the Office of the First Minister and deputy First Minister has received a total of 239 requests under the Freedom of Information Act.

This represents a considerable increase in the number of requests received previously.

By comparison, prior to devolution, OFMDFM Department received a total of 217 requests for the 28-month period from the introduction of this legislation in January 2005, to April 2007.

## Economic Crisis

**Mr Ross** asked the Office of the First Minister and deputy First Minister when it will consider a package to deal with the current economic crisis. (AQO 1089/09)

**The First Minister and deputy First Minister:** We have hosted a series of 'Cost of Living' meetings with the Banking, Construction, Business, Energy and Voluntary and Community sectors, as well as the Utility Regulator and Trade Unions, to gather information on the impact of the present difficult financial situation on local social and economic interests. These meetings have proved to be useful in providing a forum for each sector to give us

their view on where the most pressing difficulties exist and to discuss how we can best protect local interests in the current adverse economic conditions.

We hope to put a consolidated paper to the Executive shortly which will identify the areas for priority action and the potential for remedial action.

### **Investment for Children and Young People**

**Mrs Hanna** asked the Office of the First Minister and deputy First Minister what plans the junior Ministers have to investigate the policies of the Scottish Parliament and Welsh Assembly in relation to investment for children and young people, including the associated outcomes and benefits. (AQO 1174/09)

**The First Minister and deputy First Minister:** As we continue to develop policies in relation to children and young people, the Junior Ministers constantly reference the relevant work of other jurisdictions. They are keen to learn from best practice which we can build upon to ensure our children and young people can enjoy a safe and secure childhood.

To this end, our officials from the Children and Young People's Unit have also been engaging with their counterparts in Scotland, Wales and the Republic of Ireland to exchange information on policy and practice.

We have also agreed to join a four Nations network which comprises officials from here, Scotland, England and Wales and which will meet quarterly to discuss the concluding observations of the UN Committee and other issues relating to children and young people.

### **Champions for Children and Young People**

**Mr Burns** asked the Office of the First Minister and deputy First Minister for its assessment of the role of the newly appointed champions for children and young people; and if the children and young people's unit will be able to financially support their recommendations. (AQO 1152/09)

**The First Minister and deputy First Minister:** Following agreement from the Ministerial Sub-Committee on Children and Young People, the first meeting of the 'Champions for Children and Young People' took place on 5 August 2008. The key role of this group is to provide support to, liaise with, inform and advise the Ministerial Sub-Committee and its associated cross-departmental sub-groups.

It will be for the most appropriate department with policy responsibility for an issue to fund any agreed proposals.

However, much of the work of the champions is likely to relate to medium-term proposals and any recommendations that are agreed will be considered in the context of the next Comprehensive Spending Review.

The Children and Young People's Unit within OFMDFM does not deliver services to children and young people, but will continue to provide support to the Champions for Children and Young People as they progress their work.

### **Gender Equality**

**Ms J McCann** asked the Office of the First Minister and deputy First Minister for an update on the Gender Advisory Panel; and how the Gender Equality Strategy is being implemented. (AQO 1150/09)

**The First Minister and deputy First Minister:** Our commitment to tackling gender inequality is outlined in our Programme for Government. It commits the Executive to progress the work of Departments in mainstreaming gender equality into policies, strategies and activities; and to promote gender specific measures to tackle identified gender inequalities.

To help take this work forward, a Gender Advisory Panel has been established, ensuring that the views of key stakeholders will inform policy initiatives and action plans.

The Gender Advisory Panel met in May 2008. Since then, Junior Ministers have maintained an awareness of issues and concerns through various meetings and events involving representative organisations.

In order to implement the Gender Strategy, action plans to promote equality for women and men have been commissioned and received from all departments. Once completed, finalised plans will be discussed with the OFMDFM Committee before being submitted for Executive approval.

### **Child Poverty**

**Ms Lo** asked the Office of the First Minister and deputy First Minister for its assessment of the impact of the current economic downturn on levels of child poverty and on the Executive's ability to meet its targets for the reduction of child poverty. (AQO 1166/09)

**The First Minister and deputy First Minister:** The economic downturn will undoubtedly have an adverse impact on living standards in general and that includes the living standards of households with children.

It is not possible at this juncture to assess precisely what those impacts will be in terms of the Executive meeting its very challenging commitments to reducing child poverty. However, work is in progress which will examine how the purchasing power of different households has changed as a result of recent increases in retail prices. This work is due to report in early January 2009.

We are concerned about the potential impact of the economic downturn and this is an issue which will be considered closely by the Ministerial Sub-Committee for Children and Young People.

### **Policy Formulation Issues**

**Mr McNarry** asked the Office of the First Minister and deputy First Minister to detail the contacts it has had with Departments on policy formulation issues, during the period when the Executive has failed to meet. (AQO 1086/09)

**The First Minister and deputy First Minister:** Contacts between the Office of the First Minister and deputy First Minister and all other Departments, on both policy formulation and general issues, continue. All Ministers continue to fulfil their responsibilities within their own Departments, and inter-departmental consultation at both Ministerial and official levels, including on draft Executive papers, is ongoing. Ministers may seek decisions on urgent issues through the Urgent Procedure as set out in paragraph 2.14 of the Ministerial Code.

### **Children and Young People Projects**

**Mr A Maginness** asked the Office of the First Minister and deputy First Minister for its assessment of the Children and Young People projects which have either closed or are at risk of closure due to inadequate funding. (AQO 1159/09)

**The First Minister and deputy First Minister:** The Children's Fund was administered by the Department of Health, Social Services and Public Safety and supported 89 cross-cutting projects. This initial funding was intended to be for two years only and one of the funding criteria was that projects should be time bound or sustainable by the end of the two years. Funding was due to end in March 2008 but, after intervention by the Junior Ministers, letters were issued to all 89 projects confirming that additional resources would be provided for one year to enable them to source alternative funding streams beyond March 2009.

The Minister of Health, Social Services and Public Safety has informed us that he has commissioned a review of all of the 57 Children's Fund projects which he considers to have a health and social care focus. The outcome of this review will be used to determine which of those projects he will continue to fund beyond March 2009. The remaining 32 projects have been encouraged to seek alternative funding, and we understand that several have already succeeded.

In relation to the after schools projects, Junior Ministers are continuing to hold discussions on this issue and hope to be in a position to provide further information soon.



## Investment Strategy

**Mr G Robinson** asked the Office of the First Minister and deputy First Minister what implications recent court decisions will have on the delivery of the Investment Strategy. (AQO 1085/09)

**The First Minister and deputy First Minister:** The procurement of the Integrated Supply Team framework agreement to design and build projects across the wider government office and specialist building estate (excludes roads, water, health, transport, schools and housing) was challenged by an unsuccessful contractor in the High Court. Such litigation is not in the long-term interests of the construction industry or Government and the Department of Finance and Personnel's legal advisors are considering the court judgment in detail.

In the interim, in order to minimise the impact of the judgement, Central Procurement Directorate has already been preparing to take forward the procurement of Investment Strategy projects on an individual basis. Given the circumstances there is a possibility of a delay on a number of projects some of which might be extended by 3 months.

## Maze Site

**Mr Lunn** asked the Office of the First Minister and deputy First Minister for an update on the development of the Maze site; and if alternative proposals have been considered that would fulfil the conditions attached to gifting of the site. (AQO 1164/09)

**The First Minister and deputy First Minister:** As we outlined in our answer to AQO 638/09, the extensive programme to demolish buildings and structures at Maze/Long Kesh will be completed within this calendar year. A first phase of substantial remediation work to remove contamination at part of the site is also nearing completion. We hope to embark on a second phase shortly to include capping two landfill areas and removing diesel oil spillages from soil and ground water. Both the demolition and remediation works are essential in preparing the site for any future redevelopment.

We have not at this point considered regeneration projects for the Maze/Long Kesh other than those contained within the Masterplan published in 2006.

## Economic Crisis

**Mr Spratt** asked the Office of the First Minister and deputy First Minister what meetings it has held to inform its Ministers of the present economic difficulties. (AQO 1120/09)

**The First Minister and deputy First Minister:** We have hosted a series of 'Cost of Living' meetings with the Banking, Construction, Business, Energy, and Voluntary and Community sectors, as well as the Utility Regulator and Trade Unions, to gather information on the impact of the present difficult financial situation on local social and economic interests.

These meetings have proved to be useful in providing a forum for each sector to give us its view on where the most pressing difficulties exist and to discuss how we can best protect local interests in current adverse economic conditions.

## Civic Forum

**Mr Bresland** asked the Office of the First Minister and deputy First Minister to outline, as part of the consultation on the Civic Forum, what representations were made in relation to an online, interactive relationship with civic society. (AQO 1066/09)

**The First Minister and deputy First Minister:** The consultation phase of the review of the Civic Forum commenced on 29 May 2008 and ran until the end of August 2008. Of the 60 written submissions received, five referred to the use of the internet or email to disseminate information on the work of the Forum, to improve communications between Forum members, or as a means of interaction between the Forum and other bodies representative of civic society. None of the written submissions suggested an online, interactive relationship between Government and civic society.

In addition to the written consultation process, the review team held meetings with former members of the Civic Forum, nominating bodies and academics. One academic described innovative approaches to citizen participation and referred the review team to an article on on-line citizenship which he had jointly authored.

The review team was also approached by a local businessman who advocated consideration of a web-based process similar to that used for gathering the views of citizens on legislation in the American state of Idaho.

## Youth Debate

**Mr Doherty** asked the Office of the First Minister and deputy First Minister what assessment it has made of the engagement with young people in the Youth Debate held in Parliament Buildings on 23 October 2008.

(AQO 1114/09)

**The First Minister and deputy First Minister:** The Junior Ministers held the Youth debate as part of their commitment to hearing the voice of young people. They wanted to listen to the views of young people and provide an opportunity for them to be active participants and have their opinions heard on an issue relevant to them. The theme of the debate was anti-social behaviour.

All MLAs were invited to nominate participants between the ages of 11 and 17 to take part and a total of 52 young people were put forward. The debate was attended by approximately 140 young people covering a wide cross section of the community, including young people coming from youth groups and youth councils, young people from the traveller community, young people in care, young people in contact with the juvenile justice system and young people with disabilities.

In terms of engagement, the event was very successful with active participation by all the young people in the workshops held on the morning of the debate. Fifteen young people were nominated to speak in the Chamber to outline the key issues discussed in their groups and they presented their points extremely well.

The number of additional young people wishing to speak at the end also highlighted the commitment and desire by the young people to engage in the process and put forward their opinions.

The Junior Ministers undertook to feed these points back to the Ministerial Sub-Committee, in particular the cross-departmental sub-group considering vulnerable young people to ensure the points made help inform future work.

The Junior Ministers will also continue to look at other ways of engaging with children and young people to ensure their views are sought and taken into account.

## AGRICULTURE AND RURAL DEVELOPMENT

### Departmental Projects

**Mr McKay** asked the Minister of Agriculture and Rural Development to detail the successful projects her Department has completed in the North Antrim constituency, since she came into office. (AQW 2081/09)

**The Minister of Agriculture and Rural Development (Ms M Gildernew):** The following table details the successful projects since May 2007:-

Name of Project	Description of Project
<b>Successful projects completed by Forest Service</b>	
Harvesting of trees	47,000 m <sup>3</sup> harvested, with associated replanting and maintenance actions.
Conservation	Assistance with Northern Ireland Environment Agency (NIEA) on restoration work to Breen Oakwood ponds Special Area of Conservation.
Squirrel preservation	Facilitated Red Squirrel preservation using feeders and crop manipulation jointly with the Glens Red Squirrel Group.
Deer management	Establishment of deer lawns in Ballycastle and ongoing monitoring of population levels.

Name of Project	Description of Project
Boundary drain cleaning	250 metres of boundary drains cleaned.
<b>Successful projects completed by Animal Welfare</b>	
Bluetongue eradication	Bluetongue was detected in animals imported to a North Antrim farm in February 2008. The Minister took prompt and decisive action: the animals concerned (and in-contacts) were culled, restrictions were imposed, and additional testing was carried out. This action was successful in stopping the Bluetongue becoming established here.
<b>Successful projects completed by Rivers Agency</b>	
Ballymoney Ring Road Drain	Drainage infrastructure (pipelaying and river channel works) project constructed by Rivers Agency's Coleraine Area Office, Direct Labour Organisation to facilitate drainage from development of approximately 10 hectares of land in Ballymoney; Project completed in December 2007.
<b>Successful projects completed by the College of Agriculture, Food and Rural Enterprise (CAFRE)</b>	
Further and Higher Education Programmes	Further Education and Higher Education programmes provided for those wishing to pursue a career in the agri-food industry and delivered at the CAFRE Campuses of Greenmount, Loughry and Enniskillen. Courses are open to application to those who meet the required entry criteria from across the North.
Industry training programme	Training courses for those working in the agri-food industry, which are delivered locally across the North or at the CAFRE Campuses of Greenmount, Enniskillen and Loughry.
Knowledge and Technology Transfer programme	This programme aims to equip those in the agri-food industry with the knowledge, skills and experience to adopt appropriate technologies and systems within their businesses. CAFRE Technologists and Development Advisers work with the industry to encourage the adoption of the technology or system within their businesses. This is achieved through training courses, normally delivered throughout the North, Demonstration events on the College Farm/local farms or Food Processing Units and through mentoring.
Benchmarking programme	This programme involves the collection of physical and financial data from farmers and growers, the analysis of this data by CAFRE Business Technologists and comparison with similar farm businesses. Through this programme the strengths and weaknesses of farm business performance can be identified and actions to improve performance implemented. This programme is available to farmers and growers across the North.
<b>Successful projects completed under the Rural Development Programme</b>	
Business Development Support for North Antrim Leader	As part of the Leader support which North Antrim will offer, Business Development Support will be offered to successful applicants. It will ensure a coherent and innovative approach is adopted by the project promoters.
The Irish Sheep Dog (Phase 2)	The project focuses on expanding the sheepdog enterprise on a small farm.
ER&M E-commerce Business	Assistance to ER&M for the appointment of a Marketing Consultant to complement the work through existing markets and launch the business fully into new markets.
Glenovation	This project is to provide Glenovation with a technology related developer who will be based in Ballycastle providing Internet programming services mainly to international clients.
Gracehill Farm Foods	To develop three food products and establish a small food processing unit that will manufacture quality black and white puddings and haggis.
Rankin Engraving	The addition of a new laser engraver to enable Rankin Engraving and Graphics to offer a greater portfolio of services to the wider rural community in which it serves, as well as across all of N. Ireland.
Beachview Cottages (Extension)	Extension to accommodation facilities.
Steel Shed Company	The purchase of the necessary plant equipment, such as, concrete moulds, vibrating table, handling equipment, jigs, cutting/welding equipment and associated tools for the manufacture of both concrete sectional and steel buildings.
CM Recycling	Purchase of an industrial shredding machine for the recycling of green waste which will allow them to supply local authorities, agriculture industry, plant nursery and equestrian centres as their product portfolio expands.
A Step Further	J & S Stairs relocation and expansion project.

Name of Project	Description of Project
MJ Doherty Building & Joinery Contractors	Funding for MJ Doherty Building & Joinery Contractors to purchase machinery for the manufacture of bespoke pieces of furniture.
Lismoyle Engineering Co Ltd	Purchase of specialist machinery to assist in manufacturing high specification stainless steel fittings and railings for leisure boats.
Bespoke Jewellery Manufacturing	Purchase of specialist equipment which will help improve the product range and manufacturing techniques.
GMC Engineering – Metal Fabrication Equipment	Acquisition of additional operational resources in order to compete effectively, and provide a long term sustainable business for the rural area, in which the company resides.
Nirox IT	Investment in IT infrastructure to support the businesses current growth and secure the employment of existing staff and help the company expand to meet demand.
McCurdy specialist engineering	To improve the efficiency and profitability of the business by bringing in house a key production method, namely the metalworking of specialist decorative scrolls.
North Antrim Leader (NAL) Business Capital Support Programme	NAL will put in place a micro business development programme which will address an identified need for small business support in the North Antrim area. The programme will aim to stimulate economic growth through the provision of targeted capital assistance.
PBS Office Provision	Renovation of an old farm building to provide a purpose built call centre and office facility to allow PBS Office Provision's current operation to expand, creating flexible, local employment in a rural area.
MJF Sailpower Coaching	To establish a sail coaching facility in Cushendall serving all of Ireland, aimed at the established sailor wishing to improve and participate more fully in the sport of sail racing.
Tourism car parking at Fairhead	The provision of secure off road car parking for climbers and walkers who visit the Fairhead cliffs.
Woolcraft	To identify options for wool and sheep products, look at product development and marketing of these new products. This project will also aim to raise the profile of wool production.
Biker Tourism	This is a pilot initiative aimed at encouraging small businesses to tap into the biker tourism sector and to provide facilities for these bikers through co-operation by accommodation providers.
Reducing Risks/Cutting Costs (North Antrim Leader+)	This self implementation project focuses on the barriers to growth for small businesses. The project will look at ways of reducing insurance costs and implementing Health & Safety practices.
Artisan food producers country market	To develop and market artisan food producers by developing markets for selling.
Enterprise Networking Europe	This project will involve partners initially in Finland and France with Polish and Estonian partners joining shortly. All the participating groups work with small enterprises and have identified a need to diversify their markets and learn from their experience with similar enterprises in other EU states.
Myra & Robert Gault	Modernising of refrigeration in shop.
Celtic Crafts	Installation of shop windows and painting to exterior of shop.
Ballyvoy Service Station	Re-establishment of a business shop.
Strand one: Rural Service Centre Hubs Programme	Rural Service Centre Hubs Programme, Development Support and associated financial Technical Assistance.

### Single Farm Payments

**Mr T Clarke** asked the Minister of Agriculture and Rural Development what percentage of Single Farm Payments to be issued have been paid out; and when all payments will be completed. (AQW 2128/09)

**The Minister of Agriculture and Rural Development:** European Council legislation permits the payment of 2008 Single Farm Payments to start in December 2008. The Department of Agriculture and Rural Development will publish a payment schedule before the end of November setting out its payment targets.



### Woodland Preservation Order

**Mr McKay** asked the Minister of Agriculture and Rural Development if she has considered introducing a Woodland Preservation Order, as suggested by some Non-Government Organisations. (AQW 2134/09)

**The Minister of Agriculture and Rural Development:** On 19 June 2008, the Executive Committee agreed that a new Forestry Bill could be drafted to replace the Forestry Act (NI) 1953. The Forestry Bill will contain a provision to regulate the felling and regeneration of woodlands by means of a licence. Formal, detailed instructions will be issued to the Office of the Legislative Counsel shortly.

It is anticipated that the Bill will be ready for introduction to the Assembly in March/April 2009, most likely after the Easter recess.

### Farm Nutrient Management Scheme

**Mr T Clarke** asked the Minister of Agriculture and Rural Development, in relation to the Farm Nutrient Management scheme, how many applications have (i) started with the possibility of completion by the 31 December 2008 deadline; (ii) started with no possibility of completion by the deadline; (iii) been approved, have yet to start but are intended to start; and (iv) been approved, have yet to start and will not be started, detailing the reasons for not starting; and when the last approval was granted. (AQW 2137/09)

**The Minister of Agriculture and Rural Development:**

- (i) Figures obtained from a recent Farm Nutrient Management Scheme (FNMS) telephone survey would indicate that, in addition to 204 applicants who have their works completed but who have not yet submitted their claims, a further 1086 (612 who had notified the Department that they are at interim inspection level and 474 of the 950 who had started work at the time of survey) have started and are likely to have their work completed by 31 December 2008. However, we cannot be definite on all these being completed by 31 December 2008.
- (ii) We estimate that 476 applicants who have started their works are less likely to have all their works completed by 31 December 2008 although some of these may complete.
- (iii) 375 applicants with approvals indicated that they intended starting their works and some of these could complete depending on the storage being built.
- (iv) 140 applicants indicated that they did not intend starting works. We do not have specific reasons why applicants made that decision. A further 73 applicants are undecided as to whether or not they will proceed with their works. A small number of approvals continue to issue as farmers come back with the required information.

### Farm Nutrient Management Scheme

**Mr T Clarke** asked the Minister of Agriculture and Rural Development (i) what provision her Department has made for those not meeting the 31 December 2008 Farm Nutrient Management scheme deadline; (ii) when applicants will be informed of these provisions; (iii) how and when her Department determined the 'reasonable costs'; and (iv) if these 'reasonable costs' are being monitored and revised. (AQW 2159/09)

**The Minister of Agriculture and Rural Development:**

- (i) The closure procedures for the Farm Nutrient Management Scheme (FNMS) include provisions for those who will be unable to fully complete works by 31 December 2008.

In individual cases, where works have been delayed beyond 31 December 2008 due to exceptional circumstances, grant will be considered on works up to 2 March 2009. A minimum level of work must be completed by 31 December 2008. Evidence of exceptional circumstances must be provided and will be assessed on a case by case basis.

- (ii) On 17 November 2008 comprehensive details of scheme closure procedures were sent to all applicants who have yet to submit a claim.
- (iii) The Department's Chartered Quantity Surveyor calculated maximum reasonable costs for a range of items available for funding under the scheme. These reasonable costs were determined in October 2005.

As the scheme progressed, additional items were assessed using the same process and added to the reasonable cost list.

- (iv) The reasonable costs are not being revised as the Department has no budget provision for inflationary increases within the scheme.

### Farm Nutrient Management Scheme

**Mr T Clarke** asked the Minister of Agriculture and Rural Development, in relation to the Farm Nutrient Management scheme, how many applications have been (i) approved and completed; (ii) approved, completed and paid; and (iii) approved, completed but not paid. (AQW 2170/09)

**The Minister of Agriculture and Rural Development:**

- (i) A total of 4287 approvals have been issued under the Farm Nutrient Management Scheme (FNMS). Of these, 4203 are still live, as 84 applicants cancelled after receiving their approvals. At 27 October 2008, 1848 applicants have completed and submitted their claims for payment. The results of a telephone survey carried out during the period 29 October to 4 November 2008 indicate that a further 204 applicants had completed their works but had not yet submitted their claims.
- (ii) 1848 applicants had completed their works and submitted their claims. Of these, 1521 have received their full payment and 108 have received a part payment. The remaining claims are currently being processed for payment.
- (iii) 219 applicants have been approved, completed their works and submitted their but are yet to receive payment.

### Farm Nutrient Management Scheme

**Mr Easton** asked the Minister of Agriculture and Rural Development to detail the uptake of the Farm Nutrient Management scheme. (AQW 2238/09)

**The Minister of Agriculture and Rural Development:** A total of 4287 approvals have been issued under the Farm Nutrient Management Scheme (FNMS). Of these, 4203 remain live, as 84 applicants cancelled after receiving their approvals. On the basis of a recent survey, we expect 3138 applicants to have their works completed by 31 December 2008 and that a further 495 have the possibility of completing work by then. In addition we expect that another 365 will have work well progressed by then.

At 27 October we have received 1848 claims for payment of which 1521 have received their full payment and 108 have received a part payment amounting to £48.7m.

### Rural Businesses

**Mr McQuillan** asked the Minister of Agriculture and Rural Development how many meetings she has had with the Minister of the Environment on assistance for small rural businesses. (AQW 2252/09)

**The Minister of Agriculture and Rural Development:** Since assuming office in May last year I have had one relevant meeting, a bilateral discussion with the then Minister of the Environment, Arlene Foster, held on 3 December 2007.

The subject matter centred on the next steps in the Review of Public Administration and the clustering of local councils to assist in the delivery of Axes 3 and 4 of the NI Rural Development Programme 2007-2013, which together will account for some £100 million over the programme period.

Three measures in Axis 3 have the potential to benefit small rural businesses directly: diversification into non-agricultural activities (3.1); business creation and development (3.2); and the encouragement of tourism activities (3.3).

In addition, officials from my Department have liaised with colleagues in the Department of the Environment regarding legislation to enable councils to implement these measures and where, I am pleased to report, work is now almost complete.

### Animal Cruelty Offences

**Mr Moutray** asked the Minister of Agriculture and Rural Development, pursuant to her answer to AQW 1700/09, how many people have (i) been convicted of animal cruelty offences; and (ii) received the maximum available sentence, in each of the last five years. (AQW 2257/09)

**The Minister of Agriculture and Rural Development:** My Department's findings on the number of people convicted of animal cruelty offences and the number of people who have received the maximum available sentence in the last five years is detailed in the following table:

Year	No Of Welfare Convictions	Maximum Disqualification	Maximum Fine	Maximum Imprisonment
2003/2004	9	1	-	-
2004/2005	4	-	-	-
2005/2006	10	-	-	-
2006/2007	8	-	-	1
2007/2008	18	-	-	1
<b>Total</b>	<b>49</b>	<b>1</b>	<b>-</b>	<b>2</b>

### Strategic Flood Maps Project

**Mr Savage** asked the Minister of Agriculture and Rural Development to detail the costs of the Strategic Flood Maps project, broken down by (i) research fees; (ii) consultancy fees; (iii) secretariat fees; (iv) promotion and marketing fees; and (v) upkeep of the website. (AQW 2276/09)

**The Minister of Agriculture and Rural Development:** The estimated costs of the Strategic Flood Map Project broken down as requested are as follows:

- (i) Research Fees – Nil.
- (ii) Consultancy fees – £288k
- (iii) Secretariat fees – Nil
- (iv) Promotion and marketing fees – £29k
- (v) Upkeep of the website - £14.5k maintenance and contingency arrangements.

### Fisheries Council: December Meeting

**Mr W Clarke** asked the Minister of Agriculture and Rural Development to outline the priorities for this year's EU December Fisheries Council. (AQW 2410/09)

**The Minister of Agriculture and Rural Development:** My main priority is to ensure that fishing opportunities for prawns in the Irish Sea are maintained at current levels. Due to a number of concerns about the stock assessment approach which affects all prawn fisheries in the Irish Sea, Celtic Sea, West of Scotland and the North Sea the Commission has proposed TACs linked with recent landings. For the Irish Sea the Commission has proposed a cut of 15%. A reduction of this size would have a significant impact on our prawn fleet.

I will be arguing strongly that the stock continues to be sustainably fished at current effort levels in Area VIIa where most of the local fleet operates. I will oppose the "use it or lose it" approach suggested by the ICES advice which is the consequence of fishing patterns in other parts of Area VII.

I will be resisting further cuts in Cod TAC on the basis that will simply result in more discards and will have no practical effect in reducing cod mortality. I am pleased to see the Commission has proposed an increase in the Haddock TAC for Area VIIa of 15% – this was one of the issues I raised with Commissioner Borg when I met him in July.

I will be pressing for an increase in the Herring TAC where again there the science indicates that the Irish Sea stock is in a healthy state. For other stocks I hope to achieve a rollover of TACs set for 2008.

It is already clear that this Council is going to be a difficult one and in general the picture is gloomy. There are a great many issues to address and it will take hard negotiations just to preserve existing fishing opportunities

### Flood Management

**Mr W Clarke** asked the Minister of Agriculture and Rural Development if the Rivers Agency and Forestry Service work together to maximise the use of forestry in flood management. (AQW 2411/09)

**The Minister of Agriculture and Rural Development:** At the present time Forest Service assists Rivers Agency with the provision of strategic locations for storage of emergency flood response materials such as sandbags. It is intended to further explore this arrangement to see if any other opportunities for enhanced cooperation during flood emergencies exist. Both Forest Service and Rivers Agency have visited natural flood management demonstration sites in Scotland and have taken part this year in a seminar on managing flood risks in changing climates.

As part of longer term flood risk management strategy, Forest Service, in liaison with Rivers Agency, will consider any contribution to be made from appropriate afforestation, using existing forestry funding mechanisms to encourage creation of new woodland in relation to flood management.

### Health Check Negotiations

**Mr Brady** asked the Minister of Agriculture and Rural Development what action she is taking to simplify the current Health Check negotiations. (AQO 1112/09)

**The Minister of Agriculture and Rural Development:** Simplification is a theme which I am pursuing very strongly during the Health Check negotiations. The Commission's proposals will bring some simplification through the abolition of set-aside and a reduction in the number of types of entitlements, as well as removing some cross-compliance measures which are not relevant to farmers. However, I am of the view that we can go further and, in particular, reduce the administration associated with the Single Farm Payment Scheme.

With this in mind, my Department has been working closely with regions in Britain and we have together submitted a package of simplification proposals to the EU Council of Ministers. I should point out that my Department has been instrumental in determining the content of the simplification package that has been put forward. While the suggestions in this paper have received strong support from Member States, unfortunately it will be very difficult to achieve progress due to opposition from the Commission. Nevertheless, we will be making every effort on this issue during the final negotiations this week and pushing the Commission very hard.

### Marine Tourism: Foyle and Carlingford

**Ms Anderson** asked the Minister of Agriculture and Rural Development what action her Department is taking to promote marine tourism in the Foyle and Carlingford areas. (AQO 1183/09)

**The Minister of Agriculture and Rural Development:** As the member will be aware, the Department supports the operation of the Loughs Agency, whose functions include the development of marine tourism in the Foyle and Carlingford Areas.

The Loughs Agency has engaged with relevant stakeholders in seeking to advance the development of marine tourism and regularly convenes tourism sub-committees of its advisory forum in each of the two catchments (Carlingford and Foyle).

The Loughs Agency's Marine Tourism Development Strategy was approved by the North South Ministerial Council at its meeting in Aquaculture and Marine Sectoral Format on 21 November 2007. The Loughs Agency has submitted an application to Special European Union Programmes Body, seeking €4 million of Interreg IV funds in order to implement this strategy. The outcome of this application process is awaited. If successful, this funding will permit the Agency to deliver strategic projects that will accelerate the development of the marine tourism potential of the Foyle and Carlingford regions. Further funding opportunities are also being pursued.



In 2008 the Agency delivered funds to a number of marine tourism projects through its financial assistance policy. Projects supported included efforts to facilitate access to watersports, facilities for sea anglers, boating events and eco-tourism.

A call for applications to the financial assistance policy for the 2009 period is currently open and will seek applications under a number of themes, including: marinas, moorings or launch facilities for water based leisure; navigation aids to support water based leisure and tourism; access for disabled boat users; water safety improvement, including display of information; and marine eco tourism.

### Poultry Industry

**Mr Irwin** asked the Minister of Agriculture and Rural Development what action she is taking to assist the poultry industry to meet European Union requirements under the Nitrates and Groundwater Directives.

(AQO 1073/09)

**The Minister of Agriculture and Rural Development:** To assist the industry to comply with the Nitrates Directive comprehensive guidance was issued to all farmers in 2007. In addition, the College of Agriculture Food and Rural Enterprise delivered a series of training workshops and information events for farmers across the north, to support the guidance.

The storage of poultry litter in field heaps before its beneficial use as an organic fertiliser is allowed by the Nitrates Action Programme Regulations until the end of 2008. A joint government and industry working group is currently reviewing the environmental impact of this practice. It will shortly be making recommendations on options for storing and managing poultry litter post 2008.

### Farming and Rural Communities

**Mr Dallat** asked the Minister of Agriculture and Rural Development for her assessment of the effects on farming and rural communities of the Executive not meeting.

(AQO 1131/09)

**The Minister of Agriculture and Rural Development:** I am not aware of any immediate effects on the farming and rural communities. I continue to discharge my responsibilities as Minister of Agriculture and Rural Development, and Executive business may be dealt with by an 'urgent procedure' process.

The North South Ministerial Council meeting in Agriculture Sectoral format which was scheduled for Friday 19 September and the Aquaculture & Marine Sectoral Meeting scheduled for Wednesday 12 November 2008 could not take place due to the postponement of Executive meetings.

There are no other areas of my Department's business that have been affected by the postponement of Executive meetings.

### Milk Production

**Mr Poots** asked the Minister of Agriculture and Rural Development what action she is taking to re-introduce export refunds to aid milk production.

(AQO 1146/09)

**The Minister of Agriculture and Rural Development:** I share the industry's concern about the current weak markets for milk powders and the sharp drop in prices at the October United Dairy Farmers' milk auction. I, therefore, took the opportunity to highlight to Hilary Benn, the Secretary of State for DEFRA, the dependence of our dairy industry on milk powders and to ask him to support the re-introduction of export refunds. I also plan to meet with dairy industry representatives within the next few weeks to discuss the issue.

### Rural Development Programme

**Mr Shannon** asked the Minister of Agriculture and Rural Development when she will announce the Rural Development Fund scheme.

(AQO 1109/09)

**The Minister of Agriculture and Rural Development:** The European Commission approved our EU Rural Development Programme in July 2007 and I announced the approval later that month. The fund is worth in excess of some £500 million.

Since then a number of schemes contained within the RDP have opened with the remainder due to open early next year.

With specific reference to diversification opportunities, a number of measures exist.

Axis 3 provides direct assistance for on farm diversification amounting to around £20 million for the period up until 2013. Currently Councils are receiving animation money to establish locally based strategies with Local Action Groups. Some of these strategies will have a diversification focus and in some areas, funding assistance could be available early in 2009.

Under Axis 1, other measures that provide assistance include, Focus Farms where those thinking of diversifying can visit a Focus Farm and learn at first hand from the experiences of other farmers. In addition the Farm Family Options Measure will assist farmers by providing “mentoring” support and, where applicable, funds for skills training. Once again, both measures should be open for application early next year.

### Black Dot Disease

**Mr McGlone** asked the Minister of Agriculture and Rural Development for her assessment of the threat of black dot disease to potato crops. (AQO 1133/09)

**The Minister of Agriculture and Rural Development:** Agronomic and scientific advice indicates that potato crops in the North of Ireland are at a low risk from the surface blemishing Black Dot disease. In addition, the severe wet weather of August should not have significantly increased the risk of crops becoming infected with this disease.

### Slurry Tanks

**Mrs D Kelly** asked the Minister of Agriculture and Rural Development to detail the proposed timetable for the payment of grant aid in relation to slurry tanks that have been constructed, inspected and passed for payment. (AQO 1163/09)

**The Minister of Agriculture and Rural Development:** The timetable for payment of grant aid under the Farm Nutrient Management Scheme is set by the EU. The scheme closes on 31 December 2008 and all payments must be made by 31 December 2009.

On submitting their claim after work has been fully completed, an applicant can request full payment which is subject to a pre payment inspection. In such cases we endeavour to make the payment within 12 weeks of the date of receipt of a valid claim. Alternatively, the applicant can seek a part payment which, provided all of the information has been received, will be paid within 4 weeks of receipt of the claim. The balance of grant will be paid once an on-farm inspection has confirmed that the work has been completed to the required specification.

### Health Check Negotiations

**Mr Boylan** asked the Minister of Agriculture and Rural Development for an update on the Common Agricultural Policy Health Check negotiations at the October Council in Luxembourg. (AQO 1111/09)

**The Minister of Agriculture and Rural Development:** The meeting of the EU Agricultural Council in Luxembourg saw a series of tri-lateral meetings between the Presidency, the Commission and each Member State to discuss the main outstanding issues on the CAP Health Check negotiations. It is expected that a political agreement will be reached by EU Member States at the November meeting due to commence on 18 November.

I am hopeful that the eventual agreement, while not a fundamental reform, will bring benefits to local farmers. For example, we should see the abolition of set-aside and a reduction in the number of types of Single Farm Payment entitlements, both of which would be welcome simplifications. I also expect that we will achieve a satisfactory outcome on modulation, one that will leave overall modulation rates unchanged for most farmers in the North while avoiding disruption to our existing rural development programme. It is anticipated that more

payments will be decoupled from production, which will move the EU closer to our position of full decoupling and remove competitive distortions. I am also hopeful that we will achieve the means to a soft landing for the dairy industry in the run up to the abolition of milk quotas in 2015.

### **DARD Direct**

**Mr O'Dowd** asked the Minister of Agriculture and Rural Development how she intends to take forward the DARD Direct proposals. (AQO 1123/09)

**The Minister of Agriculture and Rural Development:** A report detailing findings and recommendations from the Equality Impact Assessment consultation, which includes a proposal to progress a 12 office model rather than a 10 office model, has been forwarded to the Agriculture & Rural Development Committee and the staff union (NIPSA) for their views. The revised proposal has also been resubmitted to the Department of Finance and Personnel for their views. This is a requirement of the Green Book on economic appraisal which requires the Department to consult with the Department of Finance and Personnel to ensure that any proposed changes do not alter their view of the project. After I have considered these responses, I will announce my decision on the number and location of DARD Direct offices.

Following this, my Department will liaise with the Department of Finance and Personnel to identify alternative premises where required and initiate the procurement process for upgrading existing premises that can be adapted to meet the DARD Direct office specification.

In the meantime DARD staff in 5 offices are already adopting the DARD management processes to ensure that the improvement in the quality of service delivery can be experienced by farmers and farm families at the earliest opportunity in the roll out of DARD Direct.

## **CULTURE, ARTS AND LEISURE**

### **Irish Language**

**Mr McKay** asked the Minister of Culture, Arts and Leisure to detail what his Department has done to promote the Irish Language, since he came into office. (AQW 2067/09)

**The Minister of Culture, Arts and Leisure (Mr G Campbell):** Since my appointment as Minister of Culture, Arts and Leisure on 9 June 2008 I have progressed work within my department on a regional language strategy to meet the needs of both Irish and Ulster Scots. I expect to present a paper to the Executive on this matter in due course.

On 4 July 2008 I attended a North South Ministerial Council, North/South Language Sectoral format meeting at which the Foras na Gaeilge 2008 budget and Business Plan and Corporate Plan for 2008-2010 were approved. At the meeting Ministers approved the transfer of the staff, functions and funding of Colmcille to Foras na Gaeilge and Bórd na Gáidhlig to take forward its aims and objectives.

I have also met various Irish Language lobby groups including, representatives from POBAL and Sinn Féin, to discuss Irish language issues.

Following on from the £12million funding which the Department provided under Direct Rule to establish the Irish Language Broadcast Fund, (ILBF); in July 2008 the Secretary of State for Northern Ireland, Shaun Woodward, announced additional funding of £6million to the ILBF for the remaining two years of the Comprehensive Spending Review.

### **Northern Ireland Events Company**

**Lord Browne** asked the Minister of Culture, Arts and Leisure what the proposed winding up date is for the Northern Ireland Events Company. (AQW 2368/09)

**The Minister of Culture, Arts and Leisure:** Investigations carried out by KPMG, on behalf of the Department, into how the financial deficit at the Northern Ireland Events Company arose were completed in April 2008. The former Minister made a statement to the Assembly on 3rd June 2008 on the findings of KPMG Report.

These investigations have raised serious questions in relation to how the affairs of the Company were conducted. The report into these investigations contains matters of a sensitive legal and financial nature which will be subject to a Company Inspection by the Department of Enterprise, Trade and Investment which is appointing inspectors. Formal winding up of the Company will depend on these investigations.

I am unable, at this time, to state when these further investigations will be completed.

## 2012 Olympic and Paralympic Games

**Lord Browne** asked the Minister of Culture, Arts and Leisure to detail his plans of representation to the Secretary of State for Culture, Media and Sport, to ensure that the full name of Great Britain and Northern Ireland will be recognised and used by the media and in all promotions, across the United Kingdom, for the London 2012 Olympic and Paralympic Games. (AQW 2371/09)

**The Minister of Culture, Arts and Leisure:** The British Olympic Association (BOA) is responsible for ensuring that the full name of Great Britain and Northern Ireland will be recognised and used by the media and in all promotions across the United Kingdom, for the London 2012 Olympic and Paralympic Games. I recently wrote to Gerry Sutcliffe MP, Minister for Sport at the Department of Culture, Media and Sport, requesting him to draw the BOA's attention to the issue and to ask the Association to give consideration to a suitable re-titling in the run up to the London 2012 Games.

## Girona Exhibition

**Rev Dr Robert Coulter** asked the Minister of Culture, Arts and Leisure if he would consider transferring the Girona exhibition, formerly displayed in the Ulster Museum, to a purpose-built site in North Antrim, close to where the wreck was found. (AQO 1075/09)

**The Minister of Culture, Arts and Leisure:** One of my Department's goals is to enable the widest possible audience to experience and appreciate our cultural assets along with the development and delivery of quality cultural products and services.

In respect if the Girona collection, over many years this has been one of the Ulster Museum most prominent displays. When the refurbished Ulster Museum opens in the summer of 2009 the Girona collection will feature prominently as a permanent display in the new state of the art National Museum.

National Museums Northern Ireland are totally committed to increasing access to and engagement with their collections and also increasing opportunities for learning and partnership. To this end National Museums Northern Ireland runs an active loans programme and will give serious consideration to requests for loans on an individual basis.

## Delayed Legislation

**Mr Beggs** asked the Minister of Culture, Arts and Leisure what legislation from his Department has been delayed by the failure of the Executive to meet since June 2008. (AQO 1205/09)

**The Minister of Culture, Arts and Leisure:** I am sure that I speak for the vast majority of people in Northern Ireland when I say how disappointing it is that the Executive has not met for almost six months, particularly given the current economic climate.

Members will be aware that my Department recently completed a major piece of legislation which will enable the establishment of a new Library Authority to deliver a public library service for Northern Ireland.

While I do not have any legislative proposals which have been delayed due to the Executive not meeting since June 2008, Members are asked to note that I have published a consultation exercise seeking views on proposals



to bring existing rules and charges up to date which will take into account new procedures and technological achievements in the Public Record Office of Northern Ireland.

In addition to this, over the coming months, my Department will be preparing subordinate legislation arising from the Safety of Sports Grounds (Northern Ireland) Order 2006. This Order introduces a mandatory safety certification scheme, similar to that in Great Britain, in relation to the designation of sports grounds and sports stands requiring a safety certificate from their local authority.

There are also a number of matters which I would hope to take forward to the Executive in the near future. These include resolving the outstanding stadium issue which is one of my priorities, launching my 10 year Strategy for Sport and Physical Recreation and the NI Executive composite response to the European Charter for Regional or Minority Languages.

### Events Strategy

**Mrs Hanna** asked the Minister of Culture, Arts and Leisure for an update on the formulation of an events strategy. (AQO 1175/09)

**The Minister of Culture, Arts and Leisure:** Both I, and my colleague responsible for Enterprise, Trade and Investment, recognise the contribution that events and festivals can make towards the achievement of a range of Executive objectives. A diverse range of events are organised across Northern Ireland and it is important that we deliver appropriate support structures to strategically develop Northern Ireland as a destination of choice for major events.

Officials within both Departments have been working to advance the proposed transfer of events funding to the Northern Ireland Tourist Board effective 1st April 2009. The Northern Ireland Tourist Board is committed to working with stakeholders to develop an Events Strategy for Northern Ireland which will place the funding and support for events within a strategic framework for development.

### Executive Meetings

**Mr Attwood** asked the Minister of Culture, Arts and Leisure what Departmental matters, including North-South and East-West issues, have been held up as a result of the failure of the Executive to meet. (AQO 1188/09)

**The Minister of Culture, Arts and Leisure:** I am sure that I speak for the vast majority of people in Northern Ireland when I say how disappointing it is that the Executive has not met for almost six months, particularly given the current economic climate.

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## Loyalist Marching Bands

**Mr I McCrea** asked the Minister of Culture, Arts and Leisure if he will (i) ensure the continued support for the funding streams to Loyalist Marching Bands; and (ii) consider bringing forward the decision making process to allow these bands to make full use of the funding available. (AQO 1082/09)

**The Minister of Culture, Arts and Leisure:** The arms length body with responsibility for arts funding is the Arts Council of Northern Ireland.

- (i) The Arts Council of Northern Ireland currently provides funding to marching bands through two funding streams; the “Musical Instruments for Bands” fund and the lottery funded “Awards for All” programme.

Under these programmes, the Arts Council has made 121 awards over the last three years. As a result over £500,000 has been awarded to marching bands.

Both streams will continue to receive grant applications for the foreseeable future. However, the Awards for All Programme will be replaced by the Arts Council Small Grants Programme from 16 December 2008 to which a range of groups, including marching bands, may apply.

- (ii) The Arts Council has recognised the difficulties caused by the timing of the Musical Instruments for Bands funding process and intends to bring the process forward next year by 2 months.

## Irish-Language Act

**Mr McFarland** asked the Minister of Culture, Arts and Leisure what discussions his Department has had with officials in Great Britain in relation to an Irish Language Act. (AQO 1204/09)

**The Minister of Culture, Arts and Leisure:** My Department had a number of informal contacts, in late 2006, with officials in the Welsh Assembly, Welsh Language Board, and the then Scottish Executive in relation to the proposed Irish Language Act. The primary purpose of the contact was to obtain information on the running costs of their language schemes. Departmental officials also liaised with officials in the Northern Ireland Office, both in London and Belfast, during the period of Direct Rule.

## Cultural Events

**Ms J McCann** asked the Minister of Culture, Arts and Leisure what discussions he has had with the Minister for Enterprise, Trade and Investment on a joined up approach to the development and growth of local cultural events, to promote them as both a celebration and as tourist attractions. (AQO 1206/09)

**The Minister of Culture, Arts and Leisure:** I am sure my Ministerial colleague in the Department for Enterprise, Trade and Investment, appreciates the contribution that cultural events make towards the achievement of a range of Executive objectives.

Officials from my Department have already met with their counterparts in the Department of Enterprise, Trade and Investment and the Northern Ireland Tourist Board to contribute to the development of a new strategy for tourism. The purpose of this strategy is to identify Departmental initiatives and work programmes which can increase overseas visitors to Northern Ireland and visitor spend.

In addition to this, officials from my Department, the Department of Enterprise Trade and Investment and the Tourist Board are also working in partnership to progress the proposed transfer of the Events function by April 2009. This will enable the Tourist Board to more effectively support organisers to develop their events to showcase our unique selling points and promote the best of what Northern Ireland has to offer at home and abroad.

## 2012 Olympic Games

**Mr Savage** asked the Minister of Culture, Arts and Leisure to detail the impact of the failure of the Executive to meet on Northern Ireland’s involvement in the 2012 Olympics. (AQO 1208/09)

**The Minister of Culture, Arts and Leisure:** The failure of the Executive to meet has had no impact at this stage on the delivery of the Northern Ireland Strategy for the 2012 Olympic Games and Paralympic Games. However, failure of the Executive to meet over the longer term may impact on the successful delivery of the

Northern Ireland Strategy due to the cross-cutting nature over other Northern Ireland Civil Service Departments and their respective public bodies.

### Ulster-Scots and Irish-Language Organisations

**Mr Moutray** asked the Minister of Culture, Arts and Leisure what action his Department is taking to achieve equality in funding between Ulster-Scots and Irish language organisations. (AQO 1182/09)

**The Minister of Culture, Arts and Leisure:** Since 2000 the funding awarded by my Department to the Irish language is in the region of £40.5m. In the same period Ulster Scots heritage, culture and language has been awarded in the region of £12.9m.

On 28 June 2005 the then Minister David Hanson announced £12m for an independent Ulster-Scots Academy. This element is not included in the above headline figures as to date only £1.05m has been allocated leaving a balance of £10.95m to be awarded.

My Department is now working closely with the Ulster-Scots community to identify their priorities and the framework the community will require to develop and enhance its heritage, culture and language.

I am committed to ensuring that Irish and Ulster-Scots are given equal recognition and respect and I will give the direction and leadership required to make that happen.

### World Rally Championship

**Mr Shannon** asked the Minister of Culture, Arts and Leisure if the level of public funding being allocated to Rally Ireland in support of the 2009 World Rally Championship (WRC) Rally will be affected by the recent media speculation that the WRC launch at Stormont is in jeopardy. (AQO 1202/09)

**The Minister of Culture, Arts and Leisure:** The organisers of Rally Ireland, WRC Promotions Ltd, have advised my Department that the Launch of the World Rally Championship will not now take place at Stormont. However the Ceremonial Start of the Rally on the 29th January 2009 will take place in Enniskillen as planned.

I am particularly pleased that a region west of the Bann is to benefit from this prestigious rally championship. Just as last year at Stormont, the location will be a big attraction for international broadcasters and provide spectacular TV pictures to audiences all over the world. Hopefully that TV coverage will in turn produce lasting benefits to the area, particularly in terms of tourism."

My Department has committed £950k to support the WRC Launch and Rally Ireland. The Letter of Offer, agreed with WRC Promotions Ltd, contains provisions for my Department to revise the budget where there have been material changes to the event specification.

## EDUCATION

### Education Issues: North Antrim

**Mr McKay** asked the Minister of Education to detail the (i) educationalists; (ii) interest groups; (iii) individuals; and (iv) political parties, with whom she has consulted on education issues, in the North Antrim constituency, since taking up office. (AQW 1985/09)

**The Minister of Education (Ms C Ruane):** Liostaítear sa tábla thíos (i) na hoideachasóirí; (ii) na grúpaí agus na daoine leasmhara; agus (iii) na páirtithe polaitíochta, a ndeachaigh mé i gcomhairle leo maidir le ceisteanna oideachais i dtoghcheantar Aontroim Thuaidh, ó chuaigh mé i mbun oifige.

The attached table lists the (i) educationalists; (ii) interest groups and individuals; and (iii) political parties, with whom I have consulted on education issues in the North Antrim constituency, since taking up office.

Date of Contact	Name	Event/Meeting
	<b>Educationalists</b>	
17/10/07	Naiscoil Chain Rí Uladh Ballymena	Visit
17/10/07	St Louis Pre School Group Ballymena	Visit
17/10/07	Kenbaan psg & Earlystart psg Ballymena	Visit
17/10/07	Dunfane School Ballymena	Visit
17/10/07	St Brigids PS Ballymena	Visit
17/10/07	St Colmcilles PS Ballymena	Visit
17/10/07	St John Boscos PS Ballymena	Visit
24/10/07	Leaney PS Ballymoney	Visit
24/10/07	Bunscoil An Chaistil Ballycastle	Visit
25/06/08	Our Lady of Lourdes Ballymoney	Visit
	<b>Interest Groups and Individuals</b>	
17/12/07	Chief Executive/ELB's	Meeting
30/01/08	NEELB Accountability Review	Meeting
19/06/08	Ballymena Learning Event	Schools Community Relation Event
14/10/08	Ballymena Post Primary Principals	Dinner
17/10/08	ELB's/ Annual Conference	Conference
31/07/07,10/10/07,15/11/07, 16/01/08, 09/04/08, 25/06/08,17/09/08	RPA Chairpersons Forum	Meetings on RPA
14/05/07	ELB Chairs	Meeting
15/05/07	ELB/Chief Executives	Meeting
21/06/07	ELB/Chief Executives	Meeting
12/10/07	Assoc. ELB's	Conference
	<b>POLITICAL PARTIES</b>	
14/10/08	Daithi McKay MLA	Meeting
08/11/07	Daithi McKay MLA	Meeting

### School Equipment

**Mr Shannon** asked the Minister of Education why schools (i) have been prevented from purchasing photocopiers; and (ii) are allowed to enter into 5 year contracts with business equipment suppliers, as opposed to the 3 year contracts that were previously used. (AQW 2046/09)

**The Minister of Education:** As public bodies, the Education and Library Boards (Boards) adhere to public procurement policy adopted by the Executive in May 2002 and procurement policy guidelines as issued by the Procurement Board, including the obligation to comply with any relevant EU or other international procurement rules.

In accordance with procurement policy outlined above, the Boards are required to publicly tender for the supply of all goods and services. In this context, the Boards have operated a joint Board contract for the supply of photocopiers, awarded in compliance with EU legislation. The current contract offers a range of machines from four different suppliers available to purchase or rent over either three or five year contract.

Cuirtear mionsonraí an chonartha ar fáil do scoileanna le húsáid nuair a bhíonn gá acu le fótachóipeálai. Mar a tharlaíonn i gcás gach caiteachais phoiblí, glacfar an cinneadh chun conradh trí bliana nó cúig bliana a dhéanamh, bunaithe ar cé acu soláthraí agus fad conartha a thugann an luach is fearr ar airgead.



The details of the contract are made available to schools to use when they have a need for a photocopier. As with all public spending the decision to enter into a three or five year contract will be taken on the basis of which supplier and contract duration offers best value for money.

### Irish Colleges

**Mr McKay** asked the Minister of Education (i) what contact her Department has had with the Republic of Ireland Government on its plans to cut the annual teaching grant for Irish colleges; and (ii) what effect this will have on the students attending the Gaeltacht. (AQW 2068/09)

**The Minister of Education:** Ní raibh aon teagmháil ag mo Roinn le hionadaithe sa Rialtas i ndeisceart na hÉireann i dtaca leis an cheist seo.

My Department has had no contact with counterparts in the South of Ireland on this matter. It is not yet known what effect, if any, this will have on students undertaking study visits to the Gaeltacht. I will however be meeting my counterpart Batt O'Keefe in the near future and will certainly raise your concerns.

### Teacher Training

**Mr Storey** asked the Minister of Education to detail her Department's policy on the delivery of continuing professional development training for teachers, to enable them to effectively support children with speech, language and communication needs. (AQW 2125/09)

**The Minister of Education:** The provision of continuing professional development for teachers is the responsibility of the Education and Library Boards (ELBs) through their respective Curriculum Advisory Support Service (CASS). All ELBs undertake, on an annual basis, a needs analysis of the training required by schools in the forthcoming academic year. School principals are responsible for determining the training needs of their teachers and they can avail of the wide range of courses on all aspects of special educational needs offered by Boards.

Bionn rochtain ar fhorbairt leanúnach ghairmiúil acu siúd atá ag iarraidh díriú ar réimsí mar riachtanais cainte, teanga agus cumarsáide tríd na ELBanna.

Continuing professional development for those wishing to focus on areas such as speech, language and communication needs is, therefore, accessed through the ELBs.

### Special Educational Needs: Funding

**Mr Storey** asked the Minister of Education for her assessment of her Department's spending budget on training staff dealing with children who have speech, language or communication needs. (AQW 2127/09)

**The Minister of Education:** The bulk of funding for special educational needs, including language and communication needs, is not earmarked to the Education and Library Boards (ELBs) and the deployment of the funding is determined by them as part of their annual decisions about the allocation of their block grant.

In recognition of the importance of speech and language in a child's development the Department of Education since 2001, has however been supporting an innovative project in all ELB areas to train teachers and classroom assistants to identify children with speech and language difficulties at an early stage. This is being implemented by collaboration between the ELBs and the relevant Health Trusts and to date approximately £5m has been allocated to the ELBs for this purpose.

Evaluation has shown marked improvement not only in the skills of the teachers, but also in the understanding of the needs of these teachers by speech and language therapists. The children have shown a marked improvement in receptive language, phonological language and expressive language skills, together with improved listening and social skills in group situations.

### Teachers' Pay

**Mr Storey** asked the Minister of Education why teachers with Teaching and Learning responsibilities are paid less than their counterparts in the rest of the United Kingdom. (AQW 2131/09)

**The Minister of Education:** Déantar idirbheartaíochtaí ar luach saothair agus ar théarmaí agus coinníolacha seirbhíse do mhúinteoirí i scoileanna deontaschúnta i dtuaisceart na hÉireann tríd an Choiste um Thuarastail agus um Choinníolacha Seirbhíse Mhúinteoirí (TNC), ar a mbíonn ionadaithe d'fhostóirí múinteoirí, de cheardchumainn múinteoirí agus den Roinn.

Negotiations on the remuneration and terms and conditions of service of teachers in grant-aided schools in the north of Ireland are conducted via the Teachers' Salaries and Conditions of Service Committee (TNC), which is representative of the teacher employers, teacher unions and the Department. In 2006 a system of higher value Teaching and Learning Responsibility (TLR) payments was introduced in England and Wales to replace existing Management Allowances. Recognising that, in the absence of additional resources, the introduction of TLRs here would result in a reduction in the number of teachers holding an allowance, the TNC decided to introduce an alternative system of lower value Teaching Allowances in order to protect the salaries of existing allowance holders.

This decision was consistent with established practice in local negotiations. While teachers' pay scales have the same values here as in England and Wales, there are some grades and allowances which TNC has decided not to adopt and some which have been adopted only after adjustment to the local context.

### Home-Start

**Mr McNarry** asked the Minister of Education what amount of funding is Sure-Start committing to Home Start in the next two financial years commencing April 2009. (AQW 2145/09)

**The Minister of Education:** Tá sé le tuiscint faoi láthair gurbh iad na méideanna molta cistithe do Home Start, mar a sholáthraítear tríd an chlár Sure Start, ná £282,625 sa bhliain 2009/10 agus £289,549 sa bhliain 2010/11.

Current indications are that the proposed amount of funding for Home Start, delivered through the Sure Start programme, amounts to £282,625 in 2009/10 and £289,549 in 2010/11.

### Teachers of Children with Epilepsy: Training

**Mr Durkan** asked the Minister of Education what training is provided to teachers of children who suffer from epilepsy. (AQW 2148/09)

**The Minister of Education:** Tá curtha in iúl ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlainne (ELBanna) dom gurb iad na hLontaobhais Sheirbhísí Sláinte agus Sóisialta a sholáthraíonn oiliúint do mhúinteoirí a bhíonn ag teagasc páistí a bhfuil titimeas orthu.

I have been advised by the Chief Executives of the Education and Library Boards (ELBs) that training for teachers of children with epilepsy is provided by Health and Social Services Trusts. In a special school for example where a number of children may have been diagnosed with epilepsy, training can be arranged for groups of staff whereas in mainstream schools the training may be provided to individual teachers and classroom assistants. I have also been assured that training provided will always be in line with a pupil's healthcare plan and be subject to on-going review.

In addition an inter-departmental working group, established between the Departments of Education and Health and Social Services and Public Safety published guidance entitled "Supporting Pupils with Medication Needs" in early 2008. This guidance was issued to all schools in the summer term of the 2007/08 academic year. On foot of this, the Department of Education has provided funding to the ELBs to provide training to principals of all schools over the course of the 2008-2009 academic year in meeting the needs of all pupils with medical needs including those with a diagnosis of epilepsy.

### Derryboye Primary School

**Mr Hamilton** asked the Minister of Education for an update on the provision of a new car park at Derryboye Primary School. (AQW 2166/09)

**The Minister of Education:** Tá curtha in iúl ag Príomhfheidhmeannach Bhord Oideachais agus Leabharlainne an Oirdheiscirt dom gur lorg an Bord tairiscintí ar an obair ag Derryboye Primary School ar 7 Samhain agus is é an dáta fillte do thairiscintí ná 19 Samhain.

I have been advised by the Chief Executive of the South Eastern Education and Library Board that the Board sought tenders for the work at Derryboye Primary School on 7 November and the tender return date is 19 November. The contract will be awarded after the subsequent Commissioners meeting on 26 November and the work should be carried out shortly thereafter.

### Donaghadee High School

**Mr Easton** asked the Minister of Education if all the pupils affected by the closure of Donaghadee High School will get free public transport to any new school they attend, in the Bangor or Newtownards area. (AQW 2191/09)

**The Minister of Education:** Druidfear Donaghadee High School ar 31ú Lúnasa 2009.

Donaghadee High School is due to close on 31st August 2009. Following this closure pupils currently enrolled at the school or those who had previously bypassed Donaghadee High School as their nearest suitable school to attend another school, can reapply for transport assistance and will be reassessed in accordance with Department of Education Circular 1996/41. Transport is normally provided where a pupil enrolls at a school which is more than three miles distance from their home and they have either been unsuccessful in gaining a place at all the suitable secondary schools within that three mile limit or where no such suitable school exists.

### Public Sector Jobs: Location

**Mr Durkan** asked the Minister of Education to set out her Department's plans to decentralise Departmental employment and operations of its agencies to locations outside Belfast and Bangor. (AQW 2200/09)

**The Minister of Education:** Níl aon phleananna ann faoi láthair. Tá na poist san earnáil oideachais scaipthe go forleathan ar fud an tuaiscirt cheana féin, agus táthar ag dréim leis go gcuirfidh bunú an Údaráis um Oideachas agus Scileanna leis an "lorg" dáilte seo.

There are no current plans. Jobs in education are already widely dispersed across the north, and it is anticipated that the creation of the Education and Skills Authority will build on this distributed "footprint". It is envisaged that ESA will have a relatively small headquarters and other main functions situated at a range of locations, making use of existing accommodation. Decisions on these issues will be a matter for the Executive in due course, in line with its general policy on the location of public sector jobs, in line with equality, and taking account of any recommendations in the Bain report agreed by the Executive.

### Academy Primary School, Saintfield

**Mrs I Robinson** asked the Minister of Education, pursuant to her answer to AQW 1973/09, what action she has taken to assess the capital scheme that has been proposed for Academy Primary School in Saintfield. (AQW 2204/09)

**The Minister of Education:** Tá an Roinn ag déanamh measúnaithe ar thogra Academy Primary School, ag úsáid an eolais atá ar fáil faoi staid agus oiriúnacht an fhoirgnimh agus ag úsáid eolais ar fhoráil oideachais sa cheantar agus ar an éileamh réamh-mheasta do dhaltaí.

The department is assessing the proposal for Academy Primary School utilising available information about the condition and suitability of the building as well as information on the provision in the area and projected pupil demand. This information is necessary to establish the need for a scheme, and to inform work for an economic appraisal. Once the assessment is completed the department will be in touch with the Board on the next steps.

## Suspension or Expulsion of Children

**Mr Burns** asked the Minister of Education to detail the (i) number; and (ii) reasons, for the suspension or expulsion of children, five years or younger from any educational institution, in each of the last five years.

(AQW 2221/09)

**The Minister of Education:** Tá an t-eolas a iarradh leagtha amach sa tábla seo a leanas:

The information requested is set out in the following table:

**NO. OF SUSPENSIONS<sup>1</sup> AMONG PUPILS AGED 5 YEARS OR YOUNGER<sup>2</sup>, 2002/03-2006/07**

Reason for suspension	2002/03	2003/04	2004/05	2005/06	2006/07
Substance abuse	0	0	0	0	0
Alcohol abuse	0	0	0	0	0
Bullying of a pupil	0	*	0	0	*
Verbal abuse of a pupil	0	0	*	0	0
Physical attack on a pupil	*	5	15	6	*
Disruptive Behaviour in class	25	*	*	*	5
Persistent Infringement of school rules	*	*	0	0	0
Significant damage to property	0	0	0	0	0
Stealing	0	0	0	0	0
Verbal abuse of staff	*	*	0	*	*
Physical attack on staff	7	6	9	8	16
<b>Total</b>	<b>41</b>	<b>21</b>	<b>27</b>	<b>17</b>	<b>25</b>

**Notes:**

1. The figures are based on the number of suspensions rather than the number of pupils suspended. Number of pupils is likely to be lower.
  2. Pupil age as at 1 July.
- \* denotes figure less than 5.

One pupil in Key Stage 1 was expelled in the 2004/05 school year. We have no record of any child in Key Stage 1 being expelled prior to, or since then. Due to data protection and confidentiality, it would be inappropriate for me to provide any further details with regard to that case.

## Donaghadee High School

**Mr Shannon** asked the Minister of Education if she would consider using Donaghadee High School as a centre for employment skills training.

(AQW 2239/09)

**The Minister of Education:** Nuair a dhruidfear Donaghadee High School déanfaidh Bord Oideachais agus Leabharlainne an Oirdheiscirt breithniú ar mhalairt úsáide na scoile sa chéad dul síos.

Once Donaghadee High School closes it will be a matter for the South Eastern Education and Library Board to consider alternative usage of the school in the first instance.

A range of employment and skills training is already available in North Down and Strangford. Provision offered under the auspices of the Department for Employment and Learning (DEL) is contracted out to providers, who are responsible for sourcing their own premises. Likewise, it is the responsibility of the South Eastern Regional College to identify which premises in a given location might be suitable for use as an 'outreach' centre for community based education. The College delivers a range of vocational and non-vocational part-time courses throughout the area.



### Playboard After School Activities

**Mr Easton** asked the Minister of Education what plans she has to fund Playboard after school activities.

(AQW 2240/09)

**The Minister of Education:** Aistríodh freagracht as beartas ar Luathbhlianta chuig mo Roinn i mí na Samhna 2006 ach is é DHSSPS atá fós freagrach as beartas agus as maoiniú maidir le tionscadail iarscoile a riarann Playboard.

Early Years policy transferred to my Department in November 2006 however policy and funding for the after school projects administered by Playboard remained with DHSSPS. I have no plans to fund Playboard after school activities.

### Post-Primary Transfer: Dickson Plan

**Mr Moutray** asked the Minister of Education, pursuant to her answer to AQW 1707/09, if there is no agreement on post primary transfer, to confirm that guidance issued to schools in the Dickson Plan for Education area would be legally binding.

(AQW 2259/09)

**The Minister of Education:** Tá an seasamh i leith scoileanna laistigh de limistéar an Dickson Plan mar an gcéanna leis an seasamh i leith gach scoile eile.

The position pertaining to schools within the Dickson Plan area is the same as that for all other schools.

For schools to have to “have regard to” the Department’s guidance means that they cannot disregard it. It means that the guidance is an important document for them to consider in developing their admissions criteria and in performing their role within the admissions process.

If a Board of Governors does not comply with its duty to “have regard to” guidance issued by the Department under Article 16B of the Education Order 1997 (as amended by Article 30 of the Education Order 2006), the Department can consider issuing a direction under Article 101 of the 1986 Order directing them to do so.

If a Board of Governors does comply with its duty to “have regard to” this guidance then it will be lawful for that Board of Governors to use admissions criteria not otherwise prohibited in law.

### Post-Primary Transfer: Dickson Plan

**Mr Moutray** asked the Minister of Education, in the event of no agreement on post primary transfer, if guidance issued to schools in the Dickson Plan for Education area, or the requirement of schools to ‘have regard’ to those guidelines, would legally prevent these schools from operating transfer criteria with an academic element.

(AQW 2260/09)

**The Minister of Education:** Tá an seasamh i leith scoileanna laistigh de limistéar an Dickson Plan mar an gcéanna leis an seasamh i leith gach scoile eile.

The position pertaining to schools within the Dickson Plan area is the same as that for all other schools.

For schools to have to “have regard to” the Department’s guidance means that they cannot disregard it. It means that the guidance is an important document for them to consider in developing their admissions criteria and in performing their role within the admissions process.

If a Board of Governors does not comply with its duty to “have regard to” guidance issued by the Department under Article 16B of the Education Order 1997 (as amended by Article 30 of the Education Order 2006), the Department can consider issuing a direction under Article 101 of the 1986 Order directing them to do so.

If a Board of Governors does comply with its duty to “have regard to” this guidance then it will be lawful for that Board of Governors to use admissions criteria not otherwise prohibited in law.

### Bullying of Pupils

**Mr Simpson** asked the Minister of Education to detail the work done by her Department in the last year to combat bullying of pupils (i) travelling to and from school; and (ii) attending school.

(AQW 2313/09)

**The Minister of Education:** Tá bulaíocht inár seomraí ranga agus inár sochaí doghlaclach. Ní féidir leis an Roinn an mhórchéist seo a réiteach léi féin, agus tá sí ag obair i gcomhar le heagraíochtaí reachtúla agus deonacha trína ballraíocht den Fhóram áitiúil Frith-Bhulaíochta agus trí mhaoiniú a thabhairt dó.

Bullying is unacceptable in our classrooms and in our society. The Department cannot solve this issue alone, and therefore continues to work in close partnership with statutory and voluntary organisations through its membership and funding of the local Anti-Bullying Forum. It is also a member of the British and Irish Anti-Bullying Forum and I had the pleasure of attending its meeting in September this year.

The local Anti-Bullying Forum plans and co-ordinates Anti-Bullying Week each year, in partnership with schools and a wide range of other agencies, to raise awareness of bullying and the effects on children and young people. This year, Anti-Bullying Week took place from 17th – 21st November and I am delighted that Translink provided support by advertising anti-bullying messages at rail and bus stations. I hope this support and partnership will continue over the coming year.

Pupil behaviour is a matter for schools. All grant-aided schools are required, by law, to have measures in place to promote good pupil behaviour as part of their discipline policy. The Department has issued guidance to schools on this; however, it is for each school to decide, taking account of its own ethos and circumstances, what behaviours and situations will be covered by its discipline policy.

When developing a policy, a school community must decide on its position in respect of pupil behaviour off site and out of school hours, for example while travelling to and from school. The school's position should be clearly set out in the discipline policy and the entire school community, including pupils, parents and staff, should be fully aware of it and its implications.

### **Mental-Health Problems: Young People**

**Mr McCartney** asked the Minister of Education to detail the provisions available to provide education programmes that contribute to addressing mental health problems affecting young people. (AQW 2324/09)

**The Minister of Education:** Faoi reactaíocht oideachais speisialta déantar soláthar oideachais speisialta a oiriúnú do riachtanais indibhidiúla gach páiste. Sa chás go n-éiríonn riachtanais oideachas speisialta an pháiste as fadhb sláinte meabhrach, diríonn scoileanna agus Boird Oideachais agus Leabharlainne ar na riachtanais sin tríd an ghnáthchreat um riachtanais speisialta oideachais.

Under special education legislation all special educational provision is matched to the individual needs of each child. Where a child's special educational needs arises as a result of a mental health problem, schools and Education and Library Boards meet those needs through the normal special educational needs framework. All Boards operate outreach support services for pupils in mainstream schools who may have a range of difficulties such as behavioural problems.

The Department of Education (DE) and the South Eastern Education and Library Board (SEELB) are developing, in partnership with the Belfast Health and Social Care Trust, a new purpose-built Regional Child and Adolescent Psychiatric Centre, which will include a Learning Resource Centre, on the Forster Green site in Belfast. This will bring together the Adolescent Psychiatric Unit and the Child and Family Centre and the aim of the new regional centre will be to ensure that provision made for children and young people will be the most appropriate support from both health and education services.

In response to a 2004 report of the Education and Training Inspectorate, DE and SEELB produced a new flexible educational model, to replace the provision in the former Lindsay School on the Forster Green Site, for in-patients of the Adolescent Psychiatric Unit and the Child and Family Centre who have significant medical, social, emotional and behavioural needs. In 2007/08 DE earmarked funding of £268k to the SEELB for this new model, which commenced in September 2007 and which will continue to be delivered in the purpose built Regional Child and Adolescent Psychiatric Centre when it opens. This earmarked allocation rose to £ 444k in the 2008/09 financial year. As an interim measure, DE also allocated an additional £55k in 2006/07 for the smooth transition of the education provision for adolescents with mental ill health when the Adolescent Psychiatry Unit moved from College Gardens, Belfast, to Knockbracken Healthcare Park.

To contribute to the promotion of pupils' emotional health and wellbeing, counselling support, independent of the school, has also been available from September 2007 to all post primary schools which wish to use it.

All post primary schools can access a minimum amount of counselling support which meets best practice standards in terms of counsellor qualifications and professional supervision. Young people are able to self refer to this service or may be referred by the school or a parent.

Schools report that the availability of the counselling service has been a major boost to their capacity to support young people during difficult and vulnerable periods in their lives.

### Schools in Lagan Valley

**Mr Craig** asked the Minister of Education to detail for all schools in the Lagan Valley constituency (i) the work that needs to be undertaken; (ii) the date for this work; and (iii) potential costs, to replace asbestos structures. (AQW 2328/09)

**The Minister of Education:** The Southern and the South Eastern Education and Library Boards, which have responsibility for the maintenance of controlled and maintained schools in the Lagan Valley constituency, have advised that they do not have plans to remove asbestos structures in schools. Any asbestos containing materials are being managed in situ. The potential cost of removal works in the constituency is estimated at £169K.

Voluntary Grammar and Grant Maintained Integrated schools in the Lagan Valley constituency have also advised that they do not have plans to remove asbestos structures.

Nuair nach meastar baint na haispeiste a bheith riachtanach, bíonn Boird agus údaráis eile scoile freagrach as an aispeist a bhainistiú ar bhealach sábháilte.

Where it is not considered necessary to remove asbestos, Boards and other school authorities are responsible for managing it safely.

### Rathmore Primary School

**Mr Weir** asked the Minister of Education what plans there are for a new build for Rathmore Primary School in Bangor. (AQW 2355/09)

**The Minister of Education:** Tá curtha in iúl ag Bord Oideachais agus Leabharlainne an Oirdheiscirt nach bhfuil aon phleananna ann faoi láthair foirgneamh nua a thógáil do Rathmore Primary School.

The South Eastern Education and Library Board has advised that there are currently no plans for a new build for Rathmore Primary School.

### School Closures and Amalgamations

**Mr Poots** asked the Minister of Education how many schools have been (i) closed; and (ii) amalgamated, over the last 5 years, broken down by sector. (AQW 2363/09)

**The Minister of Education:** A total of 41 schools closed in the 5-year period 2003/04 – 2007/08 and 13 amalgamations have taken place involving 2 or more schools. The information, by sector, is as follows:

Controlled (including controlled integrated) – 31 closures and 6 amalgamations involving a total of 13 schools.

Catholic maintained – 9 closures and 7 amalgamations involving 14 schools.

Irish-medium – 1 closure

Ní raibh aon druidim scoile ná cónascadh scoile ann i rith na tréimhse seo in earnáil na scoileanna deonacha gramadaí nó in earnáil na scoileanna imeasctha faoi chothabháil stáit.

There have been no closures or amalgamations during this period in the voluntary grammar or grant-maintained integrated sectors.

### Preschool Provision

**Mr Irwin** asked the Minister of Education to detail the pre-school provision available to parents in the (i) Loughgall; and (ii) Annaghmore, areas of Co Armagh. (AQW 2375/09)

**The Minister of Education:** There are 29 funded preschool places in the Electoral Ward area of Loughgall. Of these 29 places, 18 are in the voluntary/private sector and 11 in reception classes in statutory primary schools.

Áirítear air seo Eanach Mór, atá suite i limistéar thoghbhorda Loch gCál.

This includes Annaghmore, which lies within the Loughgall electoral ward area.

### Special Educational Needs Schools

**Miss McIlveen** asked the Minister of Education what plans she has to permit special educational needs schools to apply for specialist schools status. (AQW 2429/09)

**The Minister of Education:** Tá mo Roinn ag obair le roinnt Scoileanna Speisialta a léirigh suim i stádas Scoile Speisialta roimhe seo.

My Department has been working with a number of Special Schools who have previously expressed an interest in Specialist School status. A Specialist Schools Group comprising representatives from these schools has been commissioned to explore how the Special sector can be included in the programme here.

The group will produce a report in January 2009 with recommendations for a specific SEN model to be developed for next cohort.

### Class Size Limit

**Mr K Robinson** asked the Minister of Education the number of (i) Key Stage One and (ii) Key Stage Two classes, that exceed her Department's recommended class size limit, broken down by each Education and Library Board. (AQW 2448/09)

**The Minister of Education:** Is í an teorainn mhéide atá molta do ranganna a bhaineann le Eochairchéim 1 ná 30 dálta. Níl aon teorainn mhéide molta do ranganna a bhaineann le Eochairchéim 2.

The recommended class size limit for Key Stage One is 30 pupils. There is no set recommended limit for Key Stage Two.

#### NUMBER OF KEY STAGE ONE CLASSES WITH MORE THAN 30 PUPILS, BY EDUCATION AND LIBRARY BOARD – 2007/08

ELB	No. of classes
BELB	13
WELB	21
NEELB	29
SEELB	26
SELB	26
<b>Total</b>	<b>115</b>

**Source:** Annual school census

**Note:**

1. Key Stage One includes primary years 1 – 4.
2. Classes may be composite or non-composite.
3. Composite classes with pupils in Key stage 1 and 2 have not been included.



### Pupil:Teacher Ratio

**Mr K Robinson** asked the Minister of Education to detail the pupil to teacher ratio in (i) controlled primary, (ii) maintained primary, (iii) integrated primary and (iv) irish medium primary schools. (AQW 2449/09)

**The Minister of Education:** Tá an t-eolas a iarradh mionsonraithe sa tábla seo thíos.

The information requested is detailed in the table below.

#### PRIMARY<sup>1</sup> PUPIL: TEACHER RATIOS, 2007/08

Sector	PTR
Controlled primary <sup>2</sup>	20.7
Maintained primary <sup>3</sup>	20.9
Integrated primary <sup>4</sup>	20.0
Irish Medium primary	16.9

1. Primary includes preparatory departments of grammar schools.
2. Controlled primary includes all controlled primary schools except one controlled Irish medium school.
3. Maintained primary includes all Catholic maintained schools except one maintained Irish medium school.
4. Integrated primary includes both controlled integrated and grant maintained integrated.

### Education and Skills Authority

**Mrs I Robinson** asked the Minister of Education to detail (i) the names and positions of all those appointed to the Education and Skills Authority (ESA); (ii) the date on which they were respectively appointed ; (iii) the salary each was awarded on their appointment; (iv) the amount of money that has been ring fenced for the payment of redundancies for administrative personnel when the ESA takes over the responsibilities of the Education and Library Boards; (v) the date on which the ESA will assume the responsibilities of the Education and Library Boards; and (vi) the total amount paid in salaries to ESA staff to date. (AQW 2494/09)

**The Minister of Education:** Níl an ESA bunaithe sa dlí go fóill agus is é an t-aon cheapaí ná Gavin Boyd mar Phríomhfheidhmeannach (Ainmnithe), a ceapadh ar 1 Feabhra 2007 le tuarastal de £145,000 - £150,000. Go dtí seo, is é an méid iomlán a caitheadh ar thuarastail na mball foirne san ESA ná £262,500 (comhlán).

ESA has not yet been established in law and the only appointee is Gavin Boyd as Chief Executive (Designate), appointed on 1 February 2007 on a salary of £145,000 - £150,000. To date, the total amount paid in salaries to ESA staff is £262,500 (gross).

To facilitate the change process, around £50 million has been earmarked and it is expected that the bulk of these funds will be used for voluntary severance. The precise amount spent on voluntary severance will depend on the number of staff expressing an interest.

It is intended that ESA will be established from 1 January 2010, although this is subject to the legislative timeframe.

### Oversubscribed Schools: East Antrim

**Mr K Robinson** asked the Minister of Education to detail the (i) nursery; (ii) primary; and (iii) post-primary schools, that are oversubscribed in the East Antrim constituency, in the academic year 2008-09. (AQW 2497/09)

**The Minister of Education:** Tá tugtha le fios dom ag Príomhfheidhmeannach Bhord Oideachais agus Leabharlainne an Oirthuaiscirt gurb iad seo a leanas (i) na náiscoilleana; (ii) na bunscoilleana; agus (iii) na hiarbhunscoilleana, a bhfuil suibscríobh iomarcach orthu i dtoghcheantar Aontroim Thoir, sa bhliain acadúil 2008-09:

I have been advised by the Chief Executive of the North-Eastern Education and Library Board that the (i) nursery; (ii) primary; and (iii) post primary schools, that are over subscribed in the East Antrim constituency, in the academic year 2008-09 are as follows:

<b>(i) Nursery</b>
Acorn Integrated Nursery Unit
Oakfield Nursery Unit
Silverstream Nursery Unit
Sunnylands Nursery School
Victoria Nursery Unit
Whitehead Nursery Unit
Linn Nursery Unit
St Anthony's Nursery School
Ashgrove Nursery School
Ballyhenry Nursery School
Earlyview Nursery Unit
Monkstown Nursery School
Mossgrove Nursery Unit
Mossley Nursery School
Rathcoole Nursery Unit
St James Nursery Unit
Whitehouse Nursery Unit
<b>(ii) Primary</b>
Woodburn Primary School
Eden Primary School
Greenisland Primary School
Whiteabbey Primary School
St Macnissi's Primary School
<b>(iii) Post- Primary</b>
Ulidia Integrated College
Carrickfergus Grammar School
Larne Grammar School
Belfast High School
St Macnissi's College*

\* St Macnissi's College was oversubscribed with grade D applicants however the College applied to the Department for, and was granted, special permission not to admit applicants that had attained a grade D in the Transfer Tests. This procedure is permitted under article 14(3) of the 1997 Education Order.

### Performance Review Reports: Department of Education

**Mr Simpson** asked the Minister of Education how many staff in her Department did not achieve an acceptable mark in their annual report, in the last full reporting year. (AQW 2519/09)

**The Minister of Education:** I rith na bliana iomláine tuarascála is déanaí (2007/08), ní bhfuair aon bhall foirne marc míshásúil sa thuarascáil bhliantúil a bhí aige nó aici.

During the last full reporting year (2007/08) no staff received an unacceptable mark in their annual report.

## EMPLOYMENT AND LEARNING

### University Graduates

**Mr Burns** asked the Minister for Employment and Learning, pursuant to his answer to AQW 1579/09, to detail the total number of graduates from universities in Northern Ireland, and (ii) the percentage of this total that are still paying off student loans, since the academic year 1998/99. (AQW 2141/09)

**The Minister for Employment and Learning (Sir Reg Empey):**

- (i) The total number of Northern Ireland domiciled students who have graduated from 1998/99 to 2005/06 (latest year for which repayment data is available) is 128,695.
- (ii) The percentage of this total with outstanding loans to be repaid is 55%.

### South Eastern Regional College

**Mr Hamilton** asked the Minister for Employment and Learning to detail the reasons for his Department's reduced requirement of £1.8 million in capital for the South Eastern Regional College. (AQW 2152/09)

**The Minister for Employment and Learning:** The South Eastern Regional College's capital project has a budget of £18.5m. The expenditure profile was split evenly over financial years 08/09 and 09/10. A requirement for a business case addendum and a delay in obtaining planning permission has resulted in significant slippage to the project programme. This has pushed back the spending profile resulting in this year's anticipated spend not being met and hence the reduced requirement in financial year 08/09.

### South Eastern Regional College

**Mr Easton** asked the Minister for Employment and Learning to detail how many apprentices at the South Eastern Regional College have lost their place with employers, over the last academic year. (AQW 2162/09)

**The Minister for Employment and Learning:** Data collected by the Department in relation to apprentices who have lost their place with employers is included in a broader "early leaver" destination category.

During the year September 2007 to August 2008, 67 apprentices were recorded by the South Eastern Regional College as being an "early leaver" in either of the categories "destination unknown" or "unemployed".

### Recreational Courses in Colleges of Further Education

**Mr Bresland** asked the Minister for Employment and Learning what is the current position in relation to offering concessionary fees to pensioners seeking to participate in recreational courses in Colleges of Further Education. (AQW 2182/09)

**The Minister for Employment and Learning:** Prior to the introduction of the Employment Equality (Age) Regulations (Northern Ireland) 2006 (S.R No 261), on 1 October 2006, it was common practice for Further Education colleges to offer age-based concessionary fees to learners, including senior citizens. However, following the introduction of the Regulations, colleges are no longer able to offer concessionary fees automatically to individuals, including older people, on the basis of age alone.

Colleges continue to offer fee concessions to individuals on a means tested basis – for example, to those in receipt of Income Support, Jobseekers Allowance (Income based), Guaranteed Pension Credit, learners holding an income based NHS Exemption Certificate, those in receipt of Rates Relief or learners on a low income.

However, as incorporated bodies, Further Education colleges are responsible for setting their own fees. It is, therefore, for each individual college to set any fee charges, including concessionary fees, for its full curriculum offer, including recreational courses.

## Apprentices

**Mr Doherty** asked the Minister for Employment and Learning what plans he has to alleviate the financial hardship experienced by apprentices who receive neither the basic minimum wage nor a training allowance.

(AQW 2194/09)

**The Minister for Employment and Learning:** Apprentices must be in waged employment and therefore do not receive a training allowance. Apprentices under the age of 19 years are exempted from the National Minimum Wage regulations. If they begin an apprenticeship at the age of 19 years they are also exempt for the first year.

The Low Pay Commission (LPC) is currently consulting on a review of low pay, including apprenticeships. I have provided information to the LPC as part of this work. Their report is expected in February 2009.

When this report is received I will consider its findings and will then decide how best to proceed on this issue. Should the exemptions under the National Minimum Wage Regulations remain, then one possible action is to consider a minimum wage rate as a condition of the funding for apprenticeship training.

## Literacy and Numeracy Skills

**Mr Doherty** asked the Minister for Employment and Learning to detail (i) the number of adults without basic literacy and numeracy skills; (ii) the percentage this represents of the total adult population; (iii) the number of adults presently enrolled in essential skills courses to improve basic literacy and numeracy skills; and (iv) the steps he intends to take to encourage more adults to enrol in essential skills courses. (AQW 2203/09)

**The Minister for Employment and Learning:**

(i) and (ii)

The Organisation for Economic Co-operation and Development (OECD) International Adult Literacy Survey (IALS) showed that, in 1996, around 24% of the working age population of Northern Ireland (just over 250,000 people based on 1996 estimates of working age population) were operating at the lowest levels of prose literacy. This distribution was similar on the document and quantitative scales. The quantitative scale is used as a proxy measure to assess numeracy. The OECD is currently commissioning an update to the IALS and the Department is actively considering participation in this assessment.

(iii) Over the academic year 2007/08, the provisional data indicates there were 11,635 adults enrolled in Essential Skills courses to improve basic literacy and numeracy skills.

(iv) A challenging new PSA target to support 42,000 adult learners to achieve an Essential Skills qualification, including 4,000 learners in the Essential Skill of ICT, by March 2011 has been set. An objective of the Essential Skills Strategy over the next three years will be to target the most disadvantaged people and to secure greater employer engagement. This will be achieved through working closely with Further Education colleges and their extensive network of out centres, to reach those adults most in need in local communities. In the workplace, there will be increased collaboration with Sector Skills Councils and support for Union Learning Fund projects to help raise the essential skills levels of the current workforce.

A new bespoke NI promotional campaign has been launched which encourages adults to 'get the know how' and presents Essential Skills as the way to get more out of life, either at home or at work.

## Further Education Colleges: Enrolments

**Mrs I Robinson** asked the Minister for Employment and Learning how many people of pensionable age registered for courses at Further Education colleges in each of the last 3 years, broken down by the constituency in which each college is located. (AQW 2205/09)

**The Minister for Employment and Learning:** This information has been placed in the library.

## Higher Education Courses: People Aged 60 and Over

**Dr McDonnell** asked the Minister for Employment and Learning (i) to detail the number of people aged 60 and over who applied for further and higher education courses, in each of the last three years; and (ii) if there has



been a downturn in the enrolment in further and higher education courses by people aged 60 and over, since the withdrawal of the concessionary fee. (AQW 2347/09)

**The Minister for Employment and Learning:** The Department does not capture information on the number of people who apply for further and higher education courses. Regarding (i), the figures provided below detail the number of people aged 60 and over (see Note 1) who enrolled on further and higher education courses in Further Education colleges from 2004/05 to 2006/07, the latest period for which validated full-year data are available.

Academic year	Student Numbers
2004/05	18,615
2005/06	17,564
2006/07	15,419

**Data Source:** Further Education Statistical Record

Regarding (ii), concessionary fees have not been withdrawn. However, the introduction of the Employment Equality (Age) Regulations (Northern Ireland) 2006 (S.R No. 261) in October 2006 has meant that FE colleges are no longer able to offer fees concessions to learners, including to those over 60, on the basis of age alone. FE colleges do continue to offer fee concessions to learners based on a range of means test criteria, for example those in receipt of Income Support, Jobseekers Allowance (income based) and Guaranteed Pension Credit, and those holding an income based NHS Exemption Certificate. Latterly, FE colleges have added to their means test criteria those in receipt of Rates Relief. The Department does not currently have validated full-year data for the academic years following the introduction of the Age Regulations.

**Note:** (1) Age is at 1st July at the beginning of the relevant academic year.

## Apprentices

**Mr Doherty** asked the Minister for Employment and Learning what steps he is taking to assist apprentices in finding suitable employment in light of the current downturn in the construction industry; and if he will consider extending the training allowance to apprentices who are unable to find suitable paid employment. (AQW 2353/09)

**The Minister for Employment and Learning:** The Department has evidence of a total of 420 apprentices at the six FE Colleges having been made redundant, with about 300 of these people working in construction training.

In light of these figures, I made a statement on 11th November 2008 to the Assembly in respect of contingency arrangements that the Department will be introducing to allow apprentices who have been made redundant to continue with their training. These arrangements will be introduced initially for apprentices in the areas of construction, motor vehicle industry, and engineering, where the need for such arrangements is greatest.

I have enclosed a hard copy of my statement for your reference.

## Emigration of Individuals with High Technical Skills

**Dr McDonnell** asked the Minister for Employment and Learning what steps his Department is taking to ensure that there is not a large emigration of individuals with high technical skills or knowledge, seeking to work outside Northern Ireland, due to the lack of opportunity, economic uncertainty and political instability. (AQW 2365/09)

**The Minister for Employment and Learning:** Through its Research Agenda, the Department appointed Dr Bob Osbourne of the University of Ulster and Dr Tony Gallagher of Queen's University, to undertake a study to identify the factors associated with the decision making processes of school pupils in relation to seeking entry to Higher Education. The outcome of their research; "After School: Attitudes & Perceptions of Northern Ireland School Leavers Towards Higher and Further Education, Training and Employment" was published in June 2008.

The report states that 'the accumulation of evidence of this report is that the contemporary situation suggests that determined leavers (those who choose to study outside Northern Ireland) are a more significant group than the reluctant leavers' (those who would prefer to study in Northern Ireland), with the expansion of places at undergraduate level since 2000 helping to reduce the flow of those who feel forced to leave. The suggestion of

the report is that the evidence points towards the bulk of those who leave Northern Ireland are those who want to leave, regardless of what opportunities exist in Northern Ireland at present.

The Department for Employment and Learning has no control over those graduates who then make the decision to leave Northern Ireland to seek work. However the 'C'Mon Over' Campaign strives to highlight the opportunities that are available here in Northern Ireland working with employers to promote Northern Ireland as an attractive place to live and work.

### University Courses

**Dr McDonnell** asked the Minister for Employment and Learning what steps his Department is taking to assure parents and students that university courses are offering value for money. (AQW 2377/09)

**The Minister for Employment and Learning:** Some courses, by their nature, require more contact hours than others. It is a matter for the universities themselves to decide how many contact hours are required and the costs involved in delivering those courses.

It is a requirement of their funding agreement with my Department that Northern Ireland universities, through their Governing Bodies, deliver value for money from public funds. Their management of resources in achieving this is monitored, on behalf of the Department, by the Higher Education Funding Council for England (HEFCE).

My Department also has robust quality assurance arrangements in place for the delivery of higher education. The role of the Quality Assurance Agency for Higher Education (QAA) is to ensure, through its institutional audit process, that Northern Ireland's universities continue to deliver and improve upon the current level of high quality provision.

In addition, the National Student Survey (NSS) gives final-year students in all UK universities the opportunity to provide comprehensive feedback on the quality of their courses. All four Higher Education Institutions in Northern Ireland take part in the survey. Feedback obtained from the NSS on the quality of the courses provided by universities and colleges is published on the Unistats website.

In terms of employability and student debt, findings from the NI Labour Force Survey (April - June 2008) show that the average gross weekly earnings of graduates (£519) working in NI exceeded that of non-graduates (£288) by approximately 80%. On average graduates in NI can earn approximately £12,000 per year more than non-graduates.

In addition, the working age employment rate of graduates working in NI (89%) was considerably higher than that of non-graduates (66%).

### Young Apprentices/Recent Graduates: Retention

**Mr Boylan** asked the Minister for Employment and Learning what procedures his Department has put in place to ensure young professional apprentices and recently graduated students, in the areas of construction engineering, architectural technology and quantity surveying, are retained in Northern Ireland. (AQW 2458/09)

**The Minister for Employment and Learning:** At the end of their periods training and/or study young people are free to remain in Northern Ireland or work and/or study elsewhere. The task of Northern Ireland businesses is to make it clear to potential employees that there are interesting, worthwhile and well paid jobs in Northern Ireland should they chose to remain or return here.

This may be done individually or jointly through their Sector Skills Councils. ConstructionSkills, the relevant SSC, undertakes an extensive range of initiatives that promote the attractiveness of the sector as a career choice and offer opportunities to develop those who take up a career in the sector.

This is complemented by the Department's 'C'Mon Over' campaign which has raised the awareness of employment opportunities in Northern Ireland through the use of Facebook, on-line advertising and a presence at graduate fairs in Scotland, the North of England and Dublin. The majority of those people who were surveyed expressed an interest in the job opportunities available in Northern Ireland and included people originally from Northern Ireland.

Aspects of the campaign target those people who are in their final year of university, who are currently studying outside Northern Ireland, others target those people with more experience who are currently living and working outside Northern Ireland and may include former apprentices.

### Ulster Carpets

**Mr Savage** asked the Minister for Employment and Learning what assistance his Department will provide to the 35 staff at Ulster Carpets who are being made redundant. (AQW 2570/09)

**The Minister for Employment and Learning:** The Department in liaison with Invest NI has contacted Ulster Carpet Mills Ltd. and has offered assistance to those who receive redundancy notices to find alternative employment. The Department, in partnership with the Social Security Agency and other organisations, will be available to provide information and advice on employment opportunities, job search, training and education options including early entry to the Steps to Work Programme, careers guidance and benefits. This assistance will be provided on-site if required.

## ENTERPRISE, TRADE AND INVESTMENT

### Invest NI: Flights

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment to detail the number of first class or business class flights taken by Invest NI staff and Board Members, in each year for which its accounts have been audited, broken down by (i) date, departure and destination of each one-way journey; (ii) the identity of the official travelling; and (iii) the cost incurred on each occasion. (AQW 2006/09)

**The Minister of Enterprise, Trade and Investment (Mrs A Foster):** The relevant period covers six years' audited accounts, the last year being 2007/08.

Overseas travel is part and parcel of Invest NI's normal operating costs, particularly given its remit to attract inward investment and promote overseas trade. While the information requested is contained within Invest NI's accounting records, a major exercise would be required to extract, analyse and review a large number of transactions.

The depth and detail of the information requested is not immediately accessible and could only be obtained at a disproportionate cost. However, Invest NI will extract the relevant information for its Board members and Senior Management team only for the financial years 2006/07 and 2007/08. I will write to the Member when the information is available, and ensure that a copy of the letter is placed in the Assembly Library.

The Department of Enterprise, Trade and Investment, and its Non Departmental Public Bodies, fully adhere to the code of conduct on business travel as defined within the Northern Ireland Civil Service Staff Handbook. This states that, with regard to air fares, reimbursement will only be made in circumstances where a clear business need has been demonstrated in order to justify First or Business Class travel.

### Invest NI: Job Promotion

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment to breakdown by (i) jobs promoted; and (ii) assistance offered by Invest NI, or its predecessors the IDB and LEDU, for (a) foreign investment; and (b) other investment, annually between 1997 and 2008, as a ratio per head of the combined unemployed and economically inactive population, in each parliamentary constituency. (AQW 2007/09)

**The Minister of Enterprise, Trade and Investment:** It is not possible to answer the question in its entirety because the Northern Ireland Labour Force Survey does not provide accurate estimates of the number of persons unemployed and economically inactive at Parliamentary Constituency Area level. This information could only be obtained at disproportionate cost. However comprehensive information is available for 2001 when figures for the unemployed and economically inactive are available from the Census of Population. (See Table 1 overleaf)

In addition, the following tables (tables 2-4) show figures for (i)a, (ii)a and (ii)b from Invest NI and the number of persons claiming unemployment related benefits (the claimant count is the closest approximation available to the unemployed element of the request). The Claimant Count information has been given as annual averages for each of the years from 1997/98 to 2007/08 for each Parliamentary Constituency. Job promotion statistics are not available from Invest NI's locally-owned client base for this time period as requested in (i)b.

The following points should also be noted:

- (a) Areas such as Parliamentary Constituencies are not self-contained labour markets and, as such, an Invest NI project assisted in a particular location has the potential to create benefits across a much wider area;
- (b) Assistance patterns are demand-led by businesses wishing to improve their competitiveness and gain a larger share of international markets, Invest NI therefore has limited scope for 'directing' investment to specific geographic areas; and
- (c) Job creation in itself is not the prime focus of Invest NI activity, which is to contribute to improving manufacturing and private services productivity to make the Northern Ireland economy more competitive and generate wealth and prosperity for all, in line with the Programme for Government.

TABLE 1

Parliamentary Constituency Area	Unemployed and Economically Inactive from Census 2001
Belfast East	14,432
Belfast North	21,931
Belfast South	20,917
Belfast West	26,074
East Antrim	14,839
East Londonderry	19,327
Fermanagh South Tyrone	19,334
Foyle	28,641
Lagan Valley	16,449
Mid Ulster	19,287
Newry & Armagh	23,556
North Antrim	19,097
North Down	14,580
South Antrim	16,743
South Down	20,879
Strangford	16,599
Upper Bann	20,497
West Tyrone	20,935
<b>NI Total</b>	<b>354,117</b>

TABLE 2

## I (A) INVEST NI FDI JOBS PROMOTED BY PARLIAMENTARY CONSTITUENCY AREA (PCA) - 1997/98 - 2007/08

PCA	FDI Jobs Promoted and Claimant Count Unemployed									
	1997/98		1998/99		1999/00		2000/01		2001/02	
	Jobs4 CC6		Jobs CC		Jobs CC		Jobs CC		Jobs CC	
Belfast East	419	2,774	1,149	2,497	1,310	2,004	40	1,808	142	1,603
Belfast North	569	4,042	250	3,768	289	3,291	1,476	2,889	675	2,683



PCA	FDI Jobs Promoted and Claimant Count Unemployed									
	1997/98		1998/99		1999/00		2000/01		2001/02	
	Jobs4 CC6		Jobs CC		Jobs CC		Jobs CC		Jobs CC	
Belfast South	1,571	3,709	988	3,032	1,920	2,598	595	2,162	45	2,030
Belfast West	153	5,533	75	5,299	314	4,906	250	4,395	215	4,041
East Antrim	200	2,716	221	2,510	591	2,242	2,363	2,017	76	1,949
East Londonderry	62	3,591	77	3,304	123	2,818	26	2,405		2,282
Ferm. & S. Tyrone	22	3,657		3,374	236	2,707	20	2,324	108	2,241
Foyle	1,225	5,922	158	5,653	960	4,807	357	4,472	520	4,476
Lagan Valley	0	1,980	512	1,869	32	1,427		1,165	40	1,131
Mid Ulster	75	3,047		2,733		1,986		1,485		1,296
Newry & Armagh		4,407		4,079		3,305	300	2,573		2,418
North Antrim	244	3,157		3,037		2,602	12	2,120	0	1,960
North Down	51	2,179		2,062	358	1,858		1,672	18	1,474
South Antrim	130	2,180	86	2,060	226	1,782		1,474	316	1,436
South Down	75	3,424	275	3,124		2,604		2,151	134	1,997
Strangford	100	2,314	14	2,030	80	1,832	0	1,674	15	1,445
Upper Bann	310	2,556	202	2,405	145	2,085	37	1,877	72	1,811
West Tyrone		3,968	155	3,784		3,052	30	2,713	150	2,624

PCA	FDI Jobs Promoted and Claimant Count Unemployed									
	2002/03		2003/04		2004/05		2005/06		2006/07	
	Jobs CC		Jobs CC		Jobs CC		Jobs CC		Jobs CC	
Belfast East		1,511	0	1,654	410	1,282	232	1,084	624	1,028
Belfast North		2,515	163	2,406	27	2,131	46	2,211	44	2,186
Belfast South	216	1,952	649	1,897	1,379	1,551	675	1,474	987	1,378
Belfast West	35	3,746	72	3,347	750	3,171	120	3,064		3,081
East Antrim	100	2,022	67	1,820	112	1,666	190	1,465		1,375
East Londonderry		1,993	24	1,989	0	1,878	0	1,744		1,538
Ferm. & S. Tyrone	350	2,094	202	1,948	0	1,575	11	1,365	441	1,295
Foyle	93	3,814	486	3,757	40	3,492	361	3,418	754	3,298
Lagan Valley		1,067		1,004	16	918	71	921		935
Mid Ulster	32	1,093	0	967	166	853	40	890		814
Newry & Armagh	75	2,193		2,045		1,807	1,002	1,504	304	1,379
North Antrim		1,681	0	1,503	23	1,365		1,396		1,389
North Down	41	1,329	200	1,367	140	1,123		1,060	233	1,003
South Antrim	5	1,511	0	1,351	319	1,055	67	1,102		1,084
South Down		1,900		1,752		1,505	127	1,401		1,273
Strangford	70	1,343	5	1,525	19	1,359		1,232	20	1,134
Upper Bann	16	1,644	110	1,581	13	1,285	49	1,254	0	1,282
West Tyrone	0	2,371	175	2,312	53	1,992	109	1,958	44	1,839

	FDI Jobs Promoted and Claimant Count Unemployed		
PCA	2007/08		Total
	Jobs CC		Jobs
Belfast East	226	872	4,552
Belfast North		1,870	3,539
Belfast South	283	1,292	9,308
Belfast West	142	2,806	2,126
East Antrim	235	1,139	4,155
East Londonderry	561	1,343	873
Ferm. & S. Tyrone	120	1,112	1,510
Foyle	865	2,812	5,819
Lagan Valley		831	671
Mid Ulster	84	700	397
Newry & Armagh	59	1,307	1,740
North Antrim	0	1,194	279
North Down	63	880	1,104
South Antrim		912	1,149
South Down		1,136	611
Strangford		956	323
Upper Bann	5	1,175	959
West Tyrone	95	1,621	811

1. Table totals may not add due to rounding.
2. Figures include both first-time inward investments and reinvestments by existing externally-owned clients.
3. FDI Assistance refers to inward investment by overseas owned clients, including GB owned clients.
4. Jobs promoted refers to the number of jobs expected to be created by the projects.
5. 2002/03 – 2007/08 refers to Invest NI. 1997/98 – 2001/02 refers to IDB & LEDU.
6. Annual average claimant count from 1st April to 31st March

TABLE 3

PCA	FDI Assistance Offered (£m) and Claimant Count Unemployed (persons)									
	1997/98		1998/99		1999/00		2000/01		2001/02	
	Assist3 CC5		Assist CC		Assist CC		Assist CC		Assist CC	
Belfast East	22.74	2,774	5.91	2,497	15.14	2,004	0.22	1,808	4.56	1,603
Belfast North	4.46	4,042	2.49	3,768	1.91	3,291	10.39	2,889	4.21	2,683
Belfast South	9.24	3,709	6.36	3,032	21.41	2,598	3.34	2,162	0.2	2,030
Belfast West	2.15	5,533	0.7	5,299	6.33	4,906	1.41	4,395	4.54	4,041
East Antrim	7.08	2,716	1.18	2,510	4.27	2,242	20.38	2,017	0.98	1,949
East Londonderry	0.83	3,591	2.93	3,304	9.5	2,818	7.25	2,405	0	2,282
Ferm. & S. Tyrone	0.62	3,657	0	3,374	6.05	2,707	0.14	2,324	2.3	2,241
Foyle	51.68	5,922	3.12	5,653	4.54	4,807	2.13	4,472	3.71	4,476
Lagan Valley	1.87	1,980	4.2	1,869	0.28	1,427	0	1,165	0.35	1,131

PCA	FDI Assistance Offered (£m) and Claimant Count Unemployed (persons)									
	1997/98		1998/99		1999/00		2000/01		2001/02	
	Assist3 CC5		Assist CC		Assist CC		Assist CC		Assist CC	
Mid Ulster	0.75	3,047	0	2,733	0	1,986	0	1,485	0	1,296
Newry & Armagh	0	4,407	0	4,079	0	3,305	2.25	2,573	0	2,418
North Antrim	5.1	3,157	0	3,037	0	2,602	0.23	2,120	1	1,960
North Down	0.87	2,179	0	2,062	2.35	1,858	0	1,672	0.07	1,474
South Antrim	0.85	2,180	4.6	2,060	2.59	1,782	0	1,474	4.78	1,436
South Down	0.99	3,424	1.65	3,124	0	2,604	0	2,151	4.75	1,997
Strangford	1.48	2,314	2.17	2,030	0.8	1,832	0.77	1,674	0.09	1,445
Upper Bann	4.15	2,556	1.1	2,405	1.9	2,085	0.37	1,877	3.01	1,811
West Tyrone	0	3,968	4.42	3,784	0	3,052	0.36	2,713	3.5	2,624

PCA	FDI Assistance Offered (£m) and Claimant Count Unemployed (persons)									
	2002/03		2003/04		2004/05		2005/06		2006/07	
	Assist CC		Assist CC		Assist CC		Assist CC		Assist CC	
Belfast East	0	1,511	8.8	1,654	8.29	1,282	1.69	1,084	11.1	1,028
Belfast North	0	2,515	1.26	2,406	0.17	2,131	2.6	2,211	0.16	2,186
Belfast South	1.2	1,952	7.81	1,897	9.19	1,551	8.1	1,474	9.46	1,378
Belfast West	0.4	3,746	3.58	3,347	6.45	3,171	0.07	3,064	0	3,081
East Antrim	1.56	2,022	0.2	1,820	1.07	1,666	11.66	1,465	0	1,375
East Londonderry	0	1,993	0.17	1,989	0.01	1,878	7.74	1,744	0	1,538
Ferm. & S. Tyrone	2.1	2,094	1.44	1,948	0.71	1,575	0.66	1,365	4.86	1,295
Foyle	10.3	3,814	3.84	3,757	2.5	3,492	19.12	3,418	6.28	3,298
Lagan Valley	0	1,067	0	1,004	0.14	918	6.95	921	0	935
Mid Ulster	0.13	1,093	0.01	967	3.81	853	0.21	890	0	814
Newry & Armagh	0.42	2,193	0	2,045	0	1,807	6.42	1,504	2.14	1,379
North Antrim	0	1,681	2.72	1,503	2	1,365	0	1,396	0	1,389
North Down	0.22	1,329	0.62	1,367	0.99	1,123	0	1,060	0.93	1,003
South Antrim	0	1,511	0.03	1,351	3.78	1,055	2.14	1,102	0	1,084
South Down	0	1,900	0	1,752	0	1,505	3.04	1,401	0	1,273
Strangford	0.43	1,343	0.01	1,525	0.09	1,359	0	1,232	0.9	1,134
Upper Bann	8.99	1,644	1.8	1,581	6.05	1,285	0.14	1,254	0.03	1,282
West Tyrone	2.35	2,371	1.23	2,312	1.17	1,992	0.91	1,958	0.33	1,839

PCA	2007/08		Total
	Assist CC		INI
Belfast East	12.22	872	90.66
Belfast North	0.00	1,870	27.64
Belfast South	3.22	1,292	79.51

PCA	2007/08		Total
	Assist CC		INI
Belfast West	1.10	2,806	26.72
East Antrim	1.53	1,139	49.91
East Londonderry	4.03	1,343	32.46
Ferm. & S. Tyrone	0.62	1,112	19.48
Foyle	8.78	2,812	115.98
Lagan Valley	0.00	831	13.78
Mid Ulster	0.45	700	5.35
Newry & Armagh	1.14	1,307	12.36
North Antrim	2.55	1,194	13.60
North Down	0.75	880	6.81
South Antrim	0.00	912	18.77
South Down	0.00	1,136	10.42
Strangford	0.00	956	6.74
Upper Bann	0.03	1,175	27.57
West Tyrone	1.22	1,621	15.49

**Notes:**

1. Table totals may not add due to rounding.
2. Figures include both first-time inward investments and reinvestments by existing externally-owned clients.
3. FDI Assistance refers to inward investment by overseas owned clients, including GB owned clients.
4. 2002/03 – 2007/08 refers to Invest NI. 1997/98 – 2001/02 refers to IDB & LEDU and does not include assistance offered by IRTU.
5. Annual average claimant count from 1st April to 31st March

**TABLE 4****II (B) OTHER (NON-FDI) INVEST NI ASSISTANCE OFFERED BY PARLIAMENTARY CONSTITUENCY AREA (PCA) - 1997/98 - 2007/08**

PCA	Other (Non-FDI) Assistance Offered (£m) and Claimant Count Unemployed (persons)									
	1997/98		1998/99		1999/00		2000/01		2001/02	
	Assist4 CC5		Assist CC		Assist CC		Assist CC		Assist CC	
Belfast East	6.66	2,774	1.65	2,497	0.71	2,004	1.38	1,808	1.2	1,603
Belfast North	3.5	4,042	0.65	3,768	2.47	3,291	1.35	2,889	0.24	2,683
Belfast South	0.62	3,709	2.77	3,032	1.75	2,598	5.15	2,162	7.27	2,030
Belfast West	6.16	5,533	0.47	5,299	0.83	4,906	1.61	4,395	0.44	4,041
East Antrim	3.23	2,716	3.28	2,510	0.61	2,242	0.93	2,017	0.65	1,949
East Londonderry	0.8	3,591	0.8	3,304	0.73	2,818	0.99	2,405	2.01	2,282
Ferm. & S. Tyrone	15.95	3,657	9.22	3,374	4.41	2,707	2.93	2,324	2.36	2,241
Foyle	1.6	5,922	2.62	5,653	3.21	4,807	9.22	4,472	1.52	4,476
Lagan Valley	2.38	1,980	1.87	1,869	1.38	1,427	1.51	1,165	1.04	1,131
Mid Ulster	2.82	3,047	3.64	2,733	2.36	1,986	3.27	1,485	3.6	1,296
Newry & Armagh	1.87	4,407	2.05	4,079	2.02	3,305	2.1	2,573	2.46	2,418
North Antrim	2.94	3,157	1.22	3,037	1.64	2,602	2.46	2,120	1.27	1,960



PCA	Other (Non-FDI) Assistance Offered (£m) and Claimant Count Unemployed (persons)									
	1997/98		1998/99		1999/00		2000/01		2001/02	
	Assist4 CC5		Assist CC		Assist CC		Assist CC		Assist CC	
North Down	2.1	2,179	0.38	2,062	1.03	1,858	0.78	1,672	0.89	1,474
South Antrim	2.06	2,180	1.37	2,060	2.63	1,782	4.65	1,474	2.26	1,436
South Down	2.88	3,424	0.94	3,124	1.73	2,604	1.23	2,151	1.42	1,997
Strangford	1.27	2,314	0.71	2,030	1.43	1,832	2.18	1,674	1.44	1,445
Upper Bann	5.06	2,556	9.44	2,405	2.33	2,085	1.79	1,877	2.05	1,811
West Tyrone	2.37	3,968	1.61	3,784	1.16	3,052	1.44	2,713	0.85	2,624

PCA	Other (non-fdi) assistance offered (£m) and claimant count unemployed (persons)									
	2002/03		2003/04		2004/05		2005/06		2006/07	
	Assist cc		Assist cc		Assist cc		Assist cc		Assist cc	
Belfast East	2.1	1,511	6.98	1,654	9.07	1,282	6.99	1,084	9.48	1,028
Belfast North	7.57	2,515	3.23	2,406	2.83	2,131	2.43	2,211	1.11	2,186
Belfast South	14.75	1,952	18.18	1,897	12.05	1,551	6.93	1,474	6.42	1,378
Belfast West	3.75	3,746	4.51	3,347	2.08	3,171	2.05	3,064	1.49	3,081
East Antrim	4.69	2,022	3.7	1,820	5.28	1,666	3.04	1,465	9.59	1,375
East Londonderry	4.17	1,993	5.35	1,989	2.13	1,878	2.91	1,744	1.71	1,538
Ferm. & S. Tyrone	3.27	2,094	2.9	1,948	4.04	1,575	2.1	1,365	2.8	1,295
Foyle	4.11	3,814	3.76	3,757	3.16	3,492	7.9	3,418	2.31	3,298
Lagan Valley	1.46	1,067	1.7	1,004	3.55	918	2.7	921	3.85	935
Mid Ulster	4.28	1,093	5.61	967	4.66	853	3.12	890	3.16	814
Newry & Armagh	5.84	2,193	2.13	2,045	2.8	1,807	1.03	1,504	2.44	1,379
North Antrim	2.39	1,681	2.54	1,503	6.25	1,365	0.85	1,396	3.96	1,389
North Down	1.12	1,329	4.43	1,367	2.41	1,123	0.85	1,060	0.47	1,003
South Antrim	22.88	1,511	4.51	1,351	3.22	1,055	1.9	1,102	0.72	1,084
South Down	2.44	1,900	1.24	1,752	4.59	1,505	1.71	1,401	1.08	1,273
Strangford	1.72	1,343	1.63	1,525	1.14	1,359	2.93	1,232	0.7	1,134
Upper Bann	7.64	1,644	5.2	1,581	13.31	1,285	8.69	1,254	5.57	1,282
West Tyrone	2.44	2,371	6.09	2,312	1.65	1,992	1.42	1,958	1.38	1,839

PCA	Other (Non-FDI) Assistance Offered (£m) and Claimant Count Unemployed (persons)		
	2007/08		Total
	Assist CC		INI
Belfast East	9.77	872	56
Belfast North	1.71	1,870	26.6
Belfast South	10.65	1,292	86.55
Belfast West	1.73	2,806	25.12
East Antrim	3.73	1,139	38.72
East Londonderry	2.23	1,343	23.81

PCA	Other (Non-FDI) Assistance Offered (£m) and Claimant Count Unemployed (persons)		
	2007/08		Total
	Assist CC		INI
Ferm. & S. Tyrone	8.98	1,112	58.96
Foyle	2.48	2,812	41.89
Lagan Valley	2.21	831	23.64
Mid Ulster	6.48	700	43
Newry & Armagh	5.68	1,307	30.42
North Antrim	1.61	1,194	27.12
North Down	1.8	880	16.25
South Antrim	3.79	912	49.99
South Down	1.83	1,136	21.09
Strangford	1.19	956	16.33
Upper Bann	3.78	1,175	64.86
West Tyrone	3.21	1,621	23.61

**Notes:**

1. Table Totals May Not Add Due To Rounding.
2. 2002/03 – 2007/08 Refers To Invest Ni. 1997/98 – 2001/02 Refers To Idb & Ledu And Does Not Include Assistance Offered By Irtu.
3. An Additional £67m Of Assistance Was Offered By Irtu Between 1997/98 And 2001/02 For Which This Level Of Detail Is Not Available.
4. Assist Refers To Other (Non-Fdi) Invest Ni Assistance Offered
5. Annual Average Claimant Count From 1st April To 31st March

### Coach-Parking Facilities: Derry/Londonderry

**Mr McCartney** asked the Minister of Enterprise, Trade and Investment, given the commitment to tourism within the Programme for Government, and Derry City Council's commitment to ensure that visitor numbers increase to 203,000 per annum by 2009, what steps her Department is taking to provide adequate and secure coach-parking facilities in Derry/Londonderry. (AQW 2010/09)

**The Minister of Enterprise, Trade and Investment:** The provision of adequate and secure coach parking facilities, is not the responsibility of the Department of Enterprise, Trade and Investment. The Northern Ireland Tourist Board's (NITB) role is to facilitate discussion with local councils enabling:

- Identification of any perceived or actual problems when these are brought to NITB's attention by a stakeholder;
- Working with stakeholders to resolve identified concerns.

NITB, having become aware of a problem regarding lack of secure coach parking throughout Northern Ireland have co-ordinated a series of meetings to ensure this weakness has been brought to the attention of the Councils.

Derry Visitor & Convention Bureau is aware of the lack of coach facilities in their area and has temporary measures in place until a permanent solution can be found. Currently, coaches entering Londonderry may utilise the set down and pick up facilities adjacent to Derry Visitor & Convention Bureau and Derry Tourist Information Centre. In addition secure overnight parking is available in conjunction with Translink at Derry Bus Depot.

### Unemployment Benefits: Uptake from Construction Industry

**Mr Burns** asked the Minister of Enterprise, Trade and Investment how many people currently in receipt of unemployment benefits (i) state their previous job was in the construction industry and related sectors; and (ii) have registered their main skills and usual area of employment as the construction industry and related sectors. (AQW 2035/09)

**The Minister of Enterprise, Trade and Investment:**

- (i) Information held on persons claiming unemployment benefits does not contain details of the claimants previous job and so it is not possible to answer this part of the question.
- (ii) The number of persons claiming unemployment benefits in October 2008, whose usual area of employment was in the construction industry and related sectors was 7,090<sup>1</sup>. Information is not held on their main areas of skills.

<sup>1</sup> This includes the following Standard Occupational Classification 2000 codes: 1122 (Managers in construction), 2121 (Civil engineers), 3114 (Building and civil engineering technicians), 5216 (Pipe fitters), 5241 (Electricians, electrical fitters), 53 (Skilled construction and building trades), 8141 (Scaffolders, staggers, riggers), 8142 (Road construction operatives), 8149 (Construction operatives n.e.c.), 8221 (Crane drivers), 8229 (Mobile machine drivers and operatives n.e.c.) and 912 (Elementary construction trades).

**Renewable Energy Sector**

**Mr Elliott** asked the Minister of Enterprise, Trade and Investment (i) her assessment of the supply chain constraints in the renewable energy sector; and (ii) what strategy her Department is pursuing to overcome such restraints. (AQW 2157/09)

**The Minister of Enterprise, Trade and Investment:**

- (i) Assessment of the supply chain constraints in the renewable energy sector

The Renewable Energy sector is generally understood to comprise a number of principal sub-sectors, solar, wind, marine, waste, hydro and biomass, each with its own particular technology and supply chain characteristics. Invest NI is actively engaged in researching the potential of the sector to contribute to meeting local energy demands and to develop, commercialise and export NI technology and expertise.

Invest NI has commissioned and already published two reports in this area:

- ‘Northern Ireland Renewable Energy Supply Chain’ commissioned from Carbon Trust by Invest NI and published in June 2008; and,
- ‘Wind Energy Supply Chain Opportunities’ commissioned from the Centre for Competitiveness by Invest NI and published in September 2008.

A third, major and overarching report ‘Energy Technology and Service Sector Business-led Collaborative Networks’ commissioned by Invest NI from the Energy Scoping Research Group will be published in December.

The main constraints identified in the Supply Chain reports already published are:

1. Understanding of the Renewables market is not as well developed in NI as in other UK regions.
  2. Although NI businesses are active in renewable energy technologies, there is not a strong base across a wide range of technologies due to the size of the region.
  3. Renewable energy technologies often require a diversity of knowledge, skills and resources to create and deploy products, something frequently not available within small companies.
  4. There is a critical need to bridge the gap between the innovative, intellectual and analytical inputs and the creation of effective, marketable products.
  5. Technology consulting expertise needs to be developed along with the publishing of good practice case studies.
- (ii) Strategy to overcome constraints

The renewable energy sector comprises a number of sub-sectors each with its own characteristics and constraints. Invest NI recognises the complexity of the sector and the need to provide a strong evidence base for action. The high level diagnostic / scoping work already carried out provides this base.

The ‘Energy Technology and Service Sector Business-led Collaborative Networks’ report due to be published in December will make several key recommendations for the public, private and academic sectors and will identify key technology areas for sectoral development in NI.

There are a wide range of companies within NI with the potential to participate in the renewable energy challenge. Invest NI Divisions will work with these businesses, in a co-ordinated way, to bring to bear a wide range of knowledge, expertise and perspectives to address supply chain constraints. The innovative

nature of many renewable energy products and services requires both co-ordination and flexibility to deliver solutions.

The limitations of scale and scope affecting small business will be addressed significantly by encouraging the formation of Collaborative Networks involving local businesses, NI universities, who are key players in technology research and development, and key external strategic manufacturing partners. The Invest NI Collaborative Networks programme is being actively used to support this activity.

Where NI businesses cannot themselves create product they can be encouraged to work with prime contractors in developing products. Early entry into markets is essential. Invest NI, in conjunction with DBERR, has already identified considerable supply chain constraints within the current off-shore wind sector and is working with clients with the potential to help satisfy these demands.

Invest NI will support Sectoral Trade Missions and Exhibitions providing key strategic opportunities for NI businesses to research both suppliers and supply chain constraints for larger manufacturers. In September 2008, nine clients travelled with Invest NI to the HUSUM Wind Energy Exhibition in Germany. Further visits are planned to other events such as the Aberdeen Energy Show. External visits will be complemented by local events such as the June 2008 conference in Ballymena attended by local companies and DBERR and intended to encourage local companies to feed into the global wind energy supply chain.

Invest NI will continue to facilitate and host an Energy Research and Technology Transfer Group and a Biomass Group to provide NI companies with best practice cases of sustainable energy technologies and with opportunities to network and explore business opportunities in the field of sustainable energy.

### Hotel Projects: Fermanagh and Tyrone

**Mr Elliott** asked the Minister of Enterprise, Trade and Investment to detail the applications submitted to her Department for hotel projects in counties Fermanagh and Tyrone from (i) 2003-2007; and (ii) 2008 so far. (AQW 2158/09)

**The Minister of Enterprise, Trade and Investment:** In the period from 1 January 2003 to 31 December 2007, Invest NI received three applications for hotel projects in Fermanagh and four applications for hotel projects in Tyrone.

No applications have been received for projects in either Fermanagh or Tyrone in the current year to date.

Due to the commercial sensitivity of applications for assistance, Invest NI does not disclose the details of such applications. Details of any offers of assistance resulting from an application are however published.

### Hotel Projects: Fermanagh and Tyrone

**Mr Elliott** asked the Minister of Enterprise, Trade and Investment to detail the successful applications submitted to her Department for hotel projects in counties Fermanagh and Tyrone from (i) 2003-2007; and (ii) 2008 so far. (AQW 2160/09)

**The Minister of Enterprise, Trade and Investment:** Applications for hotel projects which resulted in capital offers of assistance from Invest NI in counties Fermanagh and Tyrone are detailed below:

Period	Hotel	Invest NI Assistance Offered
2003 - 2007	Carrybridge Hotel & Marina	£200,000
	Hotel Carlton	£162,631
	Killyhevlin Hotel	£795,000
	Lough Erne Golf Resort	£3,500,000
	Mahon's Hotel	£154,100
2008 to date	Fir Trees Hotel	£147,800
	Manor House Hotel	£203,500



The applications from Carrybridge and from Mahon's Hotel were offered assistance through Invest NI on behalf of IFI. The Carrybridge project did not proceed.

It should be noted also while the offers to Carrybridge; Mahons; and Lough Erne Golf Resort were issued in the period from 2003 to 2007, the applications were received prior to the period.

### Construction Jobs

**Mr Easton** asked the Minister of Enterprise, Trade and Investment how many construction jobs have been lost due to the economic downturn. (AQW 2163/09)

**The Minister of Enterprise, Trade and Investment:** The number of persons claiming unemployment benefits has been rising since September 2007. The number of claimants of unemployed benefits whose usual occupation was in construction<sup>1</sup> increased by 3,015 from 4,075 in September 2007 to 7,090 in October 2008.

<sup>1</sup> This includes the following Standard Occupational Classification 2000 codes: 1122 (Managers in construction), 2121 (Civil engineers), 3114 (Building and civil engineering technicians), 5216 (Pipe fitters), 5241 (Electricians, electrical fitters), 53 (Skilled construction and building trades), 8141 (Scaffolders, staggers, riggers), 8142 (Road construction operatives), 8149 (Construction operatives n.e.c.), 8221 (Crane drivers), 8229 (Mobile machine drivers and operatives n.e.c.) and 912 (Elementary construction trades).

### Northern Ireland Electricity: Public Ownership

**Ms Ní Chuilín** asked the Minister of Enterprise, Trade and Investment what plans her Department has to bring Northern Ireland Electricity back into public ownership; and for an estimate of how much this would cost. (AQW 2189/09)

**The Minister of Enterprise, Trade and Investment:** My Department currently has no plans to bring Northern Ireland Electricity (NIE) back into public ownership, as the cost to the public purse of doing so would be prohibitive.

It is estimated that costs involved could be in the region of £1 billion. This is based on a current assessment of NIE regulatory asset base and an estimate of the value of NIE Supply and NIE Power Procurement.

The ultimate cost of bringing NIE back into public ownership would be dependent upon prevailing market conditions.

### Hotel Projects: North Down

**Mr Weir** asked the Minister of Enterprise, Trade and Investment to detail the number of applications for hotel projects (i) submitted to her Department; and (ii) accepted by her Department, in the North Down constituency. (AQW 2265/09)

**The Minister of Enterprise, Trade and Investment:** In the period from the establishment of Invest NI in April 2002 to date, Invest NI received three applications for hotel projects in the North Down constituency.

Due to the commercial sensitivity of applications for assistance, Invest NI does not disclose the details of such applications. Details of any offers of assistance resulting from an application are however published.

Applications for hotel projects which resulted in capital offers of assistance from Invest NI in the North Down constituency are detailed below:

Hotel	Invest NI Assistance Offered
The Old Inn, Crawfordsburn	£25,411
Clandeboy Lodge Hotel	£27,821

### Company Directors: Powers

**Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment to detail the powers of company directors when a company is put into compulsory liquidation. (AQW 2283/09)

**The Minister of Enterprise, Trade and Investment:** When a company goes into compulsory liquidation, the director's loose control of the company's assets and their powers as directors will cease, with the exception of a right to appeal against the making of the Winding-Up Order.

### Company Directors: Duties and Responsibilities

**Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment to define the duties and responsibilities of company directors when a company is put into compulsory liquidation. (AQW 2284/09)

**The Minister of Enterprise, Trade and Investment:** When a company goes into compulsory liquidation the director's have duties and responsibilities to assist and co-operate fully with the Official Receiver who becomes liquidator when a Winding-Up Order is made.

This will include attending interviews at the Official Receiver's Office and completing a detailed form of questionnaire, handing over all company books, records and business paperwork, providing full details of company assets and liabilities and of anyone else holding assets and trading records.

Failure to provide information and co-operate with the Official Receiver may lead to a director being examined by the Official Receiver at a public examination in Court regarding the affairs of the company. Failure to attend a public examination without good reason could lead to a fine or imprisonment or both.

### Invest NI: Funding

**Mr Moutray** asked the Minister of Enterprise, Trade and Investment to detail the amount of funding Invest NI has allocated to businesses in each of the last 3 years, broken down by council area. (AQW 2317/09)

**The Minister of Enterprise, Trade and Investment:** Table 1 below provides the amount of assistance offered by Invest NI to each district council area during the three year period 2005/06 to 2007/08.

It should be noted that areas such as District Councils are not self-contained labour markets. A project assisted in a particular location has the potential to create benefits across a much wider area. Northern Ireland is a relatively small place and evidence indicates that many investments draw their workforce from areas beyond council area boundaries.

Invest NI has limited scope for 'directing' investment to specific geographic areas. Although we are able to influence the location decisions of some inward-investment projects, assistance patterns are demand-led by businesses wishing to improve their competitiveness and gain a larger share of international markets. In the case of established businesses, reinvestment patterns will usually be determined by the existing location of the business.

TABLE 1: INVEST NI ASSISTANCE OFFERED BY DISTRICT COUNCIL AREA (2005/06 – 2007/08)

DCA	2005/06 £m	2006/07 £m	2007/08 £m	Total £m
Antrim	1.21	0.62	3.03	4.87
Ards	2.24	1.36	0.53	4.14
Armagh	0.64	4.06	1.24	5.95
Ballymena	0.67	3.41	3.47	7.55
Ballymoney	0.12	0.41	0.44	0.97
Banbridge	0.53	0.33	0.71	1.58
Belfast	30.27	38.40	35.95	104.62
Carrickfergus	0.57	0.16	0.21	0.95
Castlereagh	0.93	0.46	3.38	4.76
Coleraine	1.04	0.66	5.83	7.52
Cookstown	1.04	1.44	2.53	5.01

DCA	2005/06 £m	2006/07 £m	2007/08 £m	Total £m
Craigavon	8.63	5.55	3.38	17.57
Londonderry	27.03	8.59	11.25	46.87
Down	0.37	0.33	0.87	1.57
Dungannon	2.96	2.45	8.89	14.30
Fermanagh	1.13	6.00	2.74	9.87
Larne	12.63	0.54	3.52	16.69
Limavady	9.61	1.05	0.44	11.10
Lisburn	9.70	4.20	3.56	17.47
Magherafelt	0.96	0.93	2.37	4.27
Moyle	0.06	0.14	0.25	0.45
Newry & Mourne	10.90	1.19	6.35	18.44
Newtownabbey	4.58	9.08	2.58	16.23
North Down	0.85	1.35	2.54	4.74
Omagh	1.98	0.68	3.68	6.34
Strabane	0.34	1.03	0.76	2.12
<b>Total</b>	<b>131.00</b>	<b>94.43</b>	<b>110.51</b>	<b>335.94</b>

**Notes:**

1. Table totals may not add due to rounding.
2. An additional £10m was offered, for which this level of detail is not available.

## Dairy Sector

**Mr Irwin** asked the Minister of Enterprise, Trade and Investment what assistance she is giving the milk processing sector to find alternative markets for its products. (AQW 2384/09)

**The Minister of Enterprise, Trade and Investment:** The Northern Ireland dairy sector is an important part of our agri-food industry and I am aware of the current difficulties facing the sector – farmers and processors alike. I will be meeting with representatives from the sector later this week to hear at first hand their concerns on the current situation.

The price of raw milk, which dropped to just over 18p per litre, down from 25p p/l in October 2008; in November 2007 the price was 32p p/l, at last month's United Dairy Farmer's auction, is unfortunately a reflection of the global demand for dairy products. Milk powder prices have collapsed and butter and cheese prices are in decline.

The current situation is due to market forces and the Northern Ireland dairy industry must continue its move from commodity based to value added products – the pace of this move must however be much faster. Where public funding has been required Invest NI has provided financial support for investment projects that has enabled companies to target new markets. This continues to be the case.

Invest NI continues to promote NI dairy processors through the use of its four Food Sector Marketing Advisors in Great Britain and the Republic of Ireland. In addition three companies will be part of a trade mission to the United Arab Emirates, Oman and Qatar from 26 - 30 November 2008. It is likely that at least one company will exhibit at Gulfood09 in Dubai on an Invest NI group stand. Two companies will be part of a trade mission to China from 22 November to 3 December 08. Five companies have recently returned from SIAL which is one of the largest food exhibitions in Europe. One company is currently being assisted to research opportunities in India in preparation for visiting IFE India in December 2008.

Invest NI has a comprehensive range of trade events planned for 2009 which I hope the industry will avail of. This is of course supplemented with a range of support measures for innovation.

## Opportunity Omagh Proposal

**Mr Doherty** asked the Minister of Enterprise, Trade and Investment what consideration he has given to ensure that the investment, as outlined in the Opportunity Omagh proposal, stays in Omagh. (AQW 2405/09)

**The Minister of Enterprise, Trade and Investment:** ‘Opportunity Omagh’ is a potentially substantial private sector proposal which could deliver positive economic returns to Omagh and its wider hinterland. Notwithstanding any planning or other issues which may require to be worked through, all private sector investments are to be welcomed. I would encourage the promoters to continue to engage, as I know they have been doing, with local stakeholders to ensure cohesion, complementarity and maximum benefit to the area.

## Ulster Carpets

**Mr Savage** asked the Minister of Enterprise, Trade and Investment what assistance her Department will provide to Ulster Carpets, who have announced a number of redundancies. (AQW 2569/09)

**The Minister of Enterprise, Trade and Investment:** Invest NI has a close working relationship with Ulster Carpets, a successful, export-focused, local business. In recent years, the company has benefited from a range of Invest NI support, including Selective Financial Assistance, Research and Development, Trade and Energy Efficiency Programmes. The announcement on 17 November 2008 was the company’s response to economic recession, which has necessitated a cut in production levels for the foreseeable future. Cyclical downturns in demand should not be considered a consequence of a lack of Invest NI support.

Invest NI is working with Ulster Carpets to identify and explore new export markets. The company is currently on an Invest NI Trade Mission to the Middle East, the twentieth such mission in which it has participated during the past ten years. Furthermore, Invest NI will work with the company in providing counselling and advice to those affected by the redundancy announcement.

Invest NI has been in discussions with the company for some time in relation to a potential relocation to a single site in the Portadown area. While the current economic climate may affect the timing of any relocation decision, Invest NI will continue to keep in close contact with management in respect of this potential investment.

## ENVIRONMENT

### Larne Area Plan

**Mr Ross** asked the Minister of the Environment when the draft Larne Area Plan will be published. (AQW 2029/09)

**The Minister of the Environment (Mr S Wilson):** At present it is difficult to provide a definitive date for publication of the draft Antrim, Ballymena and Larne (ABL) Area Plan 2016. As you may be aware, my Department is awaiting the outcome of its appeal of the legal judgement arising from the judicial challenges to the Environmental Reports which accompanied the draft Northern and Magherafelt Area Plans. You may also be aware that the Court of Appeal has now referred a number of matters to the European Court of Justice. My Department is currently considering the implications of this referral for the ABL Plan 2016 and I will ensure you are advised of the outcome of this consideration as soon as it becomes practicable to do so.

### Enforcement Action Notices: Downpatrick

**Mr Shannon** asked the Minister of the Environment how many enforcement action notices have been issued by his office in Downpatrick in (i) 2005; (ii) 2006; and (iii) 2007. (AQW 2094/09)

**The Minister of the Environment:** The Downpatrick Divisional Office has issued the following notices:



2005	14
2006	32
2007	20

### Enforcement Action Notices

**Mr Shannon** asked the Minister of the Environment how many enforcement action notices have been finalised by his Department within (i) 6 months; (ii) 12 months; (iii) 24 months; and (iv) over 24 months in (a) 2005; (b) 2006; and (c) 2007; and what steps are being taken to speed up the process. (AQW 2104/09)

**The Minister of the Environment:** The Downpatrick Divisional Office currently holds records of enforcement notices issued from 1999. The Division is taking the term “as finalised” as being those enforcement notices/breach of condition notices which were notices served within the said period.

The Division has served the following notices within:

	2005	2006	2007
6 months	0	1	1
12 months	2	4	1
24 months	2	5	1
Over 24 months	10	22	17
<b>Total</b>	<b>14</b>	<b>32</b>	<b>20</b>

The Downpatrick Division has been reviewing the methods of work within the enforcement section, assuming a more focused approach with regard to how its resources are utilised in each of the four Council areas. In the last six months, this approach has seen the enforcement team halt the rise in the overall number of cases currently live.

### Enforcement Section: Staff

**Mr Shannon** asked the Minister of the Environment (i) how many staff are employed in his Department’s enforcement section in Downpatrick; and (ii) what steps is he taking to ensure there are sufficient enforcement section staff to handle the demands in a reasonable time. (AQW 2105/09)

**The Minister of the Environment:** The Downpatrick Divisional Office currently has 11 staff employed in the enforcement section, 7 professional staff and 4 administration staff.

The Division has been reviewing the methods of work within the enforcement section, assuming a more focused approach with regard to how its resources are utilised in each of the four Council areas. In the last six months, this approach has seen the enforcement team halt the rise in the overall number of cases currently live.

### Flood Relief

**Mr Hamilton** asked the Minister of the Environment how much his Department paid out to each council in flood relief as a result of flooding in August 2008. (AQW 2147/09)

**The Minister of the Environment:** Under the “Scheme of Emergency Financial Assistance to District Councils – Flooding August 2008”, 1,551 payments of £1,000 have been issued by councils to individual householders. Councils may be reimbursed by the Department for this expenditure and also for any direct or indirect costs associated with the flooding. Of an overall estimate of £2million, £398,735 has been paid to councils to date. Councils’ claims must be forwarded to the Department by 18 November 2008, at which stage figures may be updated.

The details for individual councils are set out in the table below.

#### CLAIMS REIMBURSED BY THE DEPARTMENT

Council	Payments to householders £1,000 Immediate Payments	£1,000 Immediate Payment £	Direct Costs £	Indirect Costs £	Total Paid to Date £
Antrim	177	157,000			157,000
Ards	5	5,000			5,000
Armagh	8				0
Ballymena	151				0
Ballymoney	11	11,000	210	525	11,735
Banbridge	106	106,000			106,000
Belfast	344				0
Carrickfergus	4				0
Castlereagh	75	71,000			71,000
Coleraine	3				
Cookstown	8	8,000			8,000
Craigavon	126				0
Londonderry	0				0
Down	127				0
Dungannon & S Tyrone	17				0
Fermanagh	1	1,000			1,000
Larne	6				0
Limavady	1				0
Lisburn	157				0
Magherafelt	24	24,000			24,000
Moyle	1				0
Newry & Mourne	45				0
Newtownabbey	131				0
North Down	7				0
Omagh	16	15,000			15,000
Strabane	0				0
<b>Total</b>	<b>1,551</b>	<b>398,000</b>	<b>210</b>	<b>525</b>	<b>398,735</b>

### Developer Contributions: Rules

**Mr Lunn** asked the Minister of the Environment to detail the timescale for finalising the rules for ‘Developer Contributions’.

(AQW 2168/09)

**The Minister of the Environment:** The area of Developer Contributions is an issue which is of interest to a number of Northern Ireland departments, particularly those with responsibility for infrastructure provision. The forthcoming consultation paper on the reform of the planning system offers a suitable vehicle through which we can initiate debate on the matter. Subject to Executive agreement, I hope to issue the consultation paper before

the end of the year. Decisions in relation to all of the reform proposals will only be taken following analysis of the consultation responses.

### Chicken Litter

**Mr T Clarke** asked the Minister of the Environment if the residue of incinerated chicken litter can be spread on agricultural land. (AQW 2178/09)

**The Minister of the Environment:** Chicken litter ash is not currently used on agricultural land in Northern Ireland. There is no legislation to prevent its use, but such practice would be dependent on the content of the ash and the way in which it had been burned.

### PPS 14

**Mr Shannon** asked the Minister of the Environment when the new PPS 14 will be finalised and published; and when the proposed changes will be put into place. (AQW 2219/09)

**The Minister of the Environment:** I hope the Executive will consider the Revised draft PPS 14 at the earliest opportunity. If there is no agreement, I will shelve the revised draft and we will live with the existing policies.

This would mean residential development in rural areas continuing to be hampered by restrictive planning policy, and planning policy on farm diversification continuing to lag behind rural development policies.

The revised policy will come into effect immediately upon publication.

### Wind Farm Planning Applications

**Mr Hamilton** asked the Minister of the Environment how many (i) onshore; and (ii) offshore wind farm planning applications (a) have been approved; and (b) are awaiting a decision, by the Planning Service. (AQW 2253/09)

**The Minister of the Environment:** Planning Service has approved 33 applications for onshore windfarms and is currently processing 50 applications for onshore windfarms. Off-shore wind development does not fall within the jurisdiction of Planning Service.

### Local Councils: Debt

**Mr Weir** asked the Minister of the Environment to detail the level of debt of each local council. (AQW 2264/09)

**The Minister of the Environment:** The level of debt of each district council, which has been extracted from council's 2007/2008 uncertified accounts, is detailed below.

District Council	2007 / 2008 Borrowing repayable on demand or within 12 months £	2007 / 2008 Borrowing repayable within a period in excess of 12 months £	2007 / 2008 Total debt £
Antrim	1,971,355	21,126,047	23,097,402
Ards	638,312	14,455,187	15,093,499
Armagh	879,724	20,753,540	21,633,264
Ballymena	11,513,780	18,795,297	30,309,077
Ballymoney	404,051	9,160,350	9,564,401
Banbridge	762,940	12,365,941	13,128,881
Belfast	9,713	20,865,715	20,875,428

<b>District Council</b>	<b>2007 / 2008 Borrowing repayable on demand or within 12 months £</b>	<b>2007 / 2008 Borrowing repayable within a period in excess of 12 months £</b>	<b>2007 / 2008 Total debt £</b>
Carrickfergus	393,505	13,373,431	13,766,936
Castlereagh	237,997	17,737,682	17,975,679
Coleraine	1,899,632	25,939,577	27,839,209
Cookstown	51,493	1,668,056	1,719,549
Craigavon	1,294,207	6,925,910	8,220,117
Derry	1,095,354	19,966,020	21,061,374
Down	982,175	14,415,109	15,397,284
Dungannon and South Tyrone	143,717	1,887,236	2,030,953
Fermanagh	229,432	2,294,199	2,523,631
Larne	339,189	5,887,735	6,226,924
Limavady	177,134	8,806,286	8,983,420
Lisburn	907,227	20,154,970	21,062,197
Magherafelt	0	0	0
Moyle	295,978	8,309,192	8,605,170
Newry and Mourne	2,059,129	19,720,061	21,779,190
Newtownabbey	1,192,793	27,170,080	28,362,873
North Down	1,085,641	23,360,009	24,445,650
Omagh	514,507	9,886,778	10,401,285
Strabane	53,383	2,467,850	2,521,233
<b>Total</b>	<b>29,132,368</b>	<b>347,492,258</b>	<b>376,624,626</b>

### Assembly Questions: Answers

**Mr Burns** asked the Minister of the Environment to detail when he will provide comprehensive answers to AQWs 1374/09 and 1928/09. (AQW 2288/09)

**The Minister of the Environment:** As indicated in my answers to AQWs 1374/09 and 1928/09 my officials will write to you with the relevant information as soon as it has been collated and legal advice considered. I would expect this to be within the next two weeks.

### Transition Committees: Grants

**Mr Weir** asked the Minister of the Environment to detail the amount of grants that will be available to each of the eleven transition committees, under the Review of Public Administration. (AQW 2321/09)

**The Minister of the Environment:** Local Government Circular 16/08, which provides information on the establishment of Transition Committees and Transition Management Teams, issued to district councils on 28 October 2008. Councils were advised that the Department is developing a funding package and a grant will be allocated to each of the eleven Transition Committees, to help cover expenditure incurred on members' allowances, salaries and support costs. Guidance detailing the package is currently being finalised and it is the Department's intention to issue a further circular to district councils within the next few weeks.



### Vehicle Testing Centres: MOT Waiting Times

**Mr Simpson** asked the Minister of the Environment to detail the current average waiting time for an MOT, for each vehicle testing centre. (AQW 2366/09)

**The Minister of the Environment:** Detail of the weekly and year to date average waiting time for a vehicle test in the 15 test centres is included in the following table.

#### AVERAGE WAITING TIME FOR A VEHICLE TEST IN DAYS WEEKLY YEAR TO DATE

Test Centre	2- 8 November 2008	1 April – 8 November 2008
Armagh	9	12
Ballymena	11	17
Belfast	8	15
Coleraine	8	15
Cookstown	10	17
Craigavon	7	13
Downpatrick	8	15
Enniskillen	13	17
Larne	8	15
Lisburn	8	15
Londonderry	13	20
Mallusk	7	13
Newry	9	19
Newtownards	7	17
Omagh	9	15

### FINANCE AND PERSONNEL

#### Civil Service Jobs: Ards/North Down

**Mr Weir** asked the Minister of Finance and Personnel to detail the number of civil service jobs in (i) Ards; and (ii) North Down Borough Councils areas, broken down by office location. (AQW 2013/09)

**The Minister of Finance and Personnel (Mr N Dodds):** The number of staff in post in the two district council areas, broken down by office location, is detailed in the attached table.

District Council	Dept	Building Address			Staff
Ards	DOE	Govt. Office	9 Church Street	Greyabbey BT22 2NQ	3
Ards	DARD	Govt. Office	9 Robert Street	Newtownards BT23 4DN	45
Ards	DSD	Crown Buildings	East Street	Newtownards BT23 3EL	43
Ards	DEL	Govt. Office	9 Conway Square	Newtownards BT23 4DA	18
Ards	DOE	Govt. Office	Jubilee Road	Newtownards BT23 4XP	40
Ards	DRD	Govt. Office	Jubilee Road	Newtownards BT23 4XP	10
Ards	DOE	Scrabo Country Park	203A Scrabo Road	Newtownards BT23 4SJ	6

District Council	Dept	Building Address			Staff
Total Ards					165
North Down	DFP	Crown Bldgs	Hamilton Road	Bangor BT20 4LG	34
North Down	DSD	Crown Bldgs	Hamilton Road	Bangor BT20 4LG	43
North Down	DEL	Govt Office	65 High Street	Bangor BT20 5BE	24
North Down	DE	Rathgael House	43 Balloo Road	Bangor BT19 7PR	566
North Down	DETI	Rathgael House	43 Balloo Road	Bangor BT19 7PR	1
North Down	DFP	Rathgael House	43 Balloo Road	Bangor BT19 7PR	266
North Down	DRD	North Down Section Off	Balloo Road	Bangor BT19 2PG	40
North Down	DRD	72 Balloo Road	Bangor	BT19 7PG	1
North Down	DOE	Crawfordsburn Country Club	Bridge Road South	Helen’s Bay BT19 1JT	6
Total North Down					981
Total					1146

**Notes**

Data source as at 1 January 2008.

Figures do not include those on career break.

Figures include both permanent and casual staff.

### Feral Cat Population: Stormont Estate

**Mr Burns** asked the Minister of Finance and Personnel to make a statement on the size of the feral cat population within the Stormont Estate; and what arrangements are in place to ensure the continuing welfare of these animals. (AQW 2034/09)

**The Minister of Finance and Personnel:** The Department of Finance and Personnel is aware that there is a small feral cat population within the Stormont Estate. It has, at no time, undertaken a survey on numbers and therefore I am unable to give precise figures.

The Department has no arrangements in place to look after the welfare of the feral cats, although officials within the Stormont Estate are aware of a group of current and past civil servants who feed the cats on a regular basis.

### Social Housing Developments

**Mr Lunn** asked the Minister of Finance and Personnel to detail the money available for increased allocations to the Department of Social Development for social housing developments, during the financial years (i) 2009/10; and (ii) 2010/11. (AQW 2169/09)

**The Minister of Finance and Personnel:** The expenditure plans for 2008/09 to 2010/11 as set out in the Budget 2008-11 document were based on the allocation of all the available funding at that time. The total allocations for the Housing Programme in 2009/10 and 2010/11 are £290m and £300m respectively. Of these amounts £172m and £171m respectively relate to social housing development.

Therefore, the scope to make increased allocations to the Department for Social Development for social housing in 2009/10 and 2010/11 will be primarily dependent on the level and timing of reduced requirements declared by NI departments as part of the respective in-year monitoring processes. In the recent 2008/09 September Monitoring Round £15 million was allocated to the Department for Social Development for social housing.

## September Monitoring Round

**Mr McNarry** asked the Minister of Finance and Personnel to detail the bids for (i) capital; and (ii) current expenditure submitted by each Department during the September Monitoring Round process. (AQW 2181/09)

**The Minister of Finance and Personnel:** As part of the In-Year Monitoring process it is normal practice for NI departments to consult with their respective Assembly Committee's as regards the content of their Monitoring Round submissions.

Therefore, the information requested should already be available from Assembly Committee's whilst requests for further detail on Monitoring Round submissions should be referred to specific departments.

As part of the 2008-09 September Monitoring Round the Department of Finance and Personnel identified pressures of £11.1 million in terms of current expenditure and £3.1 million in relation to capital investment.

## Public Sector Jobs: Location

**Mr Durkan** asked the Minister of Finance and Personnel to set out his Department's plans to decentralise Departmental employment and operations of its agencies to locations outside Belfast. (AQW 2199/09)

**The Minister of Finance and Personnel:** Professor Sir George Bain's recent report on the location of public sector jobs includes two organisations within the Department of Finance and Personnel – Land and Property Services and the Northern Ireland Civil Service Shared Services – in the pool of candidates for relocation.

The recommendations of this independent review have to be carefully considered by government before decisions on a way forward can be reached. As a first step, I have written to Executive colleagues to gather opinions from Ministers and these, together with the views of the Finance Committee and the Assembly debate on 21 October, will be useful in assessing the degree of consensus on the proposals.

## Car Pool Service

**Mr McNarry** asked the Minister of Finance and Personnel (i) how many vehicles are maintained; (ii) how many drivers are maintained; and (iii) what is the total cost of maintenance for vehicles, in the official car pool service. (AQW 2279/09)

**The Minister of Finance and Personnel:** The Department currently maintain a fleet of fourteen Skoda Superb cars, two Toyota Prius Hybrid cars and one Volkswagen Caravelle people carrier.

The Department employs twelve drivers who either drive Ministers or provide backup and transport officials.

The normal maintenance cost for the fleet of Skodas for the first three years was included in the purchase price. It is not possible to provide an exact figure for the maintenance cost for the other vehicles involved in the transportation of Ministers and officials as these costs are not monitored separately, from costs associated with other departmental vehicles e.g. courier vans.

However, the total maintenance cost has been estimated at £7K per annum.

## Steps 2 Work

**Mrs M Bradley** asked the Minister of Finance and Personnel to detail the reasons why (i) evaluation forms for Steps 2 Work tender bids were dated weeks after the date when panels made assessments; (ii) panel members did not take individual and contemporaneous notes of their evaluation of each bid; and (iii) a number of tenderers were offered 'clarification interviews' and others were not. (AQO 1300/09)

**The Minister of Finance and Personnel:** Although evaluation commenced on a particular date none of the evaluations in any of the contract areas could be concluded until clarification on aspects of some tender offers could be obtained from organisations, verification of the statistical evidence in some tender offers needed to be ratified with Departmental records. In line with the recommendation of the Training for Success report the Department for Employment and Learning sought references from colleagues in England regarding the experience of organisations which were tendering for business in Northern Ireland for the first time. The time taken to complete this exercise resulted in a delay in completing the final evaluation scores and comments.

Notes were taken by individuals on the panel to inform a consensus of opinion which was recorded on the evaluation marking frame. The clarification stage of the procurement process is not an opportunity to supply supplementary information to a tender offer and therefore, in accordance with the Invitation to Tender documentation, only those organisations whose tender offers required clarification were requested to attend a clarification interview.

### Steps 2 Work

**Mr Burns** asked the Minister of Finance and Personnel, further to the recommendation of the Department's Training for Success Report that stated 'agreements in contract bids are supported with formal written documentation', to detail the reasons why Steps 2 Work contracts were awarded where documentation was limited to a 'letter of support'. (AQO 1339/09)

**The Minister of Finance and Personnel:** In line with the recommendation of the Department for Employment and Learning's report on Training for Success, Central Procurement Directorate only awarded contracts for Steps to Work after satisfactory evidence was presented that agreement had been reached between all parties in accordance with the tender offers submitted.

### MRSA Hospital Deaths

**Mr Shannon** asked the Minister of Finance and Personnel how many hospital patients have died as a result of MRSA in each of the last 3 years. (AQW 2477/09)

**The Minister of Finance and Personnel:** The attached table gives the number of deaths registered in Northern Ireland between 2005 and 2007, where MRSA was mentioned on the death certificate and the deceased died in a hospital. As some people are very ill with other conditions and the contribution of MRSA can be uncertain; the figures relate to all deaths regardless of whether MRSA was recorded as the primary or secondary cause of death. The deceased may have contracted MRSA prior to becoming a hospital patient.

TABLE: NUMBER OF DEATHS REGISTERED RELATING TO MRSA WHERE THE DECEASED DIED IN A HOSPITAL, 2005-2007<sup>P</sup>

Registration Year	Number of MRSA related deaths in hospital
2005	57
2006	47
2007P	52

P Provisional Data.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Paediatric Tonsillectomies

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety if provision will be made for paediatric tonsillectomies in the proposed new acute hospital for the South West in Enniskillen. (AQW 1927/09)

**The Minister of Health, Social Services and Public Safety (Mr M McGimpsey):** It is for Trusts to decide on the location of specific services to best meet the needs of their local populations. However, in this instance I can advise that paediatric tonsillectomies in the Western Trust area are carried out at Altnagelvin Hospital. Plans for the new acute hospital do not currently anticipate paediatric tonsillectomy being carried out there due to the need to support such surgery with full paediatric cover if the service is to meet accepted levels of quality and safety. However, outpatient and day case ENT care will be provided at the new hospital.



### Multi-Agency Support Teams Schools Initiative

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety (i) to advise of the progress of the Multi Agency Support Teams Schools initiative; and (ii) when resources will be available for all schools and children who are in need of additional support. (AQW 1989/09)

**The Minister of Health, Social Services and Public Safety:** The Children and Young People Funding Package, announced in March 2006, provided £4m recurrent to set up 9 early intervention multi-disciplinary support teams to provide a cohesive support service for children and young people in a range of settings.

The multi-disciplinary teams have been established and are taking referrals. Services are being delivered to children based on an assessment of the needs of each child.

That £4m recurrent has now been incorporated into Health and Social Services Boards' normal budgetary baselines with effect from April 2008.

### Multi-Agency Support Teams Schools Initiative

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to provide a breakdown by council area of those schools in the Northern Health and Social Care Trust area which (i) are participating in the Multi Agencies Support Teams for Schools (MAST) initiative; (ii) have applied to join; and (iii) have not applied. (AQW 1990/09)

**The Minister of Health, Social Services and Public Safety:** The information requested, broken down by council area, is set out in the table below. Total numbers are:

- (i) 103 schools;
- (ii) At 5 November 2008 an additional 44 have expressed an interest in being involved in this service, and
- (iii) A further 111 have currently not responded to Multi-Agencies Support Teams for Schools.

	ANTRIM	B'MENA	B'MONEY	C'FERGUS	COLERAINE	C'TOWN	LARNE	M'FELT	MOYLE	N'ABBEY
<b>Nursery Schools</b>										
Participating in MASTS	2	2	1	1	2	1	0	1	0	4
Have applied since closing date	0	0	0	0	0	0	0	0	0	1
Not Applied	0	0	0	0	0	0	0	0	1	0
<b>Primary Schools with a Nursery Unit</b>										
Participating in MASTS	4	6	2	2	2	3	0	1	1	5
Have applied since closing date	0	1	0	3	1	1	1	1	0	0
Not Applied	0	1	1	0	2	0	3	0	3	1
<b>Primary Schools</b>										
Participating in MASTS	13	3	4	2	8	7	1	10	6	9
Have applied since closing date	4	7	3	4	3	4	3	3	1	3
Not applied	4	11	12	2	15	10	9	16	7	13

### Attention Deficit and Hyperactivity Disorder

**Mr Hamilton** asked the Minister of Health, Social Services and Public Safety to detail (i) in each of the last five years, the funding his Department has given to tackling attention deficit and hyperactivity disorder; and (ii) the proposed budget for tackling this disorder in the next three years. (AQW 1991/09)

**The Minister of Health, Social Services and Public Safety:** My Department has provided £25k funding to Northern Ireland Attention Deficit & Hyperactivity Disorder (NI-ADD) Support Centre for each of the last 5 years.

Funding of £25k for the NI-ADD Support Centre will continue in 2009/2010.

Services for children with ADHD are provided by Child & Adolescent Mental Health services. The breakdown of the allocation of funding provided for ADHD is not held and could only be obtained at disproportionate cost.

### Attention Deficit and Hyperactivity Disorder

**Mr Hamilton** asked the Minister of Health, Social Services and Public Safety what financial support he has given to the Northern Ireland Attention Deficit and Hyperactivity Disorder Children's Charity, and in particular, to its support centre project. (AQW 1992/09)

**The Minister of Health, Social Services and Public Safety:** This year the Department of Health, Social Services and Public Safety is providing £25k to the Northern Ireland Northern Ireland Attention Deficit & Hyperactivity Disorder charity for its support centre. Funding will continue in 2009/10 at a similar rate.

### Altnagelvin Hospital

**Mr McCartney** asked the Minister of Health, Social Services and Public Safety where Ambulances used by Altnagelvin Hospital are serviced; and what measures are in place to ensure that (i) value for money is achieved; and (ii) disruption to the service is kept to a minimum. (AQW 1995/09)

**The Minister of Health, Social Services and Public Safety:** The provision of ambulance services, including servicing of vehicles, is a matter for the Northern Ireland Ambulance Service (NIAS).

NIAS have advised that the Regional Supplies Service of the Central Services Agency procure ambulance vehicle maintenance contracts through a tendering process having regard to various factors, including value for money. Ambulances based at Altnagelvin Area Hospital are serviced at locally based garages; the current contract specifies 10 garages in the NIAS Western Division area, any of which may be used.

With regard to minimising service disruption, the fleet complement takes account of the need for reserve vehicles. The ambulance fleet is managed as a regional resource and ambulances are deployed on an operational basis to provide continuity of cover in the event of the unavailability of any individual ambulance at any particular ambulance station or deployment point.

### Family Intervention Team

**Mr Doherty** asked the Minister of Health, Social Services and Public Safety to detail (i) what steps he intends to take to address management deficits in the Family Intervention Team, Enniskillen; (ii) how his proposed plan will address this issue in the future; and (iii) his long term plans for this service. (AQW 1999/09)

**The Minister of Health, Social Services and Public Safety:** This is an operational matter for the Western Health and Social Care Trust management and I understand that the Trust has already responded to you on this matter.

### Nurses: Pay Bands

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the pay bands for grade D nurses. (AQW 2022/09)

**The Minister of Health, Social Services and Public Safety:** From 1 October 2004 Health and Social Care staff with a nurse clinical grading D moved to pay band 5 on the Agenda for Change scales.

### Nurses: Pay Bands

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the pay bands for grade E nurses. (AQW 2023/09)

**The Minister of Health, Social Services and Public Safety:** From 1 October 2004 the majority of Health and Social Care staff with a nurse clinical grading E moved to pay band 5 on the Agenda for Change scales. However, those staff that were employed in specialist posts at Grade E moved to the Agenda for Change band 6 grade.

### Nurses: Pay Bands

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the pay bands for grade F nurses. (AQW 2024/09)

**The Minister of Health, Social Services and Public Safety:** From 1 October 2004 Health and Social Care staff with a nurse clinical grading F moved to pay band 6 on the Agenda for Change scales.

### Epilepsy: Number Diagnosed

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety how many people have been diagnosed with epilepsy, broken down by Health and Social Care Trust. (AQW 2049/09)

**The Minister of Health, Social Services and Public Safety:** The information is not available in the form requested.

### Epilepsy: Specialist Services

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety what specialist services are available for people with epilepsy. (AQW 2050/09)

**The Minister of Health, Social Services and Public Safety:** People suffering from epilepsy have access to care and treatment from an appropriate part of the Health and Social Care sector depending on their individual needs, ranging from primary and community care to general neurology and specialist epilepsy clinics.

Regional neurology services are provided by the Belfast Health and Social Care Trust's neurology department. In addition to general neurology and specialist epilepsy clinics, the service provides a pre-conceptual clinic and joint obstetric/epilepsy clinic; and manages the UK & Ireland Epilepsy and Pregnancy Register. Pre-surgical assessments are carried out although, with the exception of vagal nerve stimulation, patients deemed suitable for surgery are referred to centres of excellence in either London or Liverpool.

My Department has also commissioned a review of services for children with severe/intractable epilepsy, and will be seeking to develop services in line with the recommendations from that review.

### NICE Guidelines: Compliance

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety for his assessment of the level of compliance with NICE guidelines by Health and Social Care Trust organisations. (AQW 2051/09)

**The Minister of Health, Social Services and Public Safety:** There are several different types of NICE guideline. Technology appraisals typically assess new drug therapies for their cost effectiveness. The Health and Social Care service providers are generally expected to put plans in place within three months to facilitate the implementation of these guidelines once endorsed by my Department. NICE clinical guidelines and public health guidelines, on the other hand, are typically advisory good practice documents covering a wide range of issues relating to the management of a disease or medical condition. They are regarded as developmental standards designed to encourage and support moves to better practice that HSC organisations are expected to achieve over time.

There is no information presently available on the general level of compliance with NICE Guidelines. However, the Regulation and Quality Improvement Authority is responsible for reviewing clinical and social care governance arrangements in individual HSC Trusts against a range of quality standards on a on-going basis. This includes compliance with best practice guidance concerned with safe and effective care produced by NICE.

## Epilepsy

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety what services are available to (i) adults with epilepsy; and (ii) child sufferers of epilepsy, in the Western Health and Social Care Trust.

(AQW 2052/09)

**The Minister of Health, Social Services and Public Safety:** I am advised by the Western Health and Social Care Trust that adults suffering from epilepsy in their area are referred to the Trust's neurology service by their GPs and have access to care and treatment from this service and other appropriate parts of the Health and Social Care (HSC) sector depending on their individual needs. The Trust has Epilepsy Specialist Nurses who hold clinics and provide support to patients with epilepsy.

For children with epilepsy, several clinics staffed by consultants with an interest in epilepsy are held each month. When appropriate, referrals are made to the neurology service at the Royal Belfast Hospital for Sick Children. The Trust is currently recruiting for two part-time paediatric epilepsy nurse specialists.

The Trust also provides access to a consultant psychiatrist and Lakeview Hospital to assist in the assessment and treatment of epilepsy in learning disability. The condition is managed by community nurses for learning disability who have access to the epilepsy nurse specialists and specialist epilepsy services.

## Ambulance Response Times

**Mr McQuillan** asked the Minister of Health, Social Services and Public Safety to detail the average ambulance response time, from receiving the call to arrival in rural areas, compared to the average response time in urban areas.

(AQW 2070/09)

**The Minister of Health, Social Services and Public Safety:** Ambulance services calls are not categorised as rural and urban. The average response times for Category A emergency (life-threatening) calls in each Northern Ireland Ambulance Service operational division for the first quarter of 2008/09 are detailed in the table below.

### CATEGORY A EMERGENCY CALLS AVERAGE RESPONSE TIMES (MINUTES)

1 APRIL 2008 – 30 JUNE 2008

Eastern Division (City)	5:57
East Division (Country)	7:31
Northern Division	9:10
Southern Division	8:25
Western Division	8:02

## Nurses: Pay Bands

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the pay bands for grade G sisters.

(AQW 2075/09)

**The Minister of Health, Social Services and Public Safety:** From 1 October 2004 the majority of Health and Social Care staff with a nurse clinical grading G moved to pay band 6 on the Agenda for Change scales. However, those staff that were employed as ward managers and theatre managers and those in specialist posts at grade G moved to the Agenda for Change pay band 7.

## Clostridium Difficile

**Mr McQuillan** asked the Minister of Health, Social Services and Public Safety if discharged patients, who have contracted clostridium difficile in hospital, receive any additional care.

(AQW 2076/09)

**The Minister of Health, Social Services and Public Safety:** Ongoing care following discharge from hospital is normally provided by a patient's general practitioner and other members of the primary care team. Any



specific treatment is tailored to a patient's individual circumstances, the particular condition from which they suffer, its severity and any co-morbidity.

### **Nursing Jobs: Grade D**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many grade D nursing jobs he plans to cut under his efficiency targets. (AQW 2077/09)

**The Minister of Health, Social Services and Public Safety:** Efficiency savings are not cuts. The money released is not taken out of the system; it is reinvested back into frontline services to where it is needed most. Each of the Trusts will now consult on a number of their proposals over the next five months. It is only after this consultation process is complete that any decision will be made on how to achieve the efficiencies required for reinvestment.

### **Nursing Jobs: Grade E**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many grade E nursing jobs he plans to cut under his efficiency targets. (AQW 2078/09)

**The Minister of Health, Social Services and Public Safety:** I would refer the Member to my earlier answer. (AQW 2077/09)

### **Nursing Jobs: Grade F**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many grade F nursing jobs he plans to cut under his efficiency targets. (AQW 2079/09)

**The Minister of Health, Social Services and Public Safety:** I would refer the Member to my earlier answer. (AQW 2077/09)

### **Hospital Vending Machines**

**Mr McKay** asked the Minister of Health, Social Services and Public Safety for his assessment of a ban on hospital vending machines selling junk food, such as the one being introduced in Wales. (AQW 2082/09)

**The Minister of Health, Social Services and Public Safety:** Vending machines in HSC hospitals are primarily intended to offer staff and visitors access to snacks and drinks at times when hospital dining facilities are not available and are not designed to replace a healthy balanced diet. However, our hospitals are well placed to show good practice and be exemplary in providing and encouraging healthier food choices to enable the population of Northern Ireland to reduce the risks of developing preventable diseases such as Coronary Heart disease, Stroke and Diabetes. Our hospitals should therefore be exemplar in the promotion of healthy eating for patients; including staff and visitors who would benefit from a healthy balanced diet.

We are therefore looking closely at the decision taken in Wales with a view of determining if a similar position should be adopted in Northern Ireland.

### **Nursing Jobs: Band 7**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many band 7 ward sister jobs he plans to cut under his efficiency targets. (AQW 2083/09)

**The Minister of Health, Social Services and Public Safety:** I would refer the Member to my earlier answer. (AQW 2077/09)

### Health Complaints Procedure

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what consultation there has been on the new health complaints procedure. (AQW 2097/09)

**The Minister of Health, Social Services and Public Safety:** “Complaints in the Health and Personal Social Services: A Consultation Paper” was issued for public consultation in November 2006. The closing date for responses was extended to 23 March 2007. A Summary of Responses to the consultation was published in January 2008.

### Health Complaints Procedure

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what action is being taken to ensure there is an independent investigation element to the health complaints procedure. (AQW 2098/09)

**The Minister of Health, Social Services and Public Safety:** The new complaints procedure Complaints in HSC: Standards and Guidelines for Resolution and Learning will become effective on 1 April 2009. This single-tier complaints procedure allows for a more robust local resolution of complaints and removes the Independent Review stage presently convened via the relevant HSS Board. The new arrangements recognise that there will be times when attempts at local resolution do not satisfy the complainant and provides for a robust and fully independent review through the NI Ombudsman.

Within the local resolution stage there will also be opportunities to involve independent experts, lay persons and conciliators as appropriate.

### Health Complaints Procedure

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what role there is in the proposed new health complaints process for complainants. (AQW 2099/09)

**The Minister of Health, Social Services and Public Safety:** The complainant has a key role in the new complaints process. The arrangements seek to make the process more accessible to all, and one of the new standards specifically addresses the issue of support for complainants and staff.

HSC organisations will routinely request feedback from complainants for the purposes of monitoring the effectiveness of arrangements locally and the new Patient and Client Council will also work closely with any complainants who wish to make use of their services.

### Health Complaints Procedure

**Mr Weir** asked the Minister of Health, Social Services and Public Safety for his assessment of whether complainants have been given a sufficient role in the proposed new health complaints procedure; and whether he intends to review their role. (AQW 2100/09)

**The Minister of Health, Social Services and Public Safety:** HSC organisations will routinely request feedback from complainants for the purposes of monitoring the effectiveness of arrangements locally and the new Patient and Client Council will also work closely with any complainants who wish to make use of their services.

The Complaints in Health and Personal Social Services: A Consultation provided the opportunity for all services users and staff to contribute to the design of the new arrangements. The consultation process involved a wide section of the public including, but not limited to, those who had previously expressed concerns about the HPSS Complaints Procedures.

I have no immediate plans to review the role of the complainant in the HSC complaints procedure.

### Speech and Language Therapists

**Mr Storey** asked the Minister of Health, Social Services and Public Safety to detail how many accredited training courses for parents and education staff have been run by Speech and Language Therapists, in the academic year 2007/08. (AQW 2121/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not held centrally by my Department.

### Infection Control: Environmental Cleanliness Audits

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety, given the emphasis on the use of audit to measure the implementation of policies and procedures relating to infection control, to detail the reasons why 44 audits were missing out of a total of 56, in the current year, for Theatre 1 operating theatre in the Royal Victoria Hospital, Belfast. (AQW 2122/09)

**The Minister of Health, Social Services and Public Safety:** In the Royal Victoria Hospital, Operating Theatre 1 serves neurosurgical ward 4f and is located on level 3. Environmental Cleanliness Audits are carried out on a rotational basis across all operating theatres on level 3, and are conducted on the frequency recommended for a particular risk category of the functional area in line with the Cleanliness Matters Toolkit. According to information provided by the Belfast Trust no audits are missing.

### Speech and Language Therapy Task Force Report

**Mr Storey** asked the Minister of Health, Social Services and Public Safety who will take the lead in his Department in the implementation of the Speech and Language Therapy Task Force report. (AQW 2123/09)

**The Minister of Health, Social Services and Public Safety:** My Department's Mental Health and Disability Policy Directorate will lead on the implementation of the report's recommendations.

### Health Care Acquired Infections

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if his Department has considered the introduction of hazard analysis and critical control point protocol in auditing cleanliness and targeting health care acquired infections. (AQW 2124/09)

**The Minister of Health, Social Services and Public Safety:** As hazard analysis and critical control point protocol (HACCPP) is a risk assessment tool used by food production units, including those in all HSC Trusts, to identify and reduce risks throughout the food production process, HSC Trusts have not applied HACCPP to auditing cleanliness and targeting health care associated infections.

### Speech and Language Therapy Task Force Report

**Mr Storey** asked the Minister of Health, Social Services and Public Safety for his assessment of the Speech and Language Therapy Task Force Report. (AQW 2126/09)

**The Minister of Health, Social Services and Public Safety:** I welcomed the completion of the Taskforce's report. Work already undertaken by my Department has helped to move the service in the direction set out in the report. This includes improvements in waiting times for Allied Health Professionals, which have been reduced to less than 26 weeks, and will be further reduced to 13 weeks next year.

### Respite Care Beds

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many beds are kept available for respite care in nursing homes. (AQW 2140/09)

**The Minister of Health, Social Services and Public Safety:** The information is not available in the form requested.

### Respite Care Beds

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what the average waiting time is for respite care beds. (AQW 2142/09)

**The Minister of Health, Social Services and Public Safety:** The information is not available in the form requested.

### Respite Care Beds

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what action is being taken by his Department to increase provision for respite care beds. (AQW 2143/09)

**The Minister of Health, Social Services and Public Safety:** The total budget secured under the Comprehensive Spending Review for children and adults with disabilities in Northern Ireland is £43m (£24m recurrent) over the next 3 years. This will benefit all people with disabilities and includes the provision of an additional 400 new or enhanced respite care packages over the next three years for people with disability and their families/carers. Additional funding of £60m (£35m recurrent) was also secured over the next three years as part of the Comprehensive Spending Review to deal with the demographic increase in the numbers of older people who will require support in the community. This investment will be targeted at the development of a range of flexible and responsive community care services including respite. My Department is actively encouraging the use of the Direct Payments scheme as a further means of providing social care services as I also believe that this is helpful in giving people flexibility, choice and control over the purchase and delivery of services that support them including respite.

### Myalgic Encephalomyelitis

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what plans his Department has to set up specialist multi-disciplinary clinics for sufferers of Myalgic Encephalomyelitis/Chronic Fatigue Syndrome. (AQW 2144/09)

**The Minister of Health, Social Services and Public Safety:** It is the responsibility of the Health and Social Services Boards to plan and allocate resources to meet the needs of their local population, including those with myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS). In determining their priorities for service development, Boards will take into account local circumstances, the strategic objectives established for the HSC and competing demands and pressures for a wide range of health and social care services generally.

In January 2008 my Department issued a circular endorsing a National Institute for Health and Clinical Excellence (NICE) clinical guideline on the diagnosis and management of ME/CFS in adults and children. I would expect the HSC to take account of the NICE guideline in the future planning and delivery of services to people diagnosed with ME/CFS.

### Cancer: Diagnoses in 2008

**Mr Hilditch** asked the Minister of Health, Social Services and Public Safety how many people diagnosed with cancer in 2008 were not operated on within 21 days of being diagnosed. (AQW 2155/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not routinely recorded. It should also be noted that surgery is not indicated for every diagnosis of cancer.

The current cancer access standards require Trusts to ensure that 98% of patients diagnosed with cancer receive their first definitive treatment within 31 days of the decision to treat being taken. The latest validated data is for August 2008 and indicates that 96% of cancer patients have commenced treatment within 31 days of the decision to treat. The Department continues to closely monitor Trust performance in relation to the cancer access standards.



### Agency Staff

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the positions that agency staff are having to fill in the Health and Social Care Service. (AQW 2161/09)

**The Minister of Health, Social Services and Public Safety:** Agency staff are employed across all Terms and Conditions groups in response to immediate pressures affecting service delivery.

### Greenhaw Lodge: Daycare Service

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety what plans he has to intervene in the proposal by the Western Health and Social Services Trust to move the Greenhaw Lodge learning disability day care service. (AQW 2177/09)

**The Minister of Health, Social Services and Public Safety:** The Western Health and Social Care Trust has advised me that the relocation of day care services from the Greenhaw Lodge facility to the Evergreen Centre at Gransha Park is of a temporary nature, designed in order to enable the continuance of the service provided to the 24 people who are on the register at Greenhaw Lodge. The Trust will be identifying a longer term solution to ensure continued safe and effective future services.

### Breast Cancer: Public Awareness

**Dr McDonnell** asked the Minister of Health, Social Services and Public Safety what measures his Department has in place to raise public awareness of breast cancer. (AQW 2183/09)

**The Minister of Health, Social Services and Public Safety:** The Breast Screening Programme is an important public health initiative which has a significant impact on reducing the number of women who die from breast cancer in Northern Ireland each year.

Currently, women aged between 50 and 64 years are routinely invited for breast screening every three years. From March 2009 the programme will be extended to include women up to 70 years of age.

This programme is supported by a suite of information leaflets including one which is sent to all women when they are invited for screening. In addition to this, a Breast awareness leaflet is available through GP surgeries and other health promotion outlets to remind women of the importance of being breast aware.

The Department would encourage any woman who has concerns, signs or symptoms regarding her health, to contact her GP.

### Breast Cancer: Public Awareness

**Dr McDonnell** asked the Minister of Health, Social Services and Public Safety what measures his Department has in place to raise public awareness that breast cancer can also affect men. (AQW 2184/09)

**The Minister of Health, Social Services and Public Safety:** Breast cancer in men is a rare disease, with an average of 6 cases a year in Northern Ireland. Across the UK, it affects around 300 men a year, compared to nearly 46,000 women.

My Department is working closely with cancer charities to raise awareness of cancer in men, particularly prostate and testicular cancer.

Any man who has concerns regarding his health should consult his GP for advice.

### Breast Cancer: Male Diagnoses

**Dr McDonnell** asked the Minister of Health, Social Services and Public Safety what percentage of breast cancer diagnoses in each of the last 5 years have been to men. (AQW 2185/09)

**The Minister of Health, Social Services and Public Safety:** The Northern Ireland Cancer Registry publish comprehensive information on cancer incidence and survival. The requested information relating to breast cancer can be accessed online at: <http://www.qub.ac.uk/research-centres/nicr/Data/OnlineStatistics/Breast/>

### Breast Cancer: Recovery Rates

**Dr McDonnell** asked the Minister of Health, Social Services and Public Safety what percentage of (i) women; and (ii) men, diagnosed with breast cancer make a full recovery. (AQW 2186/09)

**The Minister of Health, Social Services and Public Safety:** The Northern Ireland Cancer Registry publish comprehensive information on cancer incidence and survival. The requested information relating to breast cancer can be accessed online at: <http://www.qub.ac.uk/research-centres/nicr/Data/OnlineStatistics/Breast/>

### Health Service Staff: Turnover

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to outline the turnover of Health Service staff over the last three years. (AQW 2188/09)

**The Minister of Health, Social Services and Public Safety:** In the context of the current Health and Social Care (HSC) system, turnover is taken to relate to all those staff that leave Trusts, Boards or other regional organisations within the HSC family. It does not include staff who move between different parts of the same organisation, even to a new post, but will include those staff who move between organisations. The table below provides overall HSC turnover rates calculated on this basis.

	Percentage Turnover
2005/06	8.1%
2006/07	8.0%
2007/08	9.1%

**Source:**

Human Resource Management System

**Notes:**

1. The turnover rate is calculated as the headcount of staff leaving or moving between HSC organisations, expressed as a percentage of staff in post (headcount) at the mid-point of the year in question.
2. In order to make turnover for all years directly comparable, figures for 2005/06 and 2006/07 are based on the current 5 Trust structure even though this only came into being on 1st April 2007.
3. Junior doctors are excluded from the calculation.
4. The turnover rate excludes bank/sessional staff, home helps and staff with a whole-time equivalent less than or equal to 0.03.

### Ambulance Cover

**Ms Ní Chuilín** asked the Minister of Health, Social Services and Public Safety (i) to detail the Ambulance cover that is proposed to be removed in each parliamentary constituency; (ii) how the proposed cuts were decided; and (iii) what consultation there was with those affected by the cuts. (AQW 2196/09)

**The Minister of Health, Social Services and Public Safety:** This information is not available in the format requested.

As with all public bodies in Northern Ireland, the Northern Ireland Ambulance Service (NIAS) is committed to meeting the Executive's efficiency target of 3% per annum between 2008/09 and 2010/11. The efficiency savings do not represent cuts in services but efficiencies which will result in service improvements. The Ambulance Service's proposals will see an increase in the number of hours of paramedic cover from 538,000 in 2007/08 to around 600,000 by 2010/11.

NIAS is obliged to ensure that all policies are proofed or have been impact assessed against a wide range of criteria. I understand NIAS plans to publish a consultation document on its Comprehensive Spending Review efficiency savings and investment proposals shortly.

### Personality Disorders

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many patients have been referred to Great Britain for treatment for personality disorders, in each of the last 3 years. (AQW 2214/09)

**The Minister of Health, Social Services and Public Safety:** The figures requested are set out in the table below:

Year	Referrals
2005/06	3
2006/07	6
2007/08	20

### Personality Disorders

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what action he is taking to provide facilities for people suffering from personality disorders. (AQW 2215/09)

**The Minister of Health, Social Services and Public Safety:** A Strategy for developing services for Personality Disorders in line with the recommendations of the Bamford Report will shortly be issued for a stakeholder consultation. The CSR allocation earmarked funding to support this initiative.

### Personality Disorders

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how much it has cost his Department to send patients to Great Britain for treatment for personality disorders in each of the last 3 years. (AQW 2216/09)

**The Minister of Health, Social Services and Public Safety:** The costs requested are set out in the table below:

Year	Cost
2005/06	£376,996
2006/07	£737,705
2007/08	£1,551,752

### Foster Parents

**Mr Ross** asked the Minister of Health, Social Services and Public Safety what support is available from his Department for foster parents. (AQW 2229/09)

**The Minister of Health, Social Services and Public Safety:** Foster Carers receive a wide range support including:

- Foster care allowances based on National Minimum rates.
- Ad hoc payments to meet other costs;
- Access to a 24/7 support help line;
- Training;
- Every Foster Carer is supported by a supervising social worker/ link worker who visits the foster carer on a regular basis. Other professionals can provide specialist help as and when required.

- Support through the ‘fostering achievement’ scheme to funding to provide computers, play equipment, musical instruments, tuition and for young people aged 17+ driving lessons. As part of fostering achievement foster carers can also access for their fostered child intensive tutoring around Easter for young people sitting GCSEs and a special summer scheme for children aged 7-11 focusing on improving numeracy and literacy. As part of this initiative foster carers also have access to advice, training and support to help them in their role as first educators;
- Foster care allowances continuing to be paid for young people who leave care aged 18 but continue to live with them until they are aged 21.

In addition some foster carers are also fee paid and foster carers can also access a range of support which is available to any family which includes children aged under 18.

### Foster Parents

**Mr Ross** asked the Minister of Health, Social Services and Public Safety how many new foster parents have been required in each of the last 3 years, broken down by parliamentary constituency. (AQW 2230/09)

**The Minister of Health, Social Services and Public Safety:** Information on the number of new foster parents required in each of the last 3 years, broken down by parliamentary constituency is not available.

### Foster Parents

**Mr Ross** asked the Minister of Health, Social Services and Public Safety to detail the number of foster parents broken down by parliamentary constituency. (AQW 2232/09)

**The Minister of Health, Social Services and Public Safety:** Information on the number of foster parents is not available broken down by parliamentary constituency.

### A3 Tesla Scanners

**Mr Easton** asked the Minister of Health, Social Services and Public Safety what plans he has to install A3 Tesla scanners in hospitals. (AQW 2235/09)

**The Minister of Health, Social Services and Public Safety:** It is the responsibility of individual Trusts to determine and provide diagnostic imaging services and equipment consistent with their hospitals’ service profiles. To date, no Trust has brought forward a proposal for the introduction of 3 Tesla MRI.

While there are currently no 3 Tesla MRI scanners in Northern Ireland, there are a number of such scanners elsewhere in the UK. Patients may be referred to an appropriate UK centre should their clinician be of the opinion that a diagnosis would require the use of a 3 Tesla MRI scanner.

### Public Health Agency

**Mr Easton** asked the Minister of Health, Social Services and Public Safety where the new Public Health Agency will be located. (AQW 2236/09)

**The Minister of Health, Social Services and Public Safety:** Decisions in regard to the location of the new Regional Agency for Public Health and Social Well-Being will be the subject of a business case which is currently being prepared and appropriate equality screening.

### Public Health Agency

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the costs incurred in the creation of a new Public Health Agency. (AQW 2237/09)

**The Minister of Health, Social Services and Public Safety:** In quantifying costs to date in the creation of the new Regional Agency for Public Health and Social Well-being it is not possible to accurately disaggregate the



relevant project costs from the overall expenditure on the programme to implement all of the Health and Social Care reforms. However, the Department has identified a total additional cost of approximately £12,200 incurred to date specifically associated with the establishment of the new Agency.

### **Listeria Outbreak: RVH**

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety if all seven known Listeria cases recently discovered at the Royal Victoria Hospital were on the same ward. (AQW 2244/09)

**The Minister of Health, Social Services and Public Safety:** Seven cases of Listeriosis were identified in Belfast Trust hospitals during the period May-July 2008. Five of these seven cases were inpatients in the Royal Victoria Hospital and these five patients were in four different wards.

### **Listeria Outbreak: RVH**

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety if the restaurant at the Royal Victoria Hospital was swab sampled as part of the ongoing investigation into the recent Listeria outbreak. (AQW 2245/09)

**The Minister of Health, Social Services and Public Safety:** As part of this investigation the restaurant in the Royal Victoria Hospital was inspected and appropriate food samples were taken. Environmental swabs were taken in food preparation areas and food samples were obtained.

### **Health Complaints Procedure**

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety will he consider instituting an anonymous complaints system in the Health Service to ensure full reporting of patient dissatisfaction on every aspect of their operation. (AQW 2254/09)

**The Minister of Health, Social Services and Public Safety:** Anonymous complaints are already provided for under the current HPSS Complaints Procedures. While the normal response processes are clearly not possible in such cases, HSC organisations do consider the content of these complaints in order to identify any potential risk to the public or patient safety and, where appropriate, the need to investigate the complaint if it would be in the public interest to do so.

A new HSC Complaints Procedure (HSC Complaints: Standards and Guidelines for Resolution and Learning) will come into effect on 1 April 2009 and, as with the current system, will accommodate anonymous complaints. The new arrangements will also allow for third party complainants to bring concerns to a HSC organisation without compromising the identity of the service user. The HSC organisation will consider the matter as fully as possible and reply to the third party as appropriate.

### **Listeria Outbreak: RVH**

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety if the enquiry into the recent Listeria outbreak at the Royal Victoria Hospital is independent. (AQW 2255/09)

**The Minister of Health, Social Services and Public Safety:** The outbreak control team investigating the recent cluster of cases of Listeria in Belfast Trust hospitals is chaired, on behalf of the Director of Public Health of the Eastern Health and Social Services Board, by a Consultant Regional Epidemiologist who is an employee of the Communicable Disease Surveillance Centre, which is independent of the Belfast Trust although located on the Belfast City Hospital site. The Director of Public Health has the statutory responsibility for investigation of outbreaks of foodborne illness in the Board's area. The other members of the team include Environmental Health Officers from Belfast City Council, and Northern Group Environmental Health, representatives from the Eastern Health and Social Services Board and the Food Standards Agency as well as staff from the Belfast Health and Social Care Trust. I am content that there is a satisfactory level of independence from the Trust in these arrangements.

### Tonsillectomies

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety to detail how many hospitals carry out day care tonsillectomies for children. (AQW 2332/09)

**The Minister of Health, Social Services and Public Safety:** Day case paediatric tonsillectomies are carried out at 6 acute hospitals in NI.

### South West Acute Hospital

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety if his Department is considering purchasing more land adjacent to Wolf Lodge in Enniskillen, the site of the new acute hospital in the South West. (AQW 2333/09)

**The Minister of Health, Social Services and Public Safety:** The Department has no plans to purchase more land adjacent to Wolf Lough, the site of the new South West Acute Hospital. The Western HSC Trust, in commissioning the development of the Hospital, is satisfied that the new hospital's facilities will be contained within the existing site boundaries without the need for further land.

### Heart Rate of Babies: Monitoring

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety what (i) training; and (ii) retraining, his Department has in place, for staff involved in monitoring the heart rate of babies, prior to birth. (AQW 2334/09)

**The Minister of Health, Social Services and Public Safety:** When training as midwives, students are trained to intermittently monitor the fetal heart rate using specialised equipment. They are trained to monitor the fetal heart rate during labour, before and after contractions, and to record their findings half hourly on the intrapartum partograph. In addition, student midwives are trained in the Use and Interpretation of Cardiotocography Fetal Monitoring (EFM CTG).

Regarding medical students, all Obstetrics and Gynaecology trainees in the UK must undergo CTG interpretation as part of basic training.

In respect of retraining, all Maternity Units in NI have purchased an online (e-learning) training package, with initial training mandatory for all labour ward staff – midwives, junior staff, trust grade doctors and consultants. Staff are also required to update the training annually. All Maternity Units have also established a monthly random review of CTG traces that are multiprofessional, and a rolling programme exists of the Advanced Life Support in Obstetrics (ALSO course).

### People Registered as Blind

**Mr Irwin** asked the Minister of Health, Social Services and Public Safety, pursuant to his answer to AQW 1684/09, if the number of people registered as (i) blind; and (ii) partially sighted, is recorded by each Health and Social Care Trust. (AQW 2421/09)

**The Minister of Health, Social Services and Public Safety:** Whilst the Trusts do hold information regarding those who are blind or partially sighted, they have advised that the information held is not a complete register as people may refuse to have their names added to relevant HSC Trust records.

### Legal Services: Tender Exercise

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety, to detail the reasons for abandoning the establishment of a new tender exercise for legal services; and what consideration he gave to the Public Contract Regulations in deciding to award a contract for legal services to the Directorate of Legal Services. (AQW 2499/09)

**The Minister of Health, Social Services and Public Safety:** Following careful consideration of the relevant issues, I concluded it was not necessary or appropriate to carry out a major procurement exercise for legal services at this time. My decision to bring legal services in-house recognised the experience and expertise of the Directorate of Legal Services within CSA, its capacity to handle large numbers of referrals economically and with no potential conflicts of interest, its ability to provide consistency and continuity of advice, and the opportunity it would provide to streamline existing administrative and accountability arrangements for Boards and Trusts. The Public Contract Regulations were not relevant to this decision.

### **Listeria Outbreak: RVH**

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety when the report into the Listeria outbreak at the Royal Victoria Hospital will be published and made available to the public.

(AQW 2501/09)

**The Minister of Health, Social Services and Public Safety:** The team investigating the recent cluster of cases of Listeria in Belfast Trust hospitals is due to meet on 26 November 2008 with the aim of finalising their report. A publication date cannot be confirmed at this time, however the report will be published as soon as possible after it has been finalised.

### **Legal Services: Tender Exercise**

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to detail the reasons for awarding all legal services work to the Directorate of Legal Services without formal consultation and contrary to the decision to establish a further tendering process, as announced by his Department in October 2006.

(AQW 2502/09)

**The Minister of Health, Social Services and Public Safety:** I reviewed the previous decision by Direct Rule Ministers to expose the provision of legal services to competition and concluded that was not necessary or appropriate at this time to carry out a major procurement exercise and that in future all HSC bodies should seek legal advice from the DLS.

The decision to bring all HSC legal services in-house was taken after careful consideration of the relevant issues, but was not subject to formal consultation. There was no statutory requirement for such a process and nor was there any consultation on previous decisions in relation to the arrangements for providing legal services to Health and Social Care organisations.

### **Legal Services: Brangham and Bagnall Fraud**

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety (i) if his Department has completed its own internal investigation into the fraud by Brangham and Bagnall, and if so, what recommendations have been made; (ii) to detail the total cost to the taxpayer of the fraud; and (iii) why so many Health and Social Care Trusts decided to use the firm, despite the availability of other firms on the legal services panel. (AQW 2504/09)

**The Minister of Health, Social Services and Public Safety:** The Department has completed its investigation into the fraud committed by Brangham and Bagnall. The Department commissioned a forensic investigation to determine the quantum of loss and also established a group to review the payment process and identify the principal risks in respect of clinical negligence cases. Revised guidance was issued which set out clearly the key controls which should be in place and requiring each body to review the controls currently operating in their organisation and where appropriate to implement immediately any controls not already in place. The key recommendations included:

- The need for independent confirmation of settlements;
- Third party payments to be made directly to third parties and confirmation of receipt of all monies; and
- Establishment of a database for all payments made including information on settlements, fees and outlays etc.

There will be no cost to the taxpayer as the monies lost as a result of the fraud have been repaid in full. The costs associated in processing the case are also being recovered.

### Legal Services: Cost

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety how much the work of the Legal Services Forum cost his Department before he decided to abandon it in August 2008. (AQW 2506/09)

**The Minister of Health, Social Services and Public Safety:** The Department does not hold this information.

## REGIONAL DEVELOPMENT

### Capital and Maintenance Budgets: North Down

**Mr Weir** asked the Minister for Regional Development to detail the (i) capital budgets; and (ii) maintenance budgets, for the North Down Borough Council area. (AQW 2014/09)

**The Minister for Regional Development (Mr C Murphy):** I should explain that my Department's Roads Service does not apportion its capital/maintenance budgets equally across District Council areas. For example, resources available for each maintenance activity (i.e. resurfacing, patching, gully emptying, grass cutting, etc), are apportioned to District Council areas using appropriate indicators of need. This helps to ensure an equitable distribution of funds across the whole of the North. Therefore, District Council analysis is performed on the actual maintenance expenditure, after the end of the financial year.

Roads Service produce a report every year, detailing Capital and Maintenance spend across District Councils. For you information, below are the figures relating to the North Down Borough Council area for the last financial year.

#### NORTH DOWN BOROUGH COUNCIL

2007/2008	£000's
Capital Spend	£1,770
Maintenance Spend	£3,974
<b>Total Spend</b>	<b>£5,744</b>

### Northern Ireland Water: Pension Schemes

**Mr McQuillan** asked the Minister for Regional Development, pursuant to the answer to question AQW 914/09, will the pay and grading levels within Northern Ireland Water be completed before employees are asked to make decisions regarding the transfer of pension schemes. (AQW 2039/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that the review of pay and grading arrangements is expected to be completed by the end of November 2008, which is well in advance of the deadline of 2 February 2009 for employees to complete the Pensions Options Exercise.

### Properties Leased by DRD

**Mr McNarry** asked the Minister for Regional Development to provide (i) the current cost in terms of rent and rates; (ii) a list; and (iii) the current leasehold terms of renewal, of properties leased by his Department. (AQW 2055/09)

**The Minister for Regional Development:** The table below details the current cost, in terms of rent and rates, and the current leasehold terms of renewal, of car parks and other properties leased directly by my Department.



Address	Rates*	Rent (pa)	Terms of Renewal
Car Parks			
Bankmore Street, Belfast	£15,150.51	£27,000	Yearly
Balmoral Avenue, Whitehead	No Rates	£600	5 Yearly
Market Square, Ballyclare	£4,238.79	£8,000	10 Yearly
Cromac Street, Belfast	£11,456.57	£22,800	Yearly
Smithfield, Belfast	£27,339.53	£45,500	Quarterly
Joymount, Carrickfergus	£6,442.95	£8,250	5 Yearly
Ballynahinch Street, Hillsborough	No Rates	£2,000	10 Yearly
Terrace Row, Coleraine	No Rates	£36,000	10 Yearly
Convention Avenue, Portstewart	No Rates	£13,000	5 Yearly
Rectory/Masonic (Court House) Londonderry	£14,069.81	£30,000	15 Yearly
Society Street, Londonderry	£2,498.89	£86	On-going lease
Fair Green, Lisnaskea	No Rates	£7,000	5 Yearly
Other Properties			
Mooring Rights, Strangford Ferry	No Rates	£2,000	2 Yearly
Newry Street, Banbridge	£5,096	£9,500	5 Yearly
Station Road, Ballycastle	£5,103	£11,000	Current term 20 Sept 1999 to 30 Apr 2011
Railway Yard, Molesworth Street, Cookstown	£15,944	£22,750	Being renewed
College House, Kelvin Avenue, Omagh	£16,738.98	£50,000	5 Yearly

Rates not payable on free car parks and mooring rights

### Northern Ireland Water: Conlig Staff

**Mr McNarry** asked the Minister for Regional Development to detail his plans to relocate staff working at the Conlig depot of Northern Ireland Water. (AQW 2057/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that, following the closure of the Conlig depot, some managerial and administrative staff will be redeployed to other office accommodation in Belfast.

However, there will be no need to relocate field staff as the introduction of new technology will enable work instructions to be passed to them electronically either at their homes, thereby enabling them to proceed direct to areas where maintenance or repair work is required or from local operational sites in the vicinity.

### Northern Ireland Water: Properties

**Mr McNarry** asked the Minister for Regional Development to detail his disposal plans for properties currently owned or rented by Northern Ireland Water. (AQW 2058/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that it is currently disposing of 7 of its local offices/depots. Disposal of these properties, and any other offices/depots subsequently identified as no longer required for future use, will be processed in accordance with NIW's disposal policy and legislative and regulatory requirements. Proceeds from the disposal of NIW properties are currently used by the company to support water and sewerage services.

NIW is not responsible for disposing of rented accommodation - this is a matter for the owners. One of the properties rented by NIW is being sold by the owner with NIW as sitting tenant until 2012.

### Northern Ireland Water: Staff Travel

**Mr McNarry** asked the Minister for Regional Development to detail the arrangements for reducing staff travel distances for employees working for Northern Ireland Water at the Conlig Depot. (AQW 2060/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that a package of measures for reducing staff travel distances is under consideration, including staff starting and finishing work from home or parking vehicles at treatment works or other operational sites closer to their homes.

The introduction of new technology will enable work instructions to be passed to field staff electronically at their homes, thereby enabling them to proceed direct to areas where maintenance or repair work is required. This will reduce significantly the distances employees are required to travel and will result in a greater speed of response.

### Northern Ireland Water/Roads Service: Work in South Antrim

**Mr Burns** asked the Minister for Regional Development to detail the work being carried out by Northern Ireland Water and the Roads Service in the South Antrim constituency during November 2008. (AQW 2139/09)

**The Minister for Regional Development:**

My Department's Roads Service has advised that the following work is being carried out in the South Antrim constituency during November 2008:

- M2 city-bound off-slip at Sandyknowes – modification of the bus gate at the bottom of the junction;
- Antrim Road/Ballyclare Road junction - upgrade the traffic signals;
- Market Square, Ballyclare - upgrade two pelican crossings;
- Stile's Way, Antrim - provision of Traffic Calming measures;
- Tully Road and Oldstone Road, Antrim - ladder hatching and installation of road studs;
- C21 Lurgan Road, Crumlin, at the junction with Cherryvalley Road - minor improvement scheme;
- Craigmore Road, Randalstown - culvert replacement work and repairs to the roadside verge.

In addition, work will continue on the M2 Improvement Scheme between Sandyknowes and Greencastle junctions. Routine maintenance work will also be carried out on roads, in the South Antrim constituency, during November 2008.

Northern Ireland Water has also advised that the following work is being carried out in the South Antrim constituency during November 2008:

- Castle Road, Antrim – Laying of watermain to serve Randalstown;
- Clonkeen, Randalstown – Replacement of watermain;
- Old Ballybracken Road, Kells – Replacement of watermain;
- Aghnadarragh Road, Glenavy – Watermain extension;
- Rashee Service Reservoir – Rehabilitation;
- Newtownabbey – Enhanced security work at divisional sites;
- Hightown Road, Newtownabbey – Replacement of watermain;
- Hydepark Service Reservoir – Replacement of joints;
- Boghill Service Reservoir – Rehabilitation;
- Antrim Road, Aldergrove – Foul sewer upgrade;
- Milltown Wastewater Treatment Works, Antrim – Upgrade of existing works;
- Creevery Sewerage Scheme Phase II – Foul sewer upgrade;
- Milltown Road, Antrim – Foul sewer upgrade; and
- various small wastewater treatment works – Priority upgrades.

### Newtownards to Donaghadee Road

**Mr Easton** asked the Minister for Regional Development what plans he has to upgrade the Newtownards to Donaghadee Road. (AQW 2164/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that extensive improvement work has been carried out on the section of the A48 Newtownards to Donaghadee Road, between the Six Road Ends junction and Donaghadee, within the last three years. This work included the installation of new drainage and carriageway resurfacing at a total cost of £232,000.

In addition to this Roads Service carried out a major junction improvement scheme at Six Road Ends, involving the provision of a roundabout, to improve traffic progression and road safety.

A further scheme, involving the resurfacing of the carriageway and footways on the Donaghadee Road, Newtownards, between Zion Place and Movilla Road, has also been carried out at a cost of £84,000.

There are no plans for any additional improvement works, on the Newtownards to Donaghadee Road, at this time.

### Traffic Crossing: River Foyle

**Mr Durkan** asked the Minister for Regional Development if his Department has carried out an assessment of the need to provide a third traffic crossing over the river Foyle on the south side of Derry/Londonderry city. (AQW 2224/09)

**The Minister for Regional Development:** I can confirm that one of the options currently being assessed by my Department's Road Service, to link the southern approaches to Derry City, includes a third crossing of the Foyle River, to the south of the city.

### Traffic-Calming Measures: Strangford

**Mrs I Robinson** asked the Minister for Regional Development to detail the locations where traffic calming measures have been introduced since January 1999 in the Strangford constituency; and what the total cost has been. (AQW 2267/09)

**The Minister for Regional Development:** Details of the locations, the cost and the year in which my Department's Roads Service introduced traffic calming measures in the Strangford constituency, since January 1999, are provided in the table below.

Year of Introduction	Location	Cost
1999 – 2000	Cloughey Village	£5,000
1999 – 2000	Portavogie Village	£10,500
1999 – 2000	Ballyhalbert Village	£9,500
1999 – 2000	Ballybeen Phase 1	£34,000
2000 – 2001	Ballybeen Phase 2	£94,000
2000 – 2001	Scrabo Estate	£87,300
2000 – 2001	Main Street, Kircubbin	£4,500
2000 – 2001	Main Street, Millisle	£14,400
2001 – 2002	Darragh Road, Comber	£48,300
2002 – 2003	Movilla Road, Newtownards	£20,000
2002 – 2003	Crawfordsburn Road, Newtownards	£4,000
2002 – 2003	Glenard Road, Newtownards	£3,000
2002 – 2003	Bangor Road, Newtownards	£4,200
2002 – 2003	Bowtown Road/Greenwell Street, Newtownards	£35,000

Year of Introduction	Location	Cost
2003 – 2004	Ballygowan Road, Comber	£5,000
2003 – 2004	Cloughey Road, Portaferry	£10,300
2003 – 2004	Westwinds Estate	£33,500
2003 – 2004	Shrigley Road, Killyleagh	£10,500
2003 – 2004	Ballywiskin	£5,500
2004 – 2005	Brentwood Way, Newtownards	£92,300
2004 – 2005	Moss Road, Ballygowan	£2,000
2004 – 2005	Carrickmannon Road, Ballygowan	£6,500
2004 – 2005	Balloo Village	£4,000
2004 – 2005	Manse Road/Main Street, Carrowdore	£40,000
2004 – 2005	Lisbane Village	£7,200
2004 – 2005	Newtownards Road, Greyabbey	£9,200
2004 – 2005	Melfort Drive, Tullycarnet	£5,000
2004 – 2005	Killynure Road, Carryduff	£10,000
2005 – 2006	Moneyreagh Village	£15,000
2005 – 2006	Saintfield Village	£76,000
2005 – 2006	Scrabo Estate (20mph zone)	£7,800
2005 – 2006	Portaferry Village	£12,200
2005 – 2006	Railway Street/Glen Link, Comber	£38,600
2006 – 2007	Belfast Road, Saintfield	£6,700
2006 – 2007	Upper Movilla Street/Upper Movilla Road, Newtownards	£15,000
2006 – 2007	Killinchy Village	£4,500
2006 – 2007	Donaghadee	£80,400
2006 – 2007	Gransha Road, Dundonald	£7,000
2007 – 2008	Movilla Street, Newtownards	£24,000
2007 – 2008	Parsonage Road, Kircubbin	£3,500
2007 – 2008	Old Ballygowan Road, Comber	£3,500
2007 – 2008	Killyleagh Village	£6,500
2007 – 2008	Balloo (Enhanced signage)	£4,000
2007 – 2008	Lisbane (Enhanced signage)	£4,000
2007 – 2008	Ballyregan Road, Dundonald	£5,000
2008 – 2009	Strangford Heights, Newtownards	£12,500
2008 – 2009	Ballywalter Village	£6,500
2008 – 2009	Lougheries Village	£7,500
	<b>Total</b>	<b>£954,900</b>

### Main Street, Ballywalter: Pedestrian Crossing

**Mr Shannon** asked the Minister for Regional Development if he will initiate a survey for a pedestrian crossing at Main Street, Ballywalter. (AQW 2303/09)



**The Minister for Regional Development:** My Department's Roads Service has advised that an initial survey was carried out at Main Street, Ballywalter, on 15 June 2007. The figures and calculations revealed that the site would merit further detailed investigation. However, there are other sites in the Ards Council area which have higher priority and where pedestrian crossing facilities are likely to be installed before the Ballywalter site is considered.

I should also point out that all proposed pedestrian crossings are subject to a suitable location being available for the crossing, consultation with affected shopkeepers/householders and sufficient finance being available.

### **Roads Service: Expenditure**

**Ms Anderson** asked the Minister for Regional Development to detail the total amount of money spent by the Roads Service annually on the (i) M1; (ii) M2; (iii) M3; and (iv) A2, in the last ten years. (AQW 2338/09)

**The Minister for Regional Development:** My Department's Roads Service does not record details of total annual expenditure on individual roads. I am, therefore, unable to provide the requested information.

### **Roads Service: Expenditure**

**Ms Anderson** asked the Minister for Regional Development to detail (i) the identities of; and (ii) money paid out to, each contractor employed, annually on the (a) M1; (b) M2; (iii) M3 and (iv) A2, over the last ten years. (AQW 2339/09)

**The Minister for Regional Development:** My Department's Roads Service does not record details of total annual expenditure on individual roads. I am, therefore, unable to provide the requested information.

### **Departmental Projects: Tenderers**

**Ms Anderson** asked the Minister for Regional Development to provide a full list of contractors who are on the restricted list of tenderers for his Department's projects. (AQW 2340/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that it does not hold a list of contractors who are on a restricted list of tenderers. Contracts over £1M are procured on an individual basis.

### **Departmental Projects: Tenderers**

**Ms Anderson** asked the Minister for Regional Development to detail the criteria that must be met for a contractor to be included in the restricted list of tenderers for his Department's projects. (AQW 2341/09)

**The Minister for Regional Development:** I can advise the Member that a restricted list is formed for every works contract over £1M and that this is done in accordance with the European Union Procurement Directives Restricted Procedure. Works contracts above the current minimum threshold level of £3.8M, are advertised in the Official Journal of the European Union.

In both cases Roads Service require the interested parties to complete a Pre-Qualification Questionnaire to allow them to gather relevant information. The selection criteria are project specific, are based on a combination of both financial and non-financial factors and consider the Economic Operators:-

- Acceptability (Regulation 23 of the Public Contract Regulations 2006 (PCR)).
- Economic and Financial Standing (Regulation 24 of the PCR 2006).
- Technical and Professional Ability (Regulation 25 of the PCR 2006).

### **Primrose Hill/Saintfield Road Junction**

**Mr Spratt** asked the Minister for Regional Development if his Department has (i) received correspondence from Taggart Homes Ltd. outlining a programme for completion of all outstanding works at the Primrose Hill/Saintfield Road junction, in the requested 21 day period; and (ii) considered the impact the collapse of Taggart Homes Ltd. will have on the delivery of traffic lights at the Primrose Hill/Saintfield Road junction. (AQW 2348/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that Taggart Homes Cairnshill Limited has not responded to their letter, of 1 October 2008, requesting that they submit a programme for the completion of outstanding works at the junction. Indeed, subsequent to the issue of the letter, Taggart Homes Limited went into administration.

Having sought legal advice on the best way to proceed, Roads Service has served notice on both Taggart Homes Cairnshill Limited and their Surety, on 29 October 2008, advising them of their obligations under the relevant legislation, agreement and bond. They were advised that failure to respond positively would result in Roads Service having to complete the outstanding work at the junction and claim back all associated costs. Under the agreement, the Surety is permitted 28 days from receipt of the notice to confirm how they intend to progress the works. If Roads Service does not receive a satisfactory reply by the end of this period, the agreement will be terminated and Roads Service will arrange to complete the roadworks at the Primrose Hill/Saintfield Road junction.

### **Roads Service: Wills Bros. Ltd**

**Ms Anderson** asked the Minister for Regional Development (i) to detail why Wills Bros. Ltd. were unsuccessful in their tenders for the (a) A2 Maydown to City of Derry Airport dualling project; and (b) A26 Mallee Road East to M2 Ballymena bypass dualling scheme; and (ii) if Roads Service plans to meet with Wills Bros. Ltd. to discuss its decision. (AQW 2351/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that Wills Bros Ltd were excluded from the selection of economic operators to be invited to tender for the A2 Maydown to City of Derry Airport dualling scheme, as they failed to satisfy Roads Service's minimum standards in their prequalification submission. Roads Service is currently arranging to debrief Wills Bros Ltd on their application.

In relation to the A26 Ballee Road East to M2 Ballymena scheme, Wills Bros Ltd were excluded from the selection of economic operators to be invited to tender for these works, as they failed to satisfy Roads Service's minimum standards in their prequalification submission. Wills Bros have already requested, and received, debriefing on their application, on Tuesday 11 November 2008.

### **A26: Flooding**

**Mr Butler** asked the Minister for Regional Development (i) to provide details of his Department's investigation into the problems of flooding; and (ii) what measures his Department is taking to prevent future flooding, on the A26 between Glenavy and Moira. (AQW 2352/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that their investigation into the problems of flooding, on the A26 between Glenavy and Moira, established that all road side gullies were operating normally at the times of the flooding. The flooding was found to be due to exceptional levels of rainfall, which raised the surrounding water levels, which include the nearby River Lagan and tributaries, above the level of the carriageway surface. This rendered the road drainage system ineffective.

Roads Service has contacted the Department of Agriculture and Rural Development's Rivers Agency and informed them of the effect the high water levels were having on traffic. The Rivers Agency has visited the site to assess the situation and I understand that they are currently investigating the matter.

### **Filter Traffic Signals**

**Lord Browne** asked the Minister for Regional Development if he would consider providing a filter traffic signal at the junction of Thornhill Road and Castlehill Road for traffic turning right onto the Upper Newtownards Road, from Thornhill Park. (AQW 2373/09)

**The Minister for Regional Development:** It is assumed that the question refers to the junction of the Upper Newtownards Road with Thornhill Park and the Castlehill Road. I can advise that my Department's Roads Service is aware of the traffic situation at this junction. A previous assessment of the traffic signal arrangements concluded that the introduction of filter signals would have a significant detrimental effect on the traffic flows on the Upper Newtownards Road. This would have resulted in an increase in the overall delays, particularly to pedestrians and buses, while providing only marginal benefits to traffic using the side roads. Given the outcome of this assessment, I can advise that Roads Service is not currently considering the installation of a filter traffic signal at this junction.

### **Zebra Crossings: East Belfast**

**Lord Browne** asked the Minister for Regional Development to detail the number of zebra crossings in East Belfast. (AQW 2374/09)

**The Minister for Regional Development:** Roads Service has advised that there are ten zebra crossings within the East Belfast Constituency. They are located as follows:

- Bloomfield Road at Grand Parade;
- North Road at Bloomfield Road;
- Grand Parade at Bloomfield Road;
- Mount Merrion Avenue at Bell's Bridge;
- Cregagh Road (country side) at Bell's Bridge;
- Cregagh Road at Downshire Park Central;
- Hollywood Road at Connsbrook Avenue;
- Beersbridge Road at Grove Street East;
- Newtownards Road at Belvoir Street; and
- Newtownards Road at Bryson Street

### **Road Safety: Belfast City Centre**

**Dr McDonnell** asked the Minister for Regional Development what action he will take to review and improve road safety for (i) pedestrians; and (ii) vehicles, in Belfast City Centre, to help reduce traffic accidents in the area. (AQW 2378/09)

**The Minister for Regional Development:** My Department's transport proposals for Belfast City Centre are set out in the Belfast Metropolitan Transport Plan 2015. The Plan proposes a reorganisation of the road network within the city centre, which, in turn, will facilitate the reduction of traffic and encourage walking, cycling and increased use of public transport.

The design aspiration for the streets in the main retail and commercial areas, such as Donegall Place and Royal Avenue, is for a high level of priority for pedestrians. However, these streets are used for a number of different purposes, including access for servicing and for public transport, and conflict can arise between the needs of transport and the urban environment.

My Department's Roads Service receives details of all road traffic collisions that involve personal injury from the PSNI. Officials use this information to identify where engineering measures might be used to reduce the likelihood of further incidents. I am aware that there have been a number of such incidents recently within Belfast City Centre, although full details of the circumstances surrounding them are not yet known. When these details become available, my officials will review them to see what, if any, further measures might be appropriate to improve road safety for all road users.

### **Roads Service: Expenditure**

**Ms Anderson** asked the Minister for Regional Development to detail the total amount of money spent by the Roads Service annually on the (i) A1; (ii) A5; (iii) A6; and (iv) M3, in the last ten years. (AQW 2402/09)

**The Minister for Regional Development:** My Department's Roads Service does not record details of total annual expenditure on individual roads. I am, therefore, unable to provide the requested information.

### **Traffic-Calming Measures**

**Mr Doherty** asked the Minister for Regional Development if he will consider examining the possibility of implementing additional traffic calming measures, such as rumble strips or ramps, in the vicinity of Our Lady of Lourdes Primary School on the Crockanboy Road, Greencastle, Omagh. (AQW 2406/09)

**The Minister for Regional Development:** I am aware that Our Lady of Lourdes Primary School participated in my Department's Roads Service's "Travelwise Safer Routes to Schools" accelerated programme. Under this initiative, Roads Service provided enhanced warning signs, incorporating flashing amber lights, which operate during the school's opening and closing times. These signs provide a very clear warning message to approaching motorists, that there is likely to be activity at the school ahead, and that they should drive carefully.

Roads Service has advised that Our Lady of Lourdes Primary School is located on a route where the national speed limit currently applies, and such routes are not considered appropriate for the provision of traffic calming measures. However, I can confirm that Roads Service officials, in liaison with the PSNI's Roads Policing Branch, recently assessed the need for a reduced speed limit in the Greencastle area. They jointly concluded that the area now meets the criteria for the introduction of a 40mph speed limit. The legislation to provide this limit is currently being prepared, and it is anticipated that it will be introduced in approximately 6 months time.

Roads Service will monitor vehicle speeds in the Greencastle area after the 40 mph speed limit has been in place for a period of time. If traffic speeds have not reduced, then an assessment will be undertaken to consider the priority of the site for the provision of traffic calming measures.

### Traffic-Calming Measures

**Mr Doherty** asked the Minister for Regional Development if he will consider constructing speed cushions in Loughmacrory and Mountfield villages, to calm traffic and prevent future accidents and deaths. (AQW 2407/09)

**The Minister for Regional Development:** My Department's Roads Service is currently assessing the need for traffic calming measures in Mountfield and Loughmacrory villages. Roads Service plans to undertake vehicle volume and speed assessment surveys at both villages. Following this, it is anticipated that the assessment for traffic calming measures for Mountfield and Loughmacrory villages will be completed before the end of 2008.

### Zebra Crossings: Cregagh Road

**Lord Browne** asked the Minister for Regional Development if his Department is proposing to replace the zebra crossing with a pelican crossing on the Cregagh Road in East Belfast. (AQW 2430/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that there are three zebra crossings on the Cregagh Road, Belfast. Two are in the vicinity of the Bell's Bridge roundabout and the third is close to the junction with Downshire Park Central. There are no proposals at present to replace any of these with pelican crossings.

### Kingsdale Park: Footways

**Lord Browne** asked the Minister for Regional Development to detail the progress for the adoption of the footways at Kingsdale Park. (AQW 2431/09)

**The Minister for Regional Development:** The Member may recall that, during the Adjournment Debate on 8 April 2008, I advised that my Department's Roads Service would be content to adopt these footways when they have been provided to the proper standard. I remain of the view that responsibility for bringing the Kingsdale Park private footways to adoption standard rests with the property owners/frontagers. My Roads Service officials remain available to discuss the extent of the required improvement works. However, no advice has been sought to date.

### Roads Service: Expenditure

**Ms Anderson** asked the Minister for Regional Development to detail (i) the identity of; and (ii) the money paid out to, each contractor employed annually on the (a) A1; (b) A5; (c) A6; and (d) M3, over the last ten years. (AQW 2432/09)

**The Minister for Regional Development:** My Department's Roads Service does not record details of total annual expenditure on individual roads. I am, therefore, unable to provide the requested information.



### **Banbridge: Bus Station**

**Mr Savage** asked the Minister for Regional Development to outline his Department's plans to build a new state of the art bus station in Banbridge. (AQW 2455/09)

**The Minister for Regional Development:** I refer you to my earlier response to this matter dated 26 September 2008 (AQW380/09). As yet the issues surrounding the identification of a suitable site have not been resolved and therefore there are no current plans to build a new bus station in Banbridge.

### **Peninsula Community Transport Scheme**

**Mr Shannon** asked the Minister for Regional Development how many people have used the Peninsula Community Transport scheme in the last 2 years. (AQW 2465/09)

**The Minister for Regional Development:** I have been advised by Peninsula Community Transport that the information which you have requested is not available in the form requested. However I have been told that this partnership currently has a membership of 280 individuals and 72 groups. It provided 36,318 passenger trips for its members during the two years ending 31 October 2008.

### **Knockmore Railway Line**

**Mr Burns** asked the Minister for Regional Development to confirm if any consideration has been given to re-opening the Knockmore railway line, to allow trains to run from Londonderry/Derry once per hour on alternating patterns, between Bleach Green and Knockmore railway station. (AQW 2471/09)

**The Minister for Regional Development:** The re-opening of the Antrim to Knockmore line was one of the options considered as part of a study completed in August 2007 looking at the options for future railways investment in the region. It was found that there was no case for bringing the line back into service at this time. The re-opening of the line would involve substantial costs but would bring relatively low levels of benefits.

Plans are progressing to complete a full relay of the track between Coleraine and Derry and this would include the construction of a passing loop. This work is scheduled to be completed by 2013 and will coincide with the introduction to passenger service of two additional trains on the Belfast to Derry line. Consequently there will be an increase in the frequency and capacity of services between Belfast and Derry.

### **Traffic and Pedestrian Crossing Lights: Belmont Road**

**Lord Browne** asked the Minister for Regional Development what consideration he has given to installing (i) traffic; and (ii) pedestrian crossing, lights at the Belmont Road roundabout in East Belfast. (AQW 2484/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that a recent review of the history of collisions involving personal injury, at the Belmont Road roundabout, does not indicate that this is an unsafe location for pedestrians. Therefore, there are no plans, at present, to change the roundabout to a traffic signal-controlled junction.

With regards to the installation of a pedestrian crossing at this location, I can advise that all requests for the provision of controlled pedestrian crossing facilities are assessed using agreed guidelines and then placed on a prioritised list. This assessment takes into account the volume of pedestrians and traffic using the road in question, as well as a number of other factors. It is designed to ensure that every location is assessed equally and that pedestrian crossings are provided where they are most needed.

A recent survey at this location has indicated that this site is placed midway on the prioritised list, when ranked against all other potential pedestrian crossing sites within the Greater Belfast area. Given the limited funding that is available, the Belmont Road site will be required to compete with similar locations, on a basis of need and value for money, when Roads Service is deciding which schemes to include in future works programmes.

## Road Reinstatements

**Lord Browne** asked the Minister for Regional Development how many road reinstatements carried out by other services, such as gas and water, have been deemed unacceptable by his Department in each of the last 3 years. (AQW 2485/09)

**The Minister for Regional Development:** The table below details the number of reinstatements, carried out by other services, which have been deemed defective, by my Department's Roads Service, in each of the last 3 years.

Year	Number of Defective Reinstatements detected
2005/06	1082
2006/07	885
2007/08	651

## Claims for Damaged Vehicles

**Mr McGlone** asked the Minister for Regional Development to detail the number of compensation claims made for damage to vehicles allegedly caused by poor or inadequate roads surface, in the financial years (i) 2003/04, (ii) 2004/05, (iii) 2005/06, (iv) 2006/07 and (v) 2007/08. (AQW 2513/09)

**The Minister for Regional Development:** The Departmental claims database does not record the cause of claims in the way requested, but the following details relate to compensation claims lodged against Roads Service in the last five financial years arising from potholes in the road.

2003/04	829
2004/05	610
2005/06	652
2006/07	910
2007/08	891

## Performance Review Reports: DRD

**Mr Simpson** asked the Minister for Regional Development how many staff in his Department did not achieve an acceptable mark in their annual report, in their last reporting year. (AQW 2521/09)

**The Minister for Regional Development:** Of those 1,861 staff in my Department for whom a Performance Review Report has been completed in respect of the 2007/08 reporting year, 4 did not achieve an acceptable mark in their annual report.

These figures relate only to the non-industrial workforce as Annual Performance Review reports are not completed for the industrial workforce.

## SOCIAL DEVELOPMENT

### Housing Executive: Impact of RPA

**Mr Brady** asked the Minister for Social Development for her assessment of the impact that the Review of Public Administration will have on the delivery of Housing Executive grants. (AQW 1116/09)

**The Minister for Social Development (Ms M Ritchie):** The delivery of Housing Executive grants will not be affected by the Review of Public Administration because that element of the Private Sector Improvement Service, the name used to describe the grants service and the Houses in Multiple Occupation service, is remaining with

the Housing Executive. However, as the registration of Houses in Multiple Occupation element is transferring to local District Councils, the Housing Executive intends to review its grants service with the aim of identifying potential efficiencies. With the exception of a planned merger of the two Belfast grants offices later this year, no actions are intended until late 2009.

### Mesothelioma Compensation Legislation

**Mr Burns** asked the Minister for Social Development what consideration she has given to (i) extending the Mesothelioma compensation legislation; or (ii) introducing new legislation, to compensate sufferers of pleural plaques. (AQW 2138/09)

**The Minister for Social Development:** The Industrial Injuries Advisory Council provides independent advice to the Secretary of State for Work and Pensions and my Department on matters relating to industrial injuries and prescribed diseases for the purposes of the Industrial Injuries Disablement Benefit Scheme. In its Report on asbestos-related diseases (Cm 6553) published in 2005, the Council found that there is a lack of evidence that pleural plaques cause impairment of lung function sufficient to cause disability and did not recommend adding pleural plaques to the list of prescribed diseases. The Council undertook to monitor new research and to keep the matter under review. The Council is expected to publish shortly a further report on the prescription of pleural plaques. I will of course consider its recommendations carefully.

The Department of Finance and Personnel is exploring the most appropriate way of supporting people diagnosed with pleural plaques and has published a consultation paper which sets out a number of issues for consideration. The consultation exercise will close on 12 January 2009.

### Housing Executive: False Details

**Mr Elliott** asked the Minister for Social Development how many claims for permanent lodgings in Housing Executive properties have been found to have included false details, in each of the last 5 years. (AQW 2156/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive has advised that, in the process of assessing housing applications, it does not record the level of false information.

### Social Housing: North Down

**Mr Easton** asked the Minister for Social Development what plans she has for social housing, over the next three years, for the North Down area. (AQW 2179/09)

**The Minister for Social Development:** The Social Housing Development Programme includes 8 schemes totalling 148 dwellings for the North Down Borough Council area over the next three years 2009/10 – 2011/12.

The Improvement and Maintenance Scheme Programme includes 21 schemes which will include work on 1941 dwellings for the North Down Borough Council area over the next three years 2009/10 – 2011/12.

### Housing Waiting List: North Down

**Ms Ní Chuilín** asked the Minister for Social Development to detail for the North Down constituency (i) the number of people on the housing waiting list; (ii) the average waiting time for a house; and (iii) the points required; by electoral ward area. (AQW 2197/09)

**The Minister for Social Development:** The information requested is not available by constituency area or electoral ward. At 30th September 2008 the social housing waiting list for the Housing Executive's Bangor District Office (which corresponds to the North Down Council area) had 1941 housing applicants on the housing waiting list.

The table below shows the average length of time on the waiting list for those allocated a property.

< 6mths	6mths -1yr	1-2yrs	2-3yrs	3-4yrs	4yrs or more	Total
64	37	30	12	2	13	158

The table below shows the allocations to applicants by points bands.

<30 pts	40-49pts	50-59pts	70-79pts	80-89pts	90-99pts	100 or more pts	Totals
1	1	1	2	2	1	150	158

### Pension Schemes

**Mr Brady** asked the Minister for Social Development how enrolment in a pension scheme will impact on the net income of an employee at the lowest end of the payscale. (AQW 2206/09)

**The Minister for Social Development:** From 2012, workers aged between 22 and State Pension age with gross earnings of more than £5,035 in a pay reference period will be automatically enrolled into a qualifying pension scheme. Jobholders will pay contributions amounting to 4 per cent of earnings over £5,035, up to a ceiling of £33,540<sup>1</sup>. A jobholder earning £10,000 a year would have earnings of £4,965<sup>2</sup> on which contributions would be due. The jobholder's annual personal contribution would, therefore, be around £198. Those contributions will be matched by a minimum employer contribution of 3 per cent and 1 per cent from the State in the form of tax relief. Jobholders who do not wish to save will have the right to opt-out.

The lower earnings limit will avoid the automatic enrolment of the very low paid for whom income replacement rates from State Pensions are likely to be relatively high.

<sup>1</sup> In 2006/07 earnings terms.

<sup>2</sup> Based on the 2006/07 earnings band.

### Lone Parents: Childcare

**Mr Brady** asked the Minister for Social Development what contact she has had with other Departments on the provision of childcare, given legislation that will impact on lone parents, particularly their ability to work. (AQW 2210/09)

**The Minister for Social Development:** Through the Ministerial Sub-Group on Children and Young People regular contact is maintained with other government departments. Childcare is a priority issue for the Ministerial sub-group and the Children's Champions group. The possible impact of new legislation affecting lone parents has been raised at the interdepartmental Children's Champions group by my officials. Discussions and close contact is also underway between officials from my Department and the Department for Employment and Learning to consider the implications of legislation that will impact on lone parents.

In addition, in my papers circulated to my Ministerial colleagues on the proposals, I have flagged up the lack of childcare provision in Northern Ireland as an issue.

### Lone Parents: Benefit Sanctions

**Mr Brady** asked the Minister for Social Development who will make the decision about benefit sanctions on lone parents when adequate childcare is not available. (AQW 2211/09)

**The Minister for Social Development:** When a lone parent claims Jobseeker's Allowance, an Adviser will draw up a jobseeker's agreement and amongst other things will discuss, the availability of suitable and affordable childcare with the lone parent. If in the view of the Adviser suitable and affordable childcare is available and the lone parent has not fulfilled the terms of the jobseeker's agreement, the question of whether a sanction should be considered will be referred to a decision maker in the Social Security Agency. Where suitable and affordable childcare is not available a lone parent will not be sanctioned.



### Social Housing: Eco-Friendly and Zero-Carbon Homes

**Mr Shannon** asked the Minister for Social Development what steps she is taking to promote the building of eco-friendly and zero carbon homes for social housing. (AQW 2222/09)

**The Minister for Social Development:** As part of the New Housing Agenda, I have made it clear that I want to deliver more environmentally friendly and sustainable housing.

I have already announced that all new build social housing must now comply with at least Level 3 in the new Code for Sustainable Homes. This in effect will make these new homes up to 25% more energy efficient than ever before.

I recently opened the first zero carbon home in Northern Ireland and am pleased to note that some of these technologies are now being incorporated into new social housing developments.

I also announced plans for our first eco-village on the site of the former military barracks in Grosvenor, Enniskillen. I want this development to be an exemplar not just more sustainable and energy efficient housing but helping create more sustainable communities.

### Warm Homes Scheme

**Mr Doherty** asked the Minister for Social Development to outline the health and safety rationale for removing back boilers when oil fired central heating upgrades/conversions are being undertaken under the Warm Homes Scheme. (AQW 2281/09)

**The Minister for Social Development:** There are no health and safety regulations preventing the retention of back boilers as long as the boiler has been drilled and drained correctly. The Department will continue to drill and drain back boilers until a new Warm Home Scheme comes into operation in April 2009. The Department is considering the feasibility of dual heating systems as part of the new Scheme's specification which is now subject to public consultation. The public consultation exercise on the proposed changes to the Scheme will run until 19 December.

### Housing Associations: 'Off the Shelf' Housing

**Mr McGlone** asked the Minister for Social Development to detail the valuation process followed by Housing Associations, including tendering and payment methods, for 'off the shelf' new build acquisitions. (AQW 2285/09)

**The Minister for Social Development:** There is no specific tendering process involved with the acquisition of 'Off the Shelf' housing.

Many developers and builders have already approached the NIHE and Housing Association movement to offer them this sort of housing for the Social Housing Development Programme. Housing Associations can also approach developers themselves if they think that there may be suitable housing in a specific scheme or location.

Housing Associations enter into direct discussions with the developer and if those initial discussions are positive, the Housing Association will make an application to the NIHE for approval. This application must be accompanied by a recent valuation from either the District Valuer or an independently accredited and qualified valuer.

As part of the approval process the NIHE will need to be satisfied that the scheme is cost and design compliant, in an area of high housing need and that sufficient funding is available to support that particular scheme.

When approval is issued, grant becomes payable directly to the Housing Association once the process is taken through to purchase with appropriate contracts and legal searches satisfactorily undertaken.

### Housing Associations: Contemporary Valuations

**Mr McGlone** asked the Minister for Social Development to provide details from Housing Associations with a registered interest in Dungannon, Cookstown and Magherafelt districts, of the contemporary valuations that have been established for dwellings in those areas. (AQW 2287/09)

**The Minister for Social Development:** Housing Associations must obtain a valuation which has been prepared by the District Valuer or an independently accredited and qualified valuer. The purchase price negotiated directly between the Housing Association and the vendor must not exceed that valuation.

Whilst individual property values vary from site to site, as a guide my Department would not expect to pay any more than £136,917, £144,045 and £136,224 for an “off the shelf” 5 person, 3 bedroom house in Cookstown, Magherafelt and Dungannon respectively.

### Citizens Advice

**Mr Cobain** asked the Minister for Social Development to detail, for each of the last three years, her Department’s funding for advice services, other than those provided by Citizens Advice, broken down by district council area. (AQW 2290/09)

**The Minister for Social Development:** DSD funding for each of the last three years for advice services, other than those provided by Citizens Advice, for 2005/2006, 2006/2007, 2007/2008 totals \*£2,561,430.29.

(\*This figure includes an estimate for one local council for one year).

It has been broken down into Council Area and has been detailed in the table below.

DSD Contribution by Council Area to non-CAB Advice Services 2005-08

Council	DSD Contribution £		
	05-06	06-07	07-08
Antrim	£ -	£ -	£ -
Ards	£ -	£ -	£ -
Armagh	£ -	£ -	£ -
Ballymena	£ -	£ -	£ -
Ballymoney	£ -	£ -	£ -
Banbridge	£ -	£ -	£ -
Belfast	£ 333,276.34	£ 645,949.21	£ 685,969.16
Carrickfergus	£ 420.00	£ -	£ 1,385.00
Castlereagh	£ -	£ -	£ -
Coleraine	£ 3,747.45	£ 12,396.50	£ 10,036.46
Cookstown	£ -	£ -	£ -
Craigavon	£ 9,000.00	£ 5,496.00	£ 3,680.17
Derry	£ -	£ 253,148.00	£ 307,635.00
Down	£ -	£ -	£ -
Dungannon	£ -	£ -	£ -
Fermanagh	£ -	£ -	£ -
Larne	£ -	£ -	£ -
Limavady	£ 25,000.00 (estimate)	£ 27,500.00	£ 39,000.00
Lisburn	£ -	£ -	£ -
Magherafelt	£ -	£ -	£ -
Moyle	£ -	£ -	£ -
Newry & Mourne	£ 20,000.00	£ 12,000.00	£ 20,000.00
Newtownabbey	£ -	£ -	£ -
North Down	£ -	£ -	£ -

Council	DSD Contribution £		
	05-06	06-07	07-08
Omagh	£ 58,122.00	£ 37,440.00	£ 50,229.00
Strabane	£ -	£ -	£ -
<b>Totals</b>	<b>£ 449,565.79</b>	<b>£ 993,929.71</b>	<b>£ 1,117,934.79</b>

### Home-Start

**Mr McNarry** asked the Minister for Social Development what consideration she has given to making new funding programmes available to Home Start; and when these will become available. (AQW 2298/09)

**The Minister for Social Development:** Home Start may be eligible to apply to the Community Volunteering Scheme when applications are reopened in the new financial year. All applications received will be assessed in accordance with the scheme criteria.

### Insulation Grants

**Mr Savage** asked the Minister for Social Development to outline her Departments plans to provide insulation grants to elderly people, 70 and over, who do not receive any Social Security benefits. (AQW 2331/09)

**The Minister for Social Development:** My Department funds the Warm Homes Scheme which provides heating and insulation measures and uses Social Security Benefits as a means of determining eligibility. I intend using all available resources to fund the Warm Homes Scheme which will target those people in greatest need. The Energy Savings Trust will be able to offer advice and guidance on energy efficiency and any scheme available to offer assistance to people not in receipt of social security benefits.

### Housing Executive Fires in Properties

**Ms Ní Chuilín** asked the Minister for Social Development how many fatalities (i) have occurred in Housing Executive/Housing Association properties from 2000-2007; and (ii) were the result of accidental or unintentional fires. (AQW 2345/09)

**The Minister for Social Development:** In the case of the Northern Ireland Housing Executive, the information is not available as they do not record details regarding fatalities within its properties. Where Housing Associations have recorded the information, records show a total of 16 fatalities from 2000 – 2007, with nine of these as a result of accidental or unintentional fires.

### Fuel Poverty

**Mr Durkan** asked the Minister for Social Development what discussions she has had with the UK Government on measures to tackle fuel poverty. (AQW 2372/09)

**The Minister for Social Development:** I wrote to James Purnell, Secretary of State, Department for Work and Pensions in June 2008 requesting a meeting to discuss the government's response to rising energy prices. This meeting is scheduled for Wednesday 19 November and I intend to raise a number of issues including actions to assist people in Northern Ireland most affected by the rise in energy prices.

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**ASSEMBLY COMMISSION****Wi-Fi: Safety**

**Mr Shannon** asked the Assembly Commission what assessment it has undertaken to ensure that staff and MLAs working in Parliament Buildings are safe using wi-fi. (AQW 2250/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** At the NI Assembly Commission meeting on 9 July 2007, approval was given for the then Senior Management Team to oversee the procurement of replacement networking equipment within Parliament Buildings to provide additional network capacity for the Assembly, enhanced security measures and a wireless network. The wireless network facilities, in particular, were requested by Members and guests in Parliament Buildings including the various political correspondents.

The contract was awarded to Hewlett Packard and design & installation was carried out in accordance with the manufacturer's recommendations. Supply of suitable software to monitor and manage the installation was part of the contract.

The IS Office monitors developments in this area on behalf of the NI Assembly Commission and would draw your attention to the latest information and research in this area provided by the UK Health Protection Agency (HPA). HPA has responsibility for providing advice to central government and devolved administrations on protecting people from radiation hazards, including exposure to electromagnetic fields. As of 8 September 2008, the HPA does not believe that there are health issues associated with the use of wireless computer networks.

The full text of the advice is available on the HPA website at:

<http://www.hpa.org.uk/webw/HPAweb&Page&HPAwebAutoListName/Page/1199451940308?p=1199451940308>



# NORTHERN IRELAND ASSEMBLY

Friday 28 November 2008

## Written Answers to Questions

### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Executive Papers: Urgent Procedure

**Mr Wells** asked the Office of the First Minister and deputy First Minister (i) how many Executive papers have been approved; and (ii) to list each paper dealt with, by way of Urgent Procedure. (AQW 2262/09)

**The First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness):** The following papers have been agreed under the Urgent Procedure set out in paragraph 2.14 of the Ministerial Code.

Paper Title	Department
Blue Tongue Response	(DARD)
EU School Milk Scheme	(DARD)
Fixed Term Employees (Prevention of Less Favourable Treatment) (Amdt) Regs	(DEL)
Draft Marine Bill – NI Response	(DOE)
Maternity and Parental Leave / Paternity and Adoption Leave (Amdt) Regs	(DEL)
Regulatory Reform for Qualifications – Next Steps	(DEL)
Flood Management Strategy	(DARD)
BIC Summit Meeting Papers – Edinburgh 26 Sept 2008	(OFMDFM)
The Social Security (Miscellaneous Amdts No 2) Regs (NI) 2008	(DSD)
The Social Security (Incapacity Benefit Work-Focused Interviews) Regs (NI) 2008	(DSD)
The Employment and Support Allowance (Consequential Provns No2) Regs (NI) 2008	(DSD)
September Monitoring	(DFP)
Play and Leisure Policy	(OFMDFM)
Sexual Health Promotion Strategy and Action Plan	(DHSSPS)
Pensions (No 2) Bill:Introduction	(DSD)
Counter-Terrorism Bill (CTB): Inclusion of Provision concerning credit unions in NI	(DETI)
Presbyterian Mutual Society	(DETI)

#### Mental Health: Young People

**Mr McCartney** asked the Office of the First Minister and deputy First Minister to detail its provisions for addressing mental health problems affecting young people. (AQW 2326/09)

**The First Minister and deputy First Minister:** -We are supportive of any initiative on mental health but as this matter falls within the remit of the Department of Health, Social Services and Public Safety, it would be for the Health Minister to detail any provisions.

The aim of the Strategy for Children and Young People is to produce improved outcomes for all children and young people over the ten year period 2006-2016. The strategy is based around an outcomes framework consisting of 6 high level outcomes. This includes being able to report progress and have evidence which indicates that our children and young people are **healthy**. A three year action plan is being developed to deliver on the aims of the strategy.

The Junior Ministers, who have particular responsibility for children and young people, have established the Ministerial Sub-Committee, which they chair. The role of this group is to drive forward the implementation of the Ten Year Strategy for Children and Young People and it has identified 6 key priorities, one of which includes the '**promotion of good mental health and early intervention in addressing mental health issues as they arise**'.

A cross-departmental sub-group, led by the Department of Health, Social Services and Public Safety, has been set up to take this work forward by identifying 2-3 key issues to focus on over the next 12 months. This sub-group reports back to the full Ministerial Sub-Committee.

It is important that government continues to improve and adapt its services to meet the current and emerging needs of children and young people here, including those with mental health problems. Therefore, the strategy, associated indicators and the action plan are all living documents which are continually under review to ensure they reflect and address the issues facing children and young people.

## Banking Sector

**Mr McLaughlin** asked the Office of the First Minister and deputy First Minister what steps the banks could take to stimulate the economy, particularly in relation to their loan charges policy for commercial borrowers and businesses experiencing difficulties; and will it meet with the banking sector to assess the benefits of such an approach to the long-term economic interests of the region and the banking sector. (AQW 2336/09)

**The First Minister and deputy First Minister:** Banking and financial regulation is, of course, a reserved matter. Nevertheless we met with representatives of the local banking institutions on 21 July 2008 to hear from them about the difficulties created by the global "credit crunch". We have also met with representatives of the business and construction sectors to listen to their views on the problems they are dealing with in the face of the current economic downturn. Restricted access to credit facilities was discussed at each of these meetings.

Growing our economy is our top priority and we do, of course, wish to do all that we can to support local businesses. Banks are, of course, businesses too and we fully endorse the general view that they need to exercise due diligence and corporate responsibility in their dealings. At the same time we were encouraged that the banking institutions operating locally have already or very shortly intend to pass on interest rate reductions to borrowers and businesses in a timely manner. They should continue to work with their business and other clients to work through credit and cash-flow problems to ensure that foreclosure is absolutely a measure of last resort. We would like to see local banks working closely with local businesses to bring forward fair, innovative and mutually beneficial financing packages that will stimulate and sustain local economic growth.

We are currently consolidating and assessing all of the information we have gathered about the local impacts of the economic downturn. If this assessment indicates that a further meeting with the local banking sector would be useful we will, of course, convene it.

## Gender Advisory Panel

**Ms Anderson** asked the Office of the First Minister and deputy First Minister when the Gender Advisory Panel last met; and for an update on progress towards implementing the Gender Equality Strategy.(AQW 2382/09)

**The First Minister and deputy First Minister:** Our commitment to tackling gender inequality is outlined in our Programme for Government. It commits the Executive to progress the work of Departments in mainstreaming gender equality into policies, strategies and activities; and to promote gender specific measures to tackle identified gender inequalities.

To help take this work forward, a Gender Advisory Panel has been established, ensuring that the views of key stakeholders will inform policy initiatives and action plans.

The Gender Advisory Panel met in May 2008. Since then, Ministers have maintained an awareness of issues and concerns through various meetings and events involving representative organisations.

In order to implement the Gender Strategy, action plans to promote equality for women and men have been commissioned and received from all departments. They are currently being co-ordinated to provide a refreshed strategy to present to the Executive in early 2009.

### Public Appointments

**Ms Purvis** asked the Office of the First Minister and deputy First Minister to detail, for each of the last 3 financial years, (i) all public appointments filled by the Department; (ii) public appointments outstanding; and (iii) the grounds on which some appointments were not made; for its assessment of (a) the process adopted for public appointments; and (b) the Office of the Commissioner for Public Appointments guidance; and what action it is taking to ensure more efficient application of the procedures. (AQW 2424/09)

#### The First Minister and deputy First Minister:

- (i) Set out below are all public appointments filled by this Department during each of the last 3 financial years:

Financial Year	Public Appointments Filled	Number
2005/06	Advisory Council on Infrastructure Investment	1
	Commissioner for Public Appointments for Northern Ireland	1
	Community Relations Council	3
	Economic Research Institute of Northern Ireland Ltd	2
	ILEX Urban Regeneration Company Ltd	2
	Interim Victims Commissioner	1
	Planning and Water Appeals Commissions	4
	Strategic Investment Board	2
	<b>Total</b>	<b>16</b>
Financial Year	Public Appointments Filled	Number
2006/07	Commissioner for Children and Young People	2
	Economic Research Institute of Northern Ireland Ltd	1
	ILEX Urban Regeneration Company Ltd	8
	Planning and Water Appeals Commissions	8
	Strategic Investment Board	4
	<b>Total</b>	<b>23</b>
2007/08	ILEX Urban Regeneration Company Ltd	1
	Planning and Water Appeals Commissions	8
	<b>Total</b>	<b>9</b>

- (ii) The Department currently has 4 public appointment vacancies, 2 in the Strategic Investment Board and 2 in the Economic Research Institute.
- (iii) We plan to fill the vacancies in the Strategic Investment Board but the vacancies in the Economic Research Institute are on hold whilst we consider the findings of a recent review of the Institute.
- (a) Most OFMDFM public appointments are either regulated or monitored by the Commissioner for Public Appointments and as such are made in accordance with the Code of Practice published by the Commissioner's office. For those appointments not regulated by the Commissioner for Public

Appointments the Department will, as far as is practicable and in line with the principle of proportionality, apply the principles and procedures set out in the Commissioner's Code of Practice.

- (b) The Commissioner for Public Appointments has a statutory responsibility to prescribe and publish a Code of Practice, to carry out an audit to establish whether the Code of Practice is being observed, and to publish an Annual Report which includes information as to the observance of the Code of Practice and an account of the audit process. When making public appointments the Department normally follows the principles and procedures set out in the Commissioner's Code of Practice and takes careful note of any and all recommendations contained in the aforementioned Annual Report and Audit Reports that would ensure the more efficient application of appointment procedures.

### Equality Legislation: Sexual Orientation

**Mr Simpson** asked the Office of the First Minister and deputy First Minister, pursuant to the answer to AQW 1604/09, if its interpretation of sexual orientation, when interpreting equality legislation, includes only the state of attraction towards (i) persons of the same sex, (ii) persons of the opposite sex; and (iii) persons of the same sex and of the opposite sex, or if it extends to include actions following on from the already existing state of attraction. (AQW 2524/09)

**The First Minister and deputy First Minister:** As stated in the answer to AQW 1604/09, the interpretation of equality legislation is a matter for the courts. The definition previously provided was taken from The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 and The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006. The former Regulations provide protection on grounds of sexual orientation in employment and vocational training. They prohibit direct discrimination, indirect discrimination, victimisation and harassment. The latter Regulations provide protection on the grounds of sexual orientation in the provision of goods, facilities and services, education and public functions.

### Sustainable Development Strategy

**Mr Gallagher** asked the Office of the First Minister and deputy First Minister (i) if a review; and, if so, (ii) to provide an update, of the contributions of all Government Departments, to the Sustainable Development Strategy. (AQW 2558/09)

**The First Minister and deputy First Minister:** We have initiated a review of the Sustainable Development Strategy, with a view to producing a new strategy that will align closely with the Executive's Programme for Government and our other cross-cutting strategies.

As a means of informing the review of the Sustainable Development Strategy, OFMDFM commissioned a report from all Departments on their progress against the 63 targets and associated actions contained in the Implementation Plan for the existing Strategy. During formal consultation on the new Strategy, Departments and others will have the opportunity to comment on its strategic objectives, which will provide the foundation for a new Implementation Plan.

The reports received by OFMDFM indicated that, of the 63 targets in the Implementation Plan, actions under 49 were complete or on track for completion. Thirteen targets were subject to uncertainty or significant delays, and actions under one target were reported as unlikely to be achieved.

### Community Groups

**Mr Shannon** asked the Office of the First Minister and deputy First Minister what funding it has provided to community groups from (i) a unionist background; and (ii) nationalist background, in each of the last 3 years. (AQW 2563/09)

**The First Minister and deputy First Minister:** It is not possible to provide this information as we do not hold details of the religious background of any organisation or body funded by OFMDFM.

Funding decisions are based on the contributions which organisations make to addressing the objectives of the particular funding scheme.



## AGRICULTURE AND RURAL DEVELOPMENT

### Organic Farming Scheme

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Organic Farming scheme over the last 3 years. (AQW 2269/09)

**The Minister of Agriculture and Rural Development (Ms M Gildernew):** In the last three years 58 farmers signed up to the Organic Farming Scheme (OFS).

### Seed Potato Levy Fund Scheme

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the seed potato levy fund scheme over the last 3 years. (AQW 2271/09)

**The Minister of Agriculture and Rural Development:** Over the last 3 years, 6 projects were approved for funding under the seed potato levy scheme. These projects were approved on issues ranging from seed potato trials abroad, a store hygiene training course and a cold storage training course. Approximately 110 farmers benefitted from these projects.

### Farm Woodland Grant Scheme

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Farm Woodland Grant scheme over the last 3 years. (AQW 2272/09)

**The Minister of Agriculture and Rural Development:** Over the three year period, 2005 - 2008, there were 316 recipients of grant aid to create new woodland under the Woodland Grant Scheme (WGS) and, in addition, now receive annual premium payments under the Farm Woodland Premium Scheme (FWPS) to compensate them for agricultural income foregone in respect of planting their agricultural land.

### Short Rotation Coppice Scheme

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Short Rotation Coppice scheme over the last 3 years. (AQW 2273/09)

**The Minister of Agriculture and Rural Development:** Over the three year period, 2005 - 2008, 33 people received grant aid to create Short Rotation Coppice (SRC) under the Short Rotation Coppice 2007 scheme and its predecessor, the Short Rotation Coppice Challenge Fund.

### Woodland Environment Grant

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Woodland Environment scheme over the last 3 years. (AQW 2274/09)

**The Minister of Agriculture and Rural Development:** There have been 7 recipients of the Woodland Environment Grant over the past three years.

### Forestry Bill

**Mr Savage** asked the Minister of Agriculture and Rural Development to (i) give an update on the progress of the new forestry Bill; and (ii) detail its implications for the Forestry Act (NI) 1953. (AQW 2277/09)

**The Minister of Agriculture and Rural Development:** Following Executive agreement in June 2008 to the drafting of a new Forestry Bill, my officials have been involved in instructing the Office of the Legislative

Counsel. This process will take until the end of the year, with the intention that the draft legislation will be cleared by myself and the Executive in the January- February 2009 period.

The new Forestry Bill will repeal the Forestry Act (NI) 1953, but will retain many of its provisions.

However, this will be in the context of a broader range of powers, to ensure that the new Bill will reflect the work of a modern Forest Service across the wide range of contemporary functions, economic, environmental and social.

### **Sustainable Forest Operation Grant**

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Sustainable Forest Operation Grant over the last 3 years. (AQW 2306/09)

**The Minister of Agriculture and Rural Development:** There have been 4 beneficiaries under the Sustainable Forestry Operations Grant over the past three years.

### **Replanting Grant**

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Replanting Grant over the last 3 years. (AQW 2308/09)

**The Minister of Agriculture and Rural Development:** There have been 25 recipients of the Replanting Grant over the past three years relating to the afforestation of agricultural land.

### **Countryside Management Scheme**

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Countryside Management scheme over the last 3 years. (AQW 2309/09)

**The Minister of Agriculture and Rural Development:** In the last three years 3552 farmers signed up to the Countryside Management Scheme (CMS).

### **Agriculture and Forestry Processing and Marketing Grant Scheme**

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Agriculture and Forestry Processing and Marketing Grant scheme over the last 3 years. (AQW 2310/09)

**The Minister of Agriculture and Rural Development:** Since 2006 a total of nine farmers have been awarded funding under the Agricultural and Forestry Processing and Marketing Grant Scheme.

### **New Entrants Scheme**

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the New Entrants scheme over the last 3 years. (AQW 2311/09)

**The Minister of Agriculture and Rural Development:** Since the New Entrants Scheme opened in June 2005, 265 applicants have received full approval to proceed with their proposals under the Scheme.

### **Flood Defence Measures**

**Mrs Long** asked the Minister of Agriculture and Rural Development if any type of assistance is available to help homeowners install flood defence measures at their property. (AQW 2364/09)

**The Minister of Agriculture and Rural Development:** My Department has no powers to provide financial assistance for private flood defences to protect individual properties or on undesignated watercourses, which are the maintenance responsibility of riparian landowners. The Rivers Agency maintains some 6,800 kilometres of designated watercourses, including associated flood defences. On designated watercourses, the Rivers Agency

may pay a contribution towards works to improve the watercourse for general drainage benefit, but this power is used mainly to enable Rivers Agency to co-operate with other public bodies, such as DRD, Roads Service or NI Water in the execution of public works at locations where there is connecting infrastructure.

If landowners wish to provide private flood defences and such are likely to affect flows in a watercourse, consent is required from Rivers Agency and advice can be given. The Government did however provide hardship payments for householders affected by flooding in August.

### **Benchmarking: Farmers**

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up Benchmarking over the last 3 years. (AQW 2391/09)

**The Minister of Agriculture and Rural Development:** Over the last three years the following numbers of farmers have taken up benchmarking.

- 2005/06 – 413 farmers
- 2006/07 – 869 farmers
- 2007/08 – 539 farmers

### **Supply Chain Development Programme**

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up Supply Chain Partnership Training over the last 3 years. (AQW 2393/09)

**The Minister of Agriculture and Rural Development:** A pilot Supply Chain Development Programme, designed to provide support for farmers and growers working collaboratively to improve rewards from their supply chain, was delivered during 2006 – 2008. Seven groups comprising almost 100 participants were invited to participate in the Scheme. Provision for a new Supply Chain Development Programme has been made in the NI Rural Development Plan and is due to open for applications early in 2009.

Prior to the Supply Chain Development Programme, DARD offered a Supply Chain Awareness Programme which was available between 2003 and 2007 and attracted some 1335 participants. The programme improved communications and integration between producers, processors and multiple retailers throughout the supply chain by developing an awareness of market requirements, best practice methods and the capability to access and interpret information.

### **Farm Modernisation Programme**

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Farm Modernisation Programme over the last 3 years. (AQW 2394/09)

**The Minister of Agriculture and Rural Development:** No farmers have taken up the Farm Modernisation Programme as no such Programme has been opened for applications in the past three years.

### **Rural Development Programme**

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Rural Development Programme over the last 3 years. (AQW 2396/09)

**The Minister of Agriculture and Rural Development:** The Rural Development Programme 2000-2006 was a wide ranging package of funding measures which provided support to the broad spectrum of rural communities – farmers, growers, land owners and rural dwellers.

The total number of beneficiaries of that Programme over the last three financial years is 1,668. It is not possible to identify the number of farmers who received funding because those figures are not held.

However, part of the EU Peace and Reconciliation Programme (PEACE II) implemented by DARD specifically targeted farmers and farm families and was worth £21 million.

### Family Farm Options Programme

**Mr Easton** asked the Minister of Agriculture and Rural Development how many farmers have taken up the Family Farm Options scheme over the last 3 years. (AQW 2401/09)

**The Minister of Agriculture and Rural Development:** This information is not held on a year by year basis, however in the three year period 2004/05 2005/06 and 2006/07 approximately 5,500 members of farm households participated in the Farm Family Options Programme.

### Poultry Farming and Processing

**Mr T Clarke** asked the Minister of Agriculture and Rural Development how many jobs are dependent on poultry farming and processing; and to detail the gross value added of the industry to the economy. (AQW 2403/09)

**The Minister of Agriculture and Rural Development:** It is estimated by DARD that in 2007 there were 432 jobs dependent on poultry farming and 4,503 full-time equivalent jobs dependent on poultry processing in the North. Gross value added of the poultry processing sector was estimated at £92 million in 2006. Gross value added is not available at farm level, but sector gross margin was estimated at £21.8 million in 2006.

### Poultry Litter Disposal

**Mr T Clarke** asked the Minister of Agriculture and Rural Development if she has received a joint report from her Department and the Agri-Food and Biosciences Institute in relation to poultry litter disposal; and if she will share the findings of the report with Members of the Assembly. (AQW 2404/09)

**The Minister of Agriculture and Rural Development:** The Expert Group on Alternative Uses of Manures, (EGAUM), was convened by DARD in 2005. It reviewed technologies for processing manure, including poultry litter. The group published its final report in March 2006.

In July 2008, a joint working group of government officials, including representatives of my Department and the Agri-Food and Biosciences Institute, and poultry farming representatives was established. The Group is considering measures for the storage and management of poultry litter and compliance with the Nitrates Directive. It will shortly be making recommendations on future options for compliance. My Department and the Department of Environment have joint responsibility for the Nitrates Action Programme Regulations. The Departments will review the current provisions for poultry litter in those Regulations in light of the working group's recommendations.

### Ice Plants

**Mr Shannon** asked the Minister of Agriculture and Rural Development what steps is her Department taking to prevent the Ice-Home being sold or closed in (i) Portavogie; (ii) Ardglass; and (iii) Kilkeel. (AQW 2420/09)

**The Minister of Agriculture and Rural Development:** NIFHA carried out a Strategic Review of its ice plants in early 2007 which outlined options for the future of the ice plants. The report suggested that the provision of ice could be more flexible and cost-effective in the private sector, rather than in the public sector and recommended that NIFHA offered the provision of ice in the ports (including NIFHA's ice plants) to the private sector.

I met with the NIFHA in September I indicated that I was supportive of the Report's recommended option. NIFHA subsequently commenced a tendering process by writing to stakeholders with an interest in ice supplies at the ports and advertising for expressions of interest. On 3rd November tender packs were sent to applicants who completed a pre-qualification questionnaire to the satisfaction of the Authority. The closing date for tenders is 9th January.



### Fishery Harbour Authority

**Mr Shannon** asked the Minister of Agriculture and Rural Development if the Northern Ireland Fishery Harbour Authority has had discussions with local fisherman and their organisation to put in place a system where gates are kept open to make harbours accessible between the hours of 11 pm and 5am. (AQW 2422/09)

**The Minister of Agriculture and Rural Development:** The NI Fishery Harbour Authority holds regular Port user meetings quarterly by rotation in Ardglass, Kilkeel and Portavogie. Meetings are chaired by a Board member, are minuted and both operational matters and capital works & maintenance issues are included on the agenda. These meeting are attended by port users/fishermen, the producer organisations leaders and sometimes by local Councillors.

Port security and access issues are regularly discussed. There has been no specific discussion in relation to putting in place a system to keep gates open between 11.00pm and 5.00am however local arrangements are in place to permit access through contacting the Harbour Master.

### Public Appointments

**Ms Purvis** asked the Minister of Agriculture and Rural Development to detail, for each of the last 3 financial years, (i) all public appointments filled by her Department; (ii) public appointments still outstanding; and (iii) the grounds on which some appointments were not made; for her assessment of (a) the process adopted for public appointments; and (b) the Office of the Commissioner for Public Appointments guidance; and what action she is taking to ensure more efficient application of the procedures. (AQW 2425/09)

**The Minister of Agriculture and Rural Development:**

(i) My Department made a total 76 public appointments during the last 3 financial years. Details are as follows -

Year	Body	Number Of Appointments Made (including reappointments)
2005/06	Agricultural Wages Board	3
	Drainage Council for NI	18
	Livestock and Meat Commission for NI	5
	Pig Production Development Committee	5
	Research and Education Advisory Panel	11
	Rural Development Council	4
	<b>Total</b>	<b>46</b>
2006/07	Agri-Food and Biosciences Institute	13
	Livestock and Meat Commission for NI	1
	Pig Production Development Committee	2
	Rural Development Council	1
	Research and Education Advisory Panel	1
	<b>Total</b>	<b>18</b>
2007/08	Agricultural Wages Board	3
	Fishery Harbour Authority (NI)	4
	Livestock and Meat Commission for NI	2
	Research and Education Advisory Panel)	3
	<b>Total</b>	<b>12</b>
	<b>Overall Total</b>	<b>76</b>

- (ii) There are currently 9 public appointments unfilled posts on Non Departmental Public Bodies (NDPBs) sponsored by my Department. There are 4 unfilled posts on the Drainage Council for the North of Ireland, 4 on the Research and Agricultural Advisory Panel (REAP) and 1 on the Agri –Food and Biosciences Institute (AFBI).
- (iii) It is intended to fill the Drainage Council and AFBI posts through open competition in due course. A formal review of REAP commenced during the summer and is not yet completed. A decision on whether to make further appointments to this body will not be made until the review has concluded.
- (a) All public appointments are made by my Department under the Office of the Commissioner for Public Appointment's Code of Practice which stems from the Nolan Principles of Public Life. My Department adheres to the principles that underpin the process including the principles of appointment on merit and equality of opportunity.
- Appointment competitions are publically advertised and are subject to independent scrutiny.
- (b) The Commissioner's Code of Practice is undergoing a fundamental review and my officials have contributed to this process.
- In addition to the Public Appointments Best Practice Guide provided by OFMDFM's Central Appointments Unit, my Department has an internal Supplementary Guide for public appointments which provides additional guidance on those areas where a Departmental policy line is required.

### Pork Promotion

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she will express her support for Jamie Oliver's campaign to promote British pork; what action her Department is taking to promote Northern Ireland pork across the United Kingdom; and to make a statement on the matter. (AQW 2491/09)

**The Minister of Agriculture and Rural Development:** At the outset, I should advise that EU wide State Aid Rules place severe constraints on the use of Government funds for promotional activities, therefore my Department cannot provide direct funding for the marketing or advertising of pork both here or across the EU.

My Department provides support to the Ulster Pork and Bacon Forum through the Regional Food Programme, which over the last two years amounted to some £87k. The programme aims to promote quality regional food and increase its consumption within Ireland and Britain. At the IFEX event in Belfast at the end of April, I gave my personal support to the Pork and Bacon Forum's exhibition where the high quality of local pork was promoted to retail and food service buyers.

I have met with most of the major supermarket chains to encourage the retailers to support the sustainability of all local supply chains, including the pigmeat sector. I have also encouraged them to increase the quantity of produce sourced from the North for their stores, both locally and in Britain

### Flooding in the Old Grand Jury Manor Area

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development what action her Department is taking to address the problem of persistent flooding in the Old Grand Jury Manor area of Saintfield. (AQW 2492/09)

**The Minister of Agriculture and Rural Development:** Rivers Agency is aware of concerns about flooding and has had a number of site meetings regarding this subject with yourself and other public representatives, accompanied by DRD Roads Service and NI Water.

However there is no watercourse involved at this location, and therefore Rivers Agency has no remit.

The cause of the persistent flooding in the Old Grand Jury Manor area remains surface water runoff from adjacent lands exceeding the capacity of the local road drainage system and the adopted NI Water storm sewer which deals with drainage in the area.

### Bovine Tuberculosis

**Mr B Wilson** asked the Minister of Agriculture and Rural Development to detail the progress (i) in developing a vaccine; and (ii) of an inoculation programme for badgers, for Bovine Tuberculosis. (AQW 2495/09)

**The Minister of Agriculture and Rural Development:** Work to develop a vaccine for badgers for bovine Tuberculosis is currently underway in Britain and in the South. My Department is maintaining close contact with this work, with a view to assessing what involvement might be appropriate for us in the North. We will continue to keep under review how best we can contribute in the North to the development of a vaccine for badgers.

### Flood Maps

**Mr McCallister** asked the Minister of Agriculture and Rural Development what plans are in place to create flood maps showing areas at risk in addition to the risk of flooding from rivers and the sea. (AQO 1437/09)

**The Minister of Agriculture and Rural Development:** As the competent authority for implementation of the EU Floods Directive in the North of Ireland, DARD, Rivers Agency has plans in place to assess, map and produce plans for areas at potential significant risk of flooding. The Directive requires the consideration of sources of flooding where there is the potential for significant flood risk. Rivers Agency is working with other government departments and responsible authorities to assess the areas at potential significant risk and once established will be undertaking detailed mapping of these areas by the end of 2013.

### Flood Maps

**Mr McNarry** asked the Minister of Agriculture and Rural Development what plans are in place to create flood maps showing areas at risk in addition to the risk of flooding from rivers and the sea. (AQO 1434/09)

**The Minister of Agriculture and Rural Development:** As the competent authority for implementation of the EU Floods Directive in the North of Ireland, DARD, Rivers Agency has plans in place to assess, map and produce plans for areas at potential significant risk of flooding. The Directive requires the consideration of sources of flooding where there is the potential for significant flood risk. Rivers Agency is working with other government departments and responsible authorities to assess the areas at potential significant risk and once established will be undertaking detailed mapping of these areas by the end of 2013.

### Dangerous Dogs Legislation

**Mr Lunn** asked the Minister of Agriculture and Rural Development what proposals exist for strengthening dangerous dogs legislation, in line with the proposals in Scotland, which will introduce control orders for dogs who have acted dangerously regardless of breed; and extend legislation to allow officials to intervene even on private property, in the event of an attack. (AQW 2658/09)

**The Minister of Agriculture and Rural Development:** I am aware of the proposals for the control of dogs in Scotland. Indeed, I have discussed them with the Kennel Club and others as part of my on-going Review of the dangerous dogs legislation here.

I note the proposal to extend legislation to enable officials to intervene on private property in the event of an attack. The current legal position in the North is different from that in Scotland. Under the Dogs (NI) Order 1983 (as amended), an owner whose dog attacks someone is already guilty of an offence, whether the attack has taken place on private or public property.

While I cannot pre-empt the outcome of my Review, I feel that there are lessons to be learned from Scotland and others on what actions they are taking to deal with dogs acting in a dangerous or aggressive manner.

## CULTURE, ARTS AND LEISURE

### Re-Imaging Communities: Ards

**Mr Hamilton** asked the Minister of Culture, Arts and Leisure how much has been spent on the Re-Imaging Communities programme in the Ards Borough Council area, detailing the location and amount spent on each scheme. (AQW 2150/09)

**The Minister of Culture, Arts and Leisure (Mr G Campbell):** The organisations and programmes funded through Re-Imaging Communities in the Ards Borough Council area are as follows:

Organisation	Project Title	Grant £
Ards Borough Council	Portavogie Mural Redefinition	11,840
Ards Borough Council	Glen Estate 1	12,890
Ards Borough Council	Glen Estate 2	12,700
Ards Borough Council	East End	11,900
Ards Borough Council	Mural Redefinition – Scrabo Residents Association	12,482
Ards Borough Council	Cloughy & District Association – Looking to the future	3,950
		£65,762

### Re-Imaging Communities: Arts Council Funding

**Mr Easton** asked the Minister of Culture, Arts and Leisure how much funding is available through the Arts Council to help fund reimagining communities. (AQW 2190/09)

**The Minister of Culture, Arts and Leisure:** The Arts Council has been administering the Re-Imaging Communities programme over the period 2006/07 to 2008/09.

The Arts Council suspended the Re-Imaging Communities Programme on 19 June 2008 as the budget had been assigned or earmarked in full.

My Department has recently secured an additional £500k for the Re-Imaging Communities Programme through the September Monitoring Allocations which will be made available to the Arts Council to administer.

### Re-Imaging Communities: North Down

**Mr Weir** asked the Minister of Culture, Arts and Leisure to breakdown the amount spent on the Re-Imaging Communities Programme in the North Down Council area by (i) location; and (ii) each scheme. (AQW 2266/09)

**The Minister of Culture, Arts and Leisure:**

District Council Area	Group Name	Project Title	Grant £
North Down	North Down Local Strategy Partnership	Re-Imaging Kilcooley	10,639
North Down	Intra Community Cohesion Project	Re-Imaging Kilcooley	48,290
<b>Total</b>			<b>£ 58,929</b>

### Education and Library Boards

**Lord Browne** asked the Minister of Culture, Arts and Leisure what the financial loss is for each Education and Library Board due to the non return of books, in each of the last three years. (AQW 2367/09)



**The Minister of Culture, Arts and Leisure:** The information you have requested is detailed in the table within the attached Annex.

**BOOK LOSSES IN THE EDUCATION AND LIBRARY BOARDS FOR THE YEARS 2005/2006, 2006/2007, 2007/2008**

	Branches Books (Static and mobile libraries)	Other Items	Branches Books	Other Items	Branches Books	Other Items
	2005/2006	2005/2006	2006/2007	2006/2007	2007/2008	2007/2008
SELB	£45637	£4943	£39040	£7431	£35859	£9459
BELB	£19746	£3117	£22867	£7380	£32722	£6150
WELB	£48167	£4956	£55467	£4972	£43,644	£6518
NEELB	£47836	£4297	£39051	£2800	£38283	£2770
SEELB	£30957	£5409	£35392	£4785	£35558	£4706

Please note the following:

1. These figures exclude write off accrued in 2007/2008 following a review of the catalogue entries for the past 34 years.
2. The book loss figures relate to public library stock (including static and mobile libraries)
3. 'Other items' include DVD, video and CD losses.

## Plantation of Ulster

**Mrs I Robinson** asked the Minister of Culture, Arts and Leisure what measures he is taking to prepare for the 400th anniversary of the Plantation of Ulster in 2010; and what consideration he has given to forming a steering group to investigate the various ways this historical event can be celebrated. (AQW 2490/09)

**The Minister of Culture, Arts and Leisure:** The organisations supported by my Department have planned a range of activities and projects in relation to the landmark anniversary of the Plantation of Ulster. These include the following:

- The Linen Hall Library, which DCAL partially funds, is planning an exhibition in 2010 of contemporary books, pamphlets, and at least one public lecture;
- The Ulster Scots Agency intends to republish the Reverend George Hill's 'An Historical Account of the Plantation of Ulster at the commencement of the seventeenth century, 1605-1620', first published in 1877. It will be accompanied by digital images of the Raven Phillips maps held by the Public Record Office of Northern Ireland. Those maps will also feature in the Ulster-Scots Agency's educational resources on the Plantation, funded by the Special European Programmes Body;
- Northern Ireland Screen would consider supporting professional film or television productions dealing with the Plantation of Ulster; and
- New history displays will feature in the refurbished Ulster Museum providing background to the Plantation and its main features. They will consider Ulster as the departing point for the Gaelic lords and present an account of the settlement of Ulster up to 1615.

There are currently no plans to form a steering group.

## Sports Strategy

**Mr P Ramsey** asked the Minister of Culture, Arts and Leisure for an update on the progress made in relation to the implementation of the Sports Strategy; and to detail (i) the (a) expected; and (b) actual contribution, of each Department to the strategy to date; and (ii) the commitments he has received from each Department for future support of the strategy. (AQW 2575/09)

**The Minister of Culture, Arts and Leisure:** A structure for the implementation of the Sports Strategy has been developed and is set out within a final version of the Strategy. This final version, including the

implementation structure, is currently being considered by the Northern Ireland Executive. The expected and actual contribution of each Department to the Sports Strategy to date is as follows:-

- The Department of Culture, Arts and Leisure (DCAL) led the development of the Strategy in partnership with Sport Northern Ireland
- DCAL, the Department of Health, Social Services and Public Safety (DHSSPS), the Department of Education (DE) and the Department of Social Development (DSD) were represented on a Ministerial led Steering Group set up to oversee the development of the Sports Strategy and;
- All Departments participated in consultative forums on the development of the Sports Strategy or provided comments on earlier drafts of the document submitted to them for consideration

I expect to receive commitments from each Department to provide future support to the Strategy once the Northern Ireland Executive approves the final version of the document.

### Comhaltas Ceoltoiri Eireann: Arts Council Funding

**Mr McCausland** asked the Minister of Culture, Arts and Leisure what requests for support have been made by Comhaltas Ceoltoiri Eireann (CCE) to the Arts Council, in each of the last 2 years. (AQW 2576/09)

**The Minister of Culture, Arts and Leisure:** The Comhaltas Ceoltoiri Eireann headquarter organisation, which is Dublin based, has not made any requests for support to the Arts Council of Northern Ireland in the last 2 years.

However, individual branches of Comhaltas Ceoltoiri Eireann have made 11 requests for support to the Arts Council of Northern Ireland in 2006/07, 4 requests in 2007/08 and 4 requests to date in the current financial year.

Details of these applications are set out in the table below.

Year	Branch	Exchequer Funding	Lottery Funding	Amount of Award
2006/07*	Bunrecht CCE		Awards for All	£1,070
	Clogher Valley		Awards for All	£3,380
	Newcastle		Awards for All	£4,850
	Coalisland		Awards for All	£3,040
	Ring of Gullion Forkhill		Awards for All	£5,800
	Dromore		Awards for All	£4,950
	Ballymoney (Comhaltas Dun Laithi)		Awards for All	£6,940
2007/08	Pomeroy	Place Identity and Art programme		£5,000
	Glens of Antrim	Turas		£9,943
	Ards		Awards for All	£2,200
	Portglenone		Awards for All	£1,400
2008/09**	Clanbrassil		Awards for All	£3,200
	Newcastle		Awards for All	£5,000
	Ballymoney (Comhaltas Dun Laithi)		Awards for All	£1,105
	<b>Total</b>			<b>£42,935</b>

\* Four Awards for All applications from CCE branches were rejected in 2006/07.

\*\* One Awards for All application from a CCE branch was rejected in 2008/09.

## Support for Local Talent

**Mr Shannon** asked the Minister of Culture, Arts and Leisure if his Department would issue a statement to support and vote for Christine Bleakley in Strictly Come Dancing and Eoghan Quigg in XFactor. (AQW 2587/09)

**The Minister of Culture, Arts and Leisure:** As Minister of Culture, Arts and Leisure, I welcome the success of Christine Bleakley in Strictly Come Dancing and of Eoghan Quigg in XFactor. Christine's and Eoghan's success is something that we in Northern Ireland can be very proud of. I believe Christine and Eoghan have demonstrated at national level the quality and variety of our local artistic talent and are great ambassadors for Northern Ireland.

Their success is providing a great deal of enjoyment to the people of Northern Ireland, and the rest of the United Kingdom. I would like to extend my very best wishes to both Christine and Eoghan for their continued success in their respective competitions. I am sure that the people of Northern Ireland will continue to vote for Christine and Eoghan.

## EDUCATION

### Wi-Fi in Schools

**Mr Shannon** asked the Minister of Education what proof of harm would be required for wi-fi to be turned off in schools. (AQW 2248/09)

**The Minister of Education (Ms C Ruane):** Bíonn sláinte agus sábhailteacht na bpáistí agus na mball foirne ar fad inár scoileanna fíorthábhachtach.

The health and safety of all children and staff in our schools is paramount.

The Department of Education is committed to improving the use of new technology in schools and has been rolling out the C2K (Class 2000) strategy in recent years.

C2K aims to increase the opportunities for pupils to develop skills in information and communication technologies (ICT) irrespective of where they go to school.

C2K does not currently use WiFi for widespread connectivity of its equipment. However, around 30 schools have opted to purchase wireless access points for use on their C2K local area network.

The Department has taken advice from the Health Protection Agency and the International Commission on Non-Ionising Radiation, who say that it does not consider there to be an undue risk to health from wireless computer networks. I have advised my officials to keep this and any other relevant updated advice under review. The health and safety of our children is paramount.

### Saint Cecilia's College

**Mr Durkan** asked the Minister of Education (i) for her assessment of progress on the delivery of a new school for Saint Cecilia's College in Derry/Londonderry; (ii) to detail the reasons for the stated 10 month delay to date in this project; and (iii) when the project will be completed. (AQW 2293/09)

**The Minister of Education:** Tá scoileanna nua do Saint Mary's College agus do Saint Cecilia's College san áireamh mar chuid de thionscadal atá á thabhairt chun cinn mar Chomhpháirtíocht Phríobháideach Phoiblí.

Replacement schools for Saint Mary's College and Saint Cecilia's College are included in a project being taken forward as a Public Private Partnership. The delay was caused by a need to undertake an extended period of examination on the material in the Full Business Case which needed to be approved by the Department before the project could move to the next stage. The contract is expected to be signed shortly with the buildings due to be completed during the summer of 2010.

### Saint Mary's College

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**The Minister of Education:** Tá scoileanna nua do Saint Mary's College agus do Saint Cecilia's College san áireamh mar chuid de thionscadal atá á thabhairt chun cinn mar Chomhpháirtíocht Phríobháideach Phoiblí.

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### Lisnagelvin Primary School

**Mr Durkan** asked the Minister of Education (i) for her assessment of progress on the delivery of a new school for Lisnagelvin Primary School in Derry/Londonderry; (ii) to detail the reasons for the stated 6 month delay to date in this project; and (iii) when the project will be completed. (AQW 2295/09)

**The Minister of Education:** Tugadh conradh le haghaidh oibreacha ag Lisnagelvin P.S. agus tá Bord Oideachais agus Leabharlainne an Iarthair i mbun plé leis an chonraitheoir rathúil faoi láthair maidir le sprioc-chostas don tionscadal.

A contract for Lisnagelvin P.S. has been awarded and the Western Education and Library Board is currently in discussion with the successful contractor on a target cost for the project. Some redesign work was undertaken earlier this year to reduce the estimated costs of the project which caused the delay. The Board expect to formally submit a proposed target cost shortly. Provided this is satisfactory, it is anticipated that construction work could start on site early next year with an estimated completion date of autumn 2010.

### School Repairs: Upper Bann

**Mr Moutray** asked the Minister of Education how much her Department has spent on school repairs in the Upper Bann constituency in each of the last 5 years. (AQW 2312/09)

**The Minister of Education:** Ní dhéantar aon idirdhealú idir cothabháil agus deisithe san eolas atá ar fáil faoi chaiteachas. Seo a leanas an caiteachas ar chothabháil do scoileanna rialaithe agus scoileanna faoi chothabháil i dtoghcheantar na Banna Uachtaraí mar a chaith Bord Oideachais agus Leabharlainne an Deiscirt i ngach bliain le 5 bhliana anuas.

The expenditure information available does not distinguish between maintenance and repairs. Expenditure on maintenance by the Southern Education and Library Board on controlled and maintained schools in the Upper Bann constituency, in each of the last 5 years, was as follows:-

2003/04 £'000s	2004/05 £'000s	2005/06 £'000s	2006/07 £'000s	2007/08 £'000s
2,821	1,545	1,127	1,332	2,373

Figures for Voluntary Grammar and Grant-Maintained Integrated Schools are not readily available.

### Carrick Primary School, Warrenpoint

**Mr P J Bradley** asked the Minister of Education to explain the delay in the building programme for Carrick Primary School, Burren, Warrenpoint. (AQW 2349/09)

**The Minister of Education:** Bhí cuid míonna sa bhreis de dhíth, níos faide ná mar a ceapadh a bhí riachtanach, sula raibh an t iarratas chostais réamhthairisceana curtha ar fáil ag an fhoireann thionscadail don Roinn le breithniú a dhéanamh air.



It took several months longer than anticipated for the Pre-Tender cost submission to be provided by the project team to the department for consideration. In addition, the proposed replacement school requires an extended site through acquisition and vesting of additional land and there have been delays in getting the necessary site design plans and land acquired for the school. The school's Project Manager has confirmed the design work has been completed and a revised site map has now been submitted to the department for consideration.

### Asbestos in North Down Schools

**Mr Weir** asked the Minister of Education to detail (i) the work that needs to be undertaken; (ii) the date for the work; and (iii) the potential costs, to replace asbestos structures, in schools in the North Down constituency. (AQW 2385/09)

**The Minister of Education:** The South Eastern Education and Library Board, which has responsibility for the maintenance of controlled and maintained schools in the North Down constituency, has advised that they plan to remove asbestos containing materials at Millisle primary school in December 2008 as part of a window replacement scheme. The estimated cost is £41,500. Any other asbestos containing materials in schools in the constituency are being managed in situ. The potential cost of their removal is estimated to be £110,500.

Tá tugtha le fios dom ag scoileanna ghradaí d'heonacha nach bhfuil pleananna ar bith acu le struchtúir aispeiste a bhaint. Níl aon fhigúirí costais ar fáil maidir le hoibreacha bainte.

Voluntary Grammar schools in the North Down constituency have advised that they do not have plans to remove asbestos structures. Cost figures for removal works are not available.

Where it is not considered necessary to remove asbestos, Boards and other school authorities are responsible for managing it safely.

### School Repairs: North Down

**Mr Weir** asked the Minister of Education how much her Department has spent on school repairs in the North Down constituency, in each of the last five years. (AQW 2386/09)

**The Minister of Education:** Ní dhéantar aon idirdhealú idir cothabháil agus deisithe san eolas atá ar fáil faoi chaiteachas. Seo a leanas an caiteachas ar chothabháil do scoileanna rialaithe agus scoileanna faoi chothabháil i dtoghcheantar Dhún Thuaidh mar a chaith Bord Oideachais agus Leabharlainne an Oirdheiscirt i ngach bliain le 5 bhliana anuas.

The expenditure information available does not distinguish between maintenance and repairs. Expenditure on maintenance by the South Eastern Education and Library Board on controlled and maintained schools in the North Down constituency, in each of the last 5 years, was as follows:-

2003/04 £'000s	2004/05 £'000s	2005/06 £'000s	2006/07 £'000s	2007/08 £'000s
1,344	545	301	333	410

Figures for Voluntary Grammar and Grant-Maintained Integrated Schools are not readily available.

### North Belfast City Learning Centre

**Ms Ni Chuilín** asked the Minister of Education to detail (i) the funds her Department has allocated to the North Belfast City Learning Centre; and (ii) how this fits in with her Department's Statutory Duty of Opportunity and Equality. (AQW 2416/09)

**The Minister of Education:** The North Belfast City Learning Centre is the name given to facilities that are being provided as a pilot scheme on a cross-departmental basis as part of the replacement schools for Belfast Model School for Girls and the Belfast Boys Model School. The facilities are intended to be for the benefit of the schools and the whole community in North Belfast. The facilities are being provided under a Public Private Partnership approach and funding would commence once the buildings become operational, which is scheduled

for 2010. The overall capital cost of the facilities is estimated to be £5.5m and an annual unitary charge of £865k in the first full year of operation (2011/12).

Is ceantar é Béal Feirste Thuaidh atá comhcheangailte le leibhéal suntasacha de dhíothacht shocheacnamaíoch. Tá sé beartaithe go gcuideoidh na háiseanna seo le deiseanna foghlama a fheabhasú agus athbheochán a spreagadh i bpobail trí neartú háiseanna áitiúla agus mar sin de, feileann sé don dualgas a bhaineann le comhdheiseanna a chur chun cinn.

North Belfast is an area associated with high levels of social and economic deprivation. The facilities are intended to help improve learning opportunities and regenerate communities by strengthening local access to educational and other facilities. They will support the objective of targeting social need and addressing disadvantage in the community and the statutory obligation on public authorities to promote equality of opportunity and good relations.

## Public Appointments

**Ms Purvis** asked the Minister of Education to detail, for each of the last 3 financial years, (i) all public appointments filled by her Department; (ii) public appointments still outstanding; and (iii) the grounds on which some appointments were not made; for her assessment of (a) the process adopted for public appointments; and (b) the Office of the Commissioner for Public Appointments guidance; and what action she is taking to ensure more efficient application of the procedures. (AQW 2427/09)

### The Minister of Education:

- (i) Tá gach ceapachán poiblí a líon an Roinn seo le linn gach bliana le 3 bliana airgeadais anuas leagtha amach thíos:
- (i) Set out below are all public appointments filled by this Department during each of the last 3 financial years:

Financial Year	Public Appointments Filled	Number
2005/06	Belfast Education and Library Board	38
	North Eastern Education and Library Board	35
	South Eastern Education and Library Board	35
	Southern Education and Library Board	36
	Western Education and Library Board	35
	Council for Catholic Maintained Schools	8
	Staff Commission for Education and Library Boards	2
	Diocesan Education Committees of the Council for Catholic Maintained Schools	15
	Governing Bodies of Certain Voluntary Grammar Schools	173
	Grant Maintained Integrated – Board of Governors	45
	Council for Integrated Education	2
	<b>Total</b>	<b>424</b>

Financial Year	Public Appointments Filled	Number
2006/07	Belfast Education and Library Board	2
	General Teaching Council	4
	Governing Bodies of Certain Voluntary Grammar Schools	12
	Grant Maintained Integrated – Board of Governors	39
	Middletown	5
	Council for Integrated Education	1
	Council for the Curriculum Examinations and Assessment	17
	North Eastern Education and Library Board	1
	South Eastern Education and Library Board	1
	Staff Commission for Education and Library Boards	11
	Southern Education and Library Board	2
	<b>Total</b>	<b>95</b>
2007/08	Belfast Education and Library Board	3
	Governing Bodies of Certain Voluntary Grammar Schools	21
	Grant Maintained Integrated – Board of Governors	37
	Council for the Curriculum Examinations and Assessment	1
	Southern Education and Library Board	3
	Western Education and Library Board	3
	<b>Total</b>	<b>68</b>

- (ii) My Department currently has 44 outstanding appointments.
- (iii) 20 of these vacancies are in the 5 Education and Library Boards, CCMS and the Diocesan Education Committees of the CCMS. Two of these vacancies are in the process of being filled. Of the remaining 18 vacancies, 15 will remain unfilled. These appointments are made via open competition and due to the impending establishment of the Education and Skills Authority (ESA) public appointment competitions have not been run. The remaining 3 vacancies are in the South Eastern Education and Library Board and will not be processed until a decision has been taken by me to reinstate the Board.

Of the remaining 24 vacancies, 22 refer to the appointment of Board of Governors of certain Voluntary and Grant Maintained Integrated Schools. I am currently in the process of considering the appointments of 3 Board of Governors and there are 19 other Board of Governor appointments to be made by me. However my Department is currently awaiting the completion of vetting or declaration forms.

The remaining 2 vacancies are in the Council for Integrated Education (NICIE) and my Department is currently in the process of considering the most appropriate way to take forward these appointments. It is envisaged that appointments will be made in the next few months.

- (a) My Department adheres to the key principle in the Code of Practice that equality of opportunity and diversity must be inherent throughout the appointment process. Independent scrutiny has been applied to all public appointments made by me. Following this process in my view provides a sound basis for ensuring that the Department of Education observes its responsibility in terms of applying equal opportunities to the appointments consideration process within the overriding principle of appointments on merit.

All public appointments made by my Department have been made in line with the Code of Practice as set out by the Office of the Commissioner for Public Appointments (OCPA). This guidance stems from the Nolan Principles of Public Life which ensure an appointments process built on the merit principle.

- (b) OCPA is currently overseeing the development of a new Code of Practice. The Department of Education, along with other Departments and stakeholders is fully engaging and contributing to this review.

The Code of Practice is supplemented with guidance set out by the Central Appointments Unit, OFMdfM.

### Peripatetic Tutors: Spanish/Irish

**Mr K Robinson** asked the Minister of Education to detail the number of peripatetic Spanish and Irish language tutors operating under the Primary Languages Programme, broken down by each Education and Library Board area. (AQW 2450/09)

**The Minister of Education:** Faoi lathair, tá 42 teagascóir Spáinnise agus 6 theagascóir Gaeilge ag obair i mbunscoileanna anseo agus tá 25 teagascóir Spáinnise agus 12 teagascóir Gaeilge eile faoi thraenáil a bhfuil imréiteach á dhéanamh orthu. Ní mhiondhealaítear an t-eolas ar na teagascóirí de réir limistéar an Bhoird Oideachais agus Leabharlainne ach is é líon na scoileanna atá páirteach ó thaobh limistéar an Bhoird de mar a leanas: Béal Feirste 22; an tIarthar 70; an tOirthuaisceart 102; an tOirdheisceart 58; agus an Deisceart 72.

There are currently 42 Spanish tutors and 6 Irish tutors working in primary schools here and an additional 25 Spanish tutors and 12 Irish tutors are undergoing clearance and training. Information on tutors is not broken down by Education and Library Board area, but the number of schools participating by Board area is: Belfast 22; Western 70; North Eastern 102; South Eastern 58; and Southern 72.

The programme is expanding in the 2008/09 school year to include a newcomer language element. Irish and Spanish are the most popular programmes and I will continue to keep a focus on that. Far from any existing languages proving unpopular there is in fact great demand from schools for the languages being offered.

I will continue to keep the programme under review and, in determining languages which can be provided through the programme, will take account of views provided through evaluations, which will include feedback from principals. I am pleased with the positive feedback received to date from participating schools and look forward to more of our young people benefitting from learning a second language from an early age.

### Primary Languages Programme

**Mr K Robinson** asked the Minister of Education if the Primary Languages Programme will be reviewed to (i) allow further modern languages to be added and (ii) for languages that are proving unpopular with schools to be replaced. (AQW 2451/09)

**The Minister of Education:** Faoi lathair, tá 42 teagascóir Spáinnise agus 6 theagascóir Gaeilge ag obair i mbunscoileanna anseo agus tá 25 teagascóir Spáinnise agus 12 teagascóir Gaeilge eile faoi thraenáil a bhfuil imréiteach á dhéanamh orthu. Ní mhiondhealaítear an t-eolas ar na teagascóirí de réir limistéar an Bhoird Oideachais agus Leabharlainne ach is é líon na scoileanna atá páirteach ó thaobh limistéar an Bhoird de mar a leanas: Béal Feirste 22; an tIarthar 70; an tOirthuaisceart 102; an tOirdheisceart 58; agus an Deisceart 72.

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### Primary Languages Programme

**Mr K Robinson** asked the Minister of Education if primary school principals will be consulted about the choice of languages, to ensure the breadth and future relevance of the Primary Languages Programme. (AQW 2452/09)

**The Minister of Education:** Faoi lathair, tá 42 teagascóir Spáinnise agus 6 theagascóir Gaeilge ag obair i mbunscoileanna anseo agus tá 25 teagascóir Spáinnise agus 12 teagascóir Gaeilge eile faoi thraenáil a bhfuil imréiteach á dhéanamh orthu. Ní mhiondhealaítear an t-eolas ar na teagascóirí de réir limistéar an Bhoird



Oideachais agus Leabharlaine ach is é líon na scoileanna atá páirteach ó thaobh limistéar an Bhoird de mar a leanas: Béal Feirste 22; an tIarthar 70; an tOirthuaisceart 102; an tOirdheisceart 58; agus an Deisceart 72.

There are currently 42 Spanish tutors and 6 Irish tutors working in primary schools here and an additional 25 Spanish tutors and 12 Irish tutors are undergoing clearance and training. Information on tutors is not broken down by Education and Library Board area, but the number of schools participating by Board area is: Belfast 22; Western 70; North Eastern 102; South Eastern 58; and Southern 72.

The programme is expanding in the 2008/09 school year to include a newcomer language element. Irish and Spanish are the most popular programmes and I will continue to keep a focus on that. Far from any existing languages proving unpopular there is in fact great demand from schools for the languages being offered.

I will continue to keep the programme under review and, in determining languages which can be provided through the programme, will take account of views provided through evaluations, which will include feedback from principals. I am pleased with the positive feedback received to date from participating schools and look forward to more of our young people benefitting from learning a second language from an early age.

### School Build Projects: Derry/Londonderry

**Mr Durkan** asked the Minister of Education the value of each of the contracts for school build projects at (i) Saint Cecilia's College; (ii) Saint Mary's College; and (iii) Lisnagelvin Primary School, in Derry/Londonderry. (AQW 2476/09)

**The Minister of Education:** Meastar gur fiú £38m iad na hoibreacha tógála don tionscadal ag St Cecilia's College agus ag St Mary's College (conradh aonair).

The value of the construction works for the project at St Cecilia's College and St Mary's College (a single contract) is estimated at £38m. In the case of Lisnagelvin P.S. the contract for the provision of a new school has been awarded and the Western Education and Library Board is currently in discussion with the contractor on a target cost for the project. The Board expects to submit a target cost shortly.

### Peripatetic Tutors: Music

**Mr K Robinson** asked the Minister of Education, further to the answer to AQW4200/08, to detail the rates for peripatetic music tutors, in each of the five Education and Library Boards. (AQW 2496/09)

**The Minister of Education:** Seo a leanas na rátaí pá do theagascóirí taistil lánaimseartha ceoil uirlise:-

The rates of pay for full-time peripatetic instrumental music tutors are set out below:-

Scale Point*	Annual Salary with effect from 1/09/07 £
M1	20,133
M2	21,726
M3	23,472
M4	25,278
M5	27,270
M6	29,427

\* The Pay Scale for:

- (i) Qualified Tutors appointed after 1 October 1990 is Points M2 - M6.
- (ii) Unqualified Tutors in post at 1 October 1990 is Points M1 - M6
- (iii) Unqualified Tutors appointed after 1 October 1990 is Points M1 - M5

The exception to this is the full-time teaching staff in the Belfast Education and Library Board's School of Music and 2 music tutors in the Western Education and Library Board who are employed on teachers' terms and conditions and paid in accordance with the teachers' pay scales. These scales are set out in the Department's

Circular 2008/20 which is available at the following web address: [http://www.deni.gov.uk/de1\\_08\\_85628\\_\\_\\_teachers\\_\\_\\_pay\\_increase\\_from\\_september\\_2008\\_-\\_circular\\_2008\\_20.pdf](http://www.deni.gov.uk/de1_08_85628___teachers___pay_increase_from_september_2008_-_circular_2008_20.pdf)

### Integrated Education: Area Planning

**Dr Farry** asked the Minister of Education how her Department's current policy on area planning encourages and facilitates the development of integrated education. (AQW 2526/09)

**The Minister of Education:** Mínítear sa dréacht-pháipéar beartais faoi phleanáil bunaithe sa cheantar go mbeadh leasanna na hearnála oideachais mar chuid den phróiseas pleanála; go mbeadh gá ann le pleanáil chomhleanúnach a fhorbairt thar earanálacha agus d'fhéadfaí go n-áireofaí orthu sin deiseanna agus tograí maidir le comhroinnt agus comhoibriú. Tá freagairtí ar chomhairliúchán an phaipéir faoi bhreithniú ag an Roinn faoi láthair.

The draft area-based planning policy paper explains that the educational sector interests would be involved in the planning process; that coherent planning would need to be developed across sectors and that these could include opportunities and proposals for sharing and collaboration. Responses to the consultation exercise on the paper are currently being considered by the department.

### Integrated Education: Sustainable Schools

**Dr Farry** asked the Minister of Education how her Department's current policy on sustainable schools encourages and facilitates the development of integrated education. (AQW 2527/09)

**The Minister of Education:**

Díríonn an beartas um Scoileanna Inbhuanaithe ar an riachtanas le scoileanna láidir inmharthana bheith ann a sholáthraíonn oideachas den scoth agus tá an beartas ábhartha thar an chóras oideachais. Sainaitníonn an doiciméad beartais na beartais ar leith atá ábhartha do na breithnithe a bhaineann le hinmharthanacht fhadtéarmach agus pleanáil an eastáit amach anseo, chomh maith le forbairt an oideachais imeasctha a spreagadh agus a éascú.

The Sustainable Schools policy addresses the need to have strong viable schools providing quality education and is relevant across the education system. The policy document identifies specific policies relevant to considerations of long-term viability and the future planning of the estate, including encouraging and facilitating the development of integrated education.

The document also highlights the Bain Report recommendations that there should be commitment to encouraging and facilitating a variety of approaches to integrating education within a framework of sustainable schools.

### United Nations Committee on the Rights of the Child

**Dr Farry** asked the Minister of Education, pursuant to her answer to AQW 1786/09, for her assessment of what the United Nations Committee on the Rights of the Child means by 'segregation of education', in comments within its 49th Report, in relation to Northern Ireland. (AQW 2528/09)

**The Minister of Education:** Is é mo mheas ar usáid na bhfocal 'idirdheighilt san oideachais' ag Coiste na Naisiún Aointaithe um Chearta an Linbh ná go ciallaíonn sé idirdheighilt ó thaobh cúlra pobail de.

My assessment of the United Nations Committee on the Rights of the Child use of the wording 'segregation of education' is segregation by community background.

### Community Audits

**Dr Farry** asked the Minister of Education what plans she has to introduce community audits as part of the area planning process. (AQW 2529/09)

**The Minister of Education:** Cé nach bhfuil pleananna ar bith agam faoi láthair le hiniúcháí pobail a thabhairt isteach mar chuid de phróiseas pleanála na gceantar, aithníodh sa dréacht-doiciméad beartais faoi phleanáil sa cheantar go mbeadh tuairimí na dtuismitheoirí, na ndaltaí agus na ndaoine óga ábhartha d'fhorbairt na bpleananna.

Whilst I have no plans presently to introduce community audits as part of the area planning process, the draft area-based planning policy document recognised that the views of parents, pupils and young people would be relevant to the development of plans.

### Glastry College

**Mr Shannon** asked the Minister of Education what discussions she has had with representatives from Glastry College in relation to increasing the size of the new school, given that it is now oversubscribed. (AQW 2559/09)

**The Minister of Education:** Ní dheachaigh Glastry College i dteagmháil liom, mar sin, ní raibh aon phlé agam le hionadaithe na scoileanna ar an cheist seo.

No approaches have been made by Glastry College and therefore I have not had any discussions with representatives from the schools on this issue.

### Language Support

**Mr Durkan** asked the Minister of Education how many children, whose first language is not English, are enrolled in (i) nursery schools; (ii) primary schools; (iii) special needs schools; and (iv) post-primary schools, in each of the last 3 years, broken down by Education and Library Board. (AQW 2605/09)

**The Minister of Education:** Tá an teolas a iarradh sa tábla thíos:

The information requested is contained in the table below.

**PUPILS RECORDED AS HAVING ENGLISH AS AN ADDITIONAL LANGUAGE BROKEN DOWN EDUCATION AND LIBRARY BOARD 2005/06 – 2007/08**

Year	School Type	Education Board					TOTAL
		BELB	WELB	NEELB	SEELB	SELB	
2005/06	Nursery	25	7	7	22	15	76
	Primary	436	184	343	329	610	1,902
	Post primary	277	51	93	94	188	703
	Special	n/a	n/a	n/a	n/a	n/a	n/a
	<b>Total</b>	<b>738</b>	<b>242</b>	<b>443</b>	<b>445</b>	<b>813</b>	<b>2,681</b>
2006/07	Nursery	#	#	24	13	#	112
	Primary	511	319	437	359	1,004	2,630
	Post primary	252	119	113	148	516	1,148
	Special	*	*	8	6	*	21
	<b>Total</b>	<b>796</b>	<b>455</b>	<b>582</b>	<b>526</b>	<b>1,552</b>	<b>3,911</b>

Year	School Type	Education Board					TOTAL
		BELB	WELB	NEELB	SEELB	SELB	
2007/08	Nursery	39	#	21	#	19	112
	Primary	698	482	666	522	1,441	3,809
	Post primary	395	167	202	226	724	1,714
	Special	7	*	7	#	8	30
	<b>Total</b>	<b>1,139</b>	<b>668</b>	<b>896</b>	<b>770</b>	<b>2,192</b>	<b>5,665</b>

**Source:** Annual school census

**Notes:**

1. Primary includes nursery, reception and year 1 – 7 classes.
2. “\*” denotes fewer than 5 pupils
3. “#” denotes figure more than 5 suppressed due to possible identification of pupils.
4. A child with English as an additional language is defined as one for whom English is not their first language and who has significant difficulty with the English language and requires assistance.
5. In the 2005/06 year EAL was not collected for the Special schools sector.

## Language Support

**Mr Durkan** asked the Minister of Education how many children, whose first language is not English, are enrolled in (i) nursery schools; (ii) primary schools; (iii) special needs schools; and (iv) post-primary schools, in the Western Education and Library Board area, broken down by language. (AQW 2606/09)

**The Minister of Education:** Tá an teolas a iarradh sa tábla thíos.

The information requested is contained in the table below.

**PUPILS RECORDED AS HAVING ENGLISH AS AN ADDITIONAL LANGUAGE AT SCHOOLS IN THE WELB AREA BY FIRST LANGUAGE – 2007/08**

Language	School Type				Total
	Nursery	Primary	Post Primary	Special	
Arabic	0	#	*	0	9
Cantonese	#	15	9	*	30
Filipino	0	26	5	0	31
German	0	*	*	0	7
Hindi	0	*	*	0	6
Hungarian	0	14	8	0	22
Indian (not specified)	0	#	*	0	7
Latvian	0	8	10	0	18
Lithuanian	0	35	16	0	51
Malaysian	0	#	*	0	11
Mandarin	0	*	*	0	8
Malayalam	0	#	*	0	6
Other	*	105	39	*	149
Punjabi	*	*	*	0	6
Polish	#	222	59	*	288



Language	School Type				Total
	Nursery	Primary	Post Primary	Special	
Slovakian	0	#	*	0	14
Spanish	0	*	*	0	5
<b>Total</b>	#	<b>482</b>	<b>167</b>	*	<b>668</b>

**Source:** Annual school census

**Notes:**

6. Primary includes nursery, reception and year 1 – 7 classes.
7. “\*” denotes fewer than 5 pupils
8. “#” denotes figure more than 5 suppressed due to possible identification of pupils.
9. A child with English as an additional language is defined as one for whom English is not their first language and who has significant difficulty with the English language and requires assistance.

### South Eastern Education and Library Board

**Mr Weir** asked the Minister of Education, pursuant to the answer to AQW 8882/08, when ‘in the near future’, will the Department make an announcement on this subject. (AQW 2607/09)

**The Minister of Education:** Beidh mé ag breathnú ar athbhunú bhord an SEELB atá ar fionraí i gcomhthéacs an chlár ama athbhreithnithe maidir le bunú an Údaráis nua um Oideachas agus Scileanna.

I will be considering the reinstatement of the suspended board of SEELB in the context of the revised timetable for the establishment of the new Education and Skills Authority.

### Language Support

**Mr Durkan** asked the Minister of Education how many children, whose first language is not English, are enrolled in (i) nursery schools; (ii) primary schools; (iii) special needs schools; and (iv) post-primary schools, in the Western Education and Library Board area, broken down by parliamentary constituency. (AQW 2608/09)

**The Minister of Education:** Tá an teolas a iarradh sa tábla thíos.

The information requested is contained in the table below.

Pupils recorded as having English as an additional language at schools in the WELB, broken down by parliamentary constituency – 2007/08

School Type	Constituency Name				Total
	East Derry	Fermanagh And South Tyrone	Foyle	West Tyrone	
Nursery	0	#	#	6	#
Primary	31	133	141	177	482
Post Primary	19	66	34	48	167
Special	0	*	*	0	*
<b>Total</b>	<b>50</b>	<b>206</b>	<b>181</b>	<b>231</b>	<b>668</b>

**Source:** Annual school census

**Notes:**

10. Primary includes nursery, reception and year 1 – 7 classes.
11. “\*” denotes fewer than 5 pupils
12. “#” denotes figure more than 5 suppressed due to possible identification of pupils.
13. A child with English as an additional language is defined as one for whom English is not their first language and who has significant difficulty with the English language and requires assistance.

## Language Support

**Mr Durkan** asked the Minister of Education what language support is available to parents of children whose first language is not English, in the Western Education and Library Board area. (AQW 2609/09)

**The Minister of Education:** The Inclusion and Diversity Service brought together services across the five Education and Library Boards in relation to the education of all newcomer pupils, whose first language is not English. The aim is to strengthen and improve support to all such pupils, their parents and teaching staff, primarily working through schools by using a number of new services and approaches available on a regional basis. Whilst the service works with schools, it also offers specific help to parents whose first language is not English. In particular, parents can have access to interpreters for initial parent/teacher interviews, parent consultation interviews, critical incidents and pastoral care issues. In addition, schools have access to 10 generic school policies and a number of key letters translated into 15 languages for issue to parents in their own language.

In response to a need to inform the parents of newcomer children about our education system, the Inclusion and Diversity Service created a multi-lingual website for parents in 15 languages, as well as Irish and English. This website can be accessed at [www.education-support.org.uk](http://www.education-support.org.uk). All of these services are available to all schools.

Tá tugtha le fios dom ag an Aire Fostaíochta agus Foghlama go mbíonn cúrsaí sainchruthaithe á soláthar ag coláistí breisoideachais leis an Bhéarla a theagasc d'oibrithe ó thíortha eile.

I am advised by the Minister for Employment and Learning that further education colleges provide courses specifically tailored to teaching English to migrant workers.

## Kindle Primary School

**Mr Wells** asked the Minister of Education to detail the schools now attended by the former pupils of Kindle Primary School, following its closure in June 2008. (AQW 2621/09)

**The Minister of Education:** Tá tugtha le fios dom ag Bord Oideachais agus Leabharlainne an Oirdheiscirt gurb iad na scoileanna ar a mbíonn iardhaltaí Kindle Primary School ag freastail anois, i ndiaidh a druidte i mí Meithimh 2008 ná Cumran Primary School, Clough agus St Joseph's Primary School, Tyrella.

The South-Eastern Education and Library Board have advised that the schools now attended by the former pupils of Kindle Primary School, following its closure in June 2008 are Cumran Primary School, Clough and St Joseph's Primary School, Tyrella.

## School Maintenance Programme: Derry City/Foyle

**Mr Durkan** asked the Minister of Education for her assessment of the possible health and safety risks as a result of the backlog in the School Maintenance Programme for schools in (i) the Derry City Council area; and (ii) the Foyle constituency. (AQW 2623/09)

**The Minister of Education:** Bíonn freagracht ar Bhord Oideachais agus Leabharlainne an Iarthair as cothabháil scoileanna Rialaithe agus scoileanna faoi Chotheabháil i limistéar Chomhairle Cathrach Dhoire agus i dtoghcheantar an Fheabhail.

The Western Education and Library Board has responsibility for the maintenance of Controlled and Maintained schools in the Derry City Council and Foyle constituency areas. The Board carries out a rolling programme of condition surveys to identify maintenance needs at an early stage. If a high risk health and safety issue were to be identified it would be dealt with as a matter of urgency.

## School Maintenance Programme : Derry City/Foyle

**Mr Durkan** asked the Minister of Education what action she is taking to address the backlog in the Schools Maintenance Programme for schools in (i) the Derry City Council area; and (ii) the Foyle constituency. (AQW 2624/09)

**The Minister of Education:** Bíonn freagracht ar Bhord Oideachais agus Leabharlaine an Iarthair as cothabháil scoileanna Rialaithe agus scoileanna faoi Chothabháil i limistéar Chomhairle Cathrach Dhoire agus i dtoghcheantar an Fheabhail.

The Western Education and Library Board have responsibility for the maintenance of Controlled and Maintained schools in the Derry City Council and Foyle Constituency areas. Whilst my Department determines the overall centre budget allocation for the Board, it is for the Board to determine, along with other services to be provided, how much funding it attributes to its maintenance budget.

The Western Education and Library Board are keen to address the maintenance backlog. My Department has supported the Board's bid for an additional £320k in the December monitoring round, to help ease pressure on its maintenance budget in the current financial year.

### Attacks on Teachers: NEELB

**Mr Hilditch** asked the Minister of Education to detail what happened to the pupils responsible for the 29 physical attacks on teachers in the North Eastern Education and Library Board, between 2006-07 and 2007/08. (AQW 2631/09)

**The Minister of Education:** Ní chruinníonn an Roinn an t-eolas a iarradh.

The Department does not collect the information requested.

The Department collects information annually from each of the Education and Library Boards in relation to suspensions and expulsions of pupils. This data does provide the reasons for suspensions and expulsions, of which 'physical attacks on teachers' is one; however the data is anonymised and it is therefore not possible to track the outcomes for the pupils involved.

### Teaching Vacancies: Upper Bann

**Mr Moutray** asked the Minister of Education how many teaching vacancies there are in each school, in the Upper Bann constituency. (AQW 2647/09)

**The Minister of Education:** The Department seeks information on teacher vacancies from all grant-aided schools on an annual basis. The information provides a "snapshot" of vacancies at a specific date each year. The latest information available identifies vacancies at 2 November 2007, and details for the Upper Bann constituency are set out below:

**NO. OF VACANCIES STILL TO BE FILLED DURING THE 2007/08 ACADEMIC YEAR AT 2ND NOVEMBER 2007 IN SCHOOLS IN THE UPPER BANN PARLIAMENTARY CONSTITUENCY**

	School Ref	Full-time, Permanent	Part-time, Permanent	Full-time, Temporary	Part-time, Temporary
Craigavon Senior High School	5210282	1	0	0	0
St Mary's High School	5230070	2	0	0	0
Lismore Comprehensive School	5230213	1	0	0	0
New-Bridge Integrated College	5260285	1	0	0	0
King's Park PS	5011124	1	0	0	0
Edenderry PS	5011189	1	0	0	0
Drumgor PS	5016080	1	0	0	0
Ballyoran PS	5016117	0	2	0	0
Bridge Integrated PS	5066540	0	1	0	0
Ceara Special School	5316521	2	0	0	0

Tá eolas maidir le folúntais múinteoirí a mbíonn ann ar an 2 Samhain 2008 á lorg ag an Roinn.

The Department is currently seeking data on teacher vacancies which exist at 2 November 2008.

### Middletown Centre of Excellence for Autism

**Dr McDonnell** asked the Minister of Education (i) whether Middletown Centre for Autism is registered and operates as a private company; (ii) if so, when this decision was taken and by whom; and (iii) how the centre is funded. (AQW 2663/09)

**The Minister of Education:** Bhunaigh an Roinn Oideachais (DE) sa tuaisceart agus an Roinn Oideachais agus Eolaíochta (DES) sa deisceart an Middletown Centre for Autism Ltd leis an Ionad a oibriú agus corpraíodh é sa Companies Registry i dtuaisceart na hÉireann i mí an Mhárta 2007 mar chuideachta faoi theorainn ráthaíochta, gan scairchaipiteal ar bith aici.

The Middletown Centre for Autism Ltd was established in order to operate the Centre by the Department of Education (DE) in the north and the Department of Education and Science (DES) in the south and was incorporated in Companies Registry in the north of Ireland in March 2007 as a company limited by guarantee, having no share capital. The operation of the company is subject to a robust Memorandum and Articles of Association agreed by both DE and DES and contains Reserved Matters for which prior Departmental approval must be sought.

The decision to establish the operation of the Centre through a company limited by guarantee was taken in June 2006 as the preferred option, as outlined in an Economic Appraisal (EA) completed by the Department of Education and agreed with the Department of Education and Science. This EA was approved by the Department of Finance and Personnel in July 2006. The EA was placed in the Assembly Library in February 2007. The operational mechanism for the Centre will be reviewed on the establishment of the Education and Skills Authority.

The Centre operates within the terms of reciprocal Funding Agreements with each Department. In addition, a Management Statement Financial Memorandum (MSFM) which has been approved by the Department of Finance and Personnel and signed by DE and the Centre is in place. This MSFM sets out the corporate governance arrangements under which the Centre must operate. A Memorandum of Understanding is in place between both Departments, which commits each to funding on a 50:50 basis.

### School Maintenance Programme: North Down

**Mr Weir** asked the Minister of Education what action her Department is taking to address the backlog in the schools maintenance programme for schools, in the North Down constituency. (AQW 2672/09)

**The Minister of Education:** Bíonn freagracht ar Bhord Oideachais agus Leabharlainne an Oirdheiscirt as cothabháil scoileanna Rialaithe agus scoileanna faoi Chothabháil i dtoghcheantar Dhún Thuaidh.

The South Eastern Education and Library Board have responsibility for the maintenance of Controlled and Maintained schools in the North Down constituency. Whilst my Department determines the overall centre budget allocation for the Board, it is for the Board to determine, along with other services to be provided, how much funding it attributes to its maintenance budget.

The South Eastern Education and Library Board are keen to address the maintenance backlog. My Department has supported the Board's bid for an additional £1.2 million in the December monitoring round, to help ease pressures on its maintenance budget in the current financial year.

### Teaching Vacancies: North Down

**Mr Weir** asked the Minister of Education how many teaching vacancies there are in each school, in the North Down constituency. (AQW 2673/09)

**The Minister of Education:** The Department seeks information on teacher vacancies from all grant-aided schools on an annual basis. The information provides a "snapshot" of vacancies at a specific date each year. The latest information available identifies vacancies at 2 November 2007, and details for the North Down constituency are set out below:



**NO. OF VACANCIES STILL TO BE FILLED DURING THE 2007/08 ACADEMIC YEAR AT 2ND NOVEMBER 2007 IN SCHOOLS IN THE NORTH DOWN PARLIAMENTARY CONSTITUENCY**

School Name	School Ref	Full-time, Permanent	Part-time, Permanent	Full-time, Temporary	Part-time, Temporary
Donaghadee PS	4011654	1	1	0	1
Bloomfield Road PS	4013023	2	0	1	0
Conlig PS	4013032	1	0	0	0
Grange Park PS	4013045	1	0	0	0
Kilcooley PS	4016002	1	0	0	0
Kilmaine PS	4016192	1	0	0	0
Ballymagee PS	4016430	1	1	0	0
St Malachy's PS	4036148	1	0	0	0
Bangor Academy And 6th Form College	4210296	1	1	2	0
Glenlola Collegiate	4410097	2	0	0	0
Bangor GS	4420015	1	0	0	0

Tá eolas maidir le folúntais múinteoirí a mbíonn ann ar an 2 Samhain 2008 á lorg ag an Roinn.

The Department is currently seeking data on teacher vacancies which exist at 2 November 2008.

### School Crossing Patrols: Upper Bann

**Mr Moutray** asked the Minister of Education to detail the number of school crossing patrols in Upper Bann, in each of the last three years. (AQW 2676/09)

**The Minister of Education:** Tá deimhnithe ag Bord Oideachais agus Leabharlainne an Deiscirt gur mar seo a leanas atá líon na bPatról Trasnaithe Scoile i dtoghcheantar na Banna Uachtaraí i ngach bliain le trí bliana anuas:

The Southern Education and Library Board has confirmed that the number of School Crossing Patrols in the Upper Bann area, in each of the last three years, is as follows:

2005/06	72
2006/07	60
2007/08	58

### School Crossing Patrols

**Mr Moutray** asked the Minister of Education how many school crossing patrols are to be abolished in the next three years (i) in total; and (ii) broken down by Education and Library Board. (AQW 2680/09)

**The Minister of Education:** Tá curtha in iúl ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlainne dom nach bhfuil aon phleananna acu faoi láthair chun deireadh a chur le haon Phatróil Trasnaithe Scoile thar na chéad trí bliana eile.

I have been advised by the Chief Executives of the Education and Library Boards that they have no plans at present to abolish any School Crossing Patrols over the next three years. I should advise, however, that if a post becomes vacant, a survey of the location is conducted to determine whether the road safety hazard still exists. If the location continues to meet the criteria for the provision of a School Crossing Patrol then the post will be advertised. If, however, the criteria are not met then the post will be abolished.

### Public Liability Claims

**Mr Moutray** asked the Minister of Education how many public liability claims have been successful (i) in total; and (ii) broken down by Education and Library Board; and, what was the amount paid out (a) in total; and (b) broken down by Education and Library board, in each of the last three years. (AQW 2681/09)

**The Minister of Education:** Thug gach ceann de na Boird Oideachais agus Leabharlainne an t-eolas atá mionsonraithe sna táblaí thíos:

The information detailed in the tables below has been provided by each Education and Library Board:

- (i). Total number of successful public liability claims and total amounts paid out in each of the last three years.

Financial Year	Number of claims	Total cost
2005/06	48	218,822.32
2006/07	80	469,412.66
2007/08	50	312,113.72

- (ii). Successful public liability claims and total amounts paid out in each of the last three years broken down by Education and Library Board.

Authority	2005/06	2006/07	2007/08
<b>BELB</b>			
No of Public Liability Claims	3	8	6
Amount Paid	33,156.64	119,528.80	53,818.90
<b>NEELB</b>			
No of Public Liability Claims	10	15	6
Amount Paid	27,124.00	117,314.00	107,906.00
<b>SEELB</b>			
No of Public Liability Claims	15	22	16
Amount Paid	105,126.58	75,792.34	92,040.07
<b>SELB</b>			
No of Public Liability Claims	15	21	14
Amount Paid	39,783.20	58,603.41	30,125.96
<b>WELB</b>			
No of Public Liability Claims	5	14	8
Amount Paid	13,631.90	98,174.11	28,222.79

It should be noted that these figures include compensation costs, plaintiff legal costs and defence legal costs.

### Vocational Career Choices

**Mr Newton** asked the Minister of Education how school careers teachers gain knowledge and experience to enable them to offer advice on vocational career choices, particularly within the traditional trades. (AQO 1228/09)

**The Minister of Education:** Tugann múinteoirí gairmthreorach saibhreas a gcuid taithí , a gcuid saineolais agus a gcuid tiomantais don obair a dhéanann siad le daoine óga.

Careers teachers bring a wealth of experience, expertise and commitment to their work with young people. They are supported by their employers with opportunities to develop an understanding of vocational pathways, including through working in partnership with the professional careers advisers employed by the Department for Employment and Learning and with employers, Sector Skills Councils, further and higher education

establishments and others to gain knowledge and understanding of the many vocational areas for the pupils who require it.

Additionally, the Education and Library Boards' Curriculum Advisory Support Service (CASS) provides a programme of teacher placement into industry that allows teachers a period of work experience.

It is, however, important to note that the role of schools and careers officer is not to give advice on specific careers or jobs to pupils but rather to educate them about career options and pathways that are available to them and, in the context of the revised curriculum, to help pupils develop the opportunities for careers exploration and the thinking, analytical and decision-making skills that they need to reach their own decisions on the career pathways that are right for them.

It is essential that we move away from the mindset where the true value of vocational courses is not fully recognised. Through the Entitlement Framework our pupils will be guaranteed access to a broad range of qualifications, both academic and vocational, that can prepare them for working in today's society.

### Early Years Strategy

**Mr W Clarke** asked the Minister of Education when her Department will publish its Early Years Strategy. (AQO 1291/09)

**The Minister of Education:** Mar is eol daoibh bhunaigh an Roinn grúpaí geallsealbhóirí le hinchur ar sheachadadh, ar bheartas agus ar chleachtas na luathbhlianta a bhailiú agus lena bheith mar bhonn eolais don straitéis.

As you are aware the Department formed stakeholder groups to capture input on the delivery, policy and practice of early years and inform the strategy. Since initial stakeholder consultations ceased in November 2007 the Department has been gathering and collating the evidence from local, national and international best practice models of early years to highlight the policy implications for the Early Years 0 - 6 Strategy. The Department also has to ensure that the policy linkages throughout the education sector and with other Government Departments are made to ensure the recommendations arising from the Strategy are not seen in isolation from other policy areas to maximise their effectiveness.

The Strategy will recognise that early years services encompass a wide range of complex issues and appropriate targeting and intervention means identifying and addressing specific needs in a timely way. Those needs all contribute to the individual's ability to grow and learn, to develop and fulfil his or her potential, and, vitally, to enjoy the very best start in life that every child deserves.

The Department hopes to bring the draft Strategy before the Education Committee early in 2009, after which a broad and inclusive public consultation will follow (to include consultation with the broader health and education sectors and children and parents) before the strategy is finalised and published.

### Specialist Schools: Post-Primary Sector

**Mr Ross** asked the Minister of Education for her assessment of specialist schools in the post primary sector. (AQO 1221/09)

**The Minister of Education:** Tá clár na Scoileanna Speisialta fréamhaithe go láidir laistigh den fhócas foriomlán atá agam ar fhorbairt scoileanna agus tugann sé tacaíocht dó; ag diriú isteach ar thearcghnóthú oideachasúil; agus ag méadú na roghanna agus an tsolúbthacht atá ann do dhaoine óga, go háirithe tríd an Chreat Teidlíochta.

The Specialist Schools programme sits firmly within and supports my overall focus on improving schools; addressing educational underachievement; and increasing choice and flexibility for young people, particularly via the Entitlement Framework.

Specialist Schools, by definition, are outward looking. They use their particular strengths in one curricular area not just to benefit their own pupils but also for the benefit of pupils in partner schools and the wider community. They are tasked with supporting the delivery of the Entitlement Framework through partnerships with post-primary schools within their Area Learning Community. These schools are involved in and are driving active school collaboration and developing models of best practice which they share through the network of Specialist Schools.

In the Programme for Government, promotion of STEM (Science, Technology, Engineering and Mathematics) related activities is a very high priority and the Specialist schools programme provides the opportunity to enhance the teaching of STEM subjects in schools. In September 2008, three new schools under the STEM specialisms joined the 8 existing schools.

The fourth cohort of the Specialist Schools programme was launched on 21 November 2008, inviting post primary schools to apply for Specialist Schools status from September 2010.

My Department will continue to work with the Education and Training Inspectorate to closely monitor and evaluate the success of the Specialist Schools programme.

### School Buses: Free Travel

**Mr P J Bradley** asked the Minister of Education what plans she has to allow rural children to be offered free travel on partially filled school buses that pass close to their homes. (AQO 1269/09)

**The Minister of Education:** Bíonn iallach ar Bhoird Oideachais agus Leabharlainne cúnamh iompair a sholáthar do na daltaí sin a bhíonn i dteideal é a fháil faoi na socruithe a tugadh isteach i mí Mheán Fómhair 1997.

Education and Library Boards are obliged to provide transport assistance for those pupils who are eligible under the arrangements which were introduced in September 1997. This restricts transport provision to pupils who have been unable to gain a place in all suitable schools within statutory walking distance of their home – 2 miles for primary age pupils and 3 miles for post-primary pupils.

However, provided pupils are travelling to their nearest suitable school then Boards may provide seats for otherwise ineligible pupils on a concessionary basis. Such seats are provided only until they are required by eligible pupils, until a Board changes a route to accommodate the changing demographics of eligible pupils, or until a Board acts to ensure transport services continue to operate efficiently and economically.

Boards will not provide concessionary seats to ineligible pupils who seek to travel beyond their nearest suitable school, as to do so could have a potentially damaging effect on the viability of the nearer school.

### Transfer Test

**Ms Ní Chuilín** asked the Minister of Education what percentage of children sitting the transfer test in 2007, from the (i) Malone Road; (ii) Kilcooley; (iii) Shankill; and (iv) Falls areas, were admitted to grammar schools. (AQO 1287/09)

**The Minister of Education:** Tá eolas curtha ar fáil ag Boird Oideachais agus Leabharlainne Bhéal Feirste agus an Oirdheiscirt maidir leis na bunscoileanna a dhéanann freastal go tradisiúnta ar cheantar Bhóthar Mhaigh Luain, ar cheantar Chill Chúile, ar cheantar na Seancille agus na bhFál.

The Belfast and South-Eastern Education and Library Boards have provided information in respect of primary schools that traditionally serve the Malone Road, Kilcooley, Shankill and Falls areas. The percentage of children sitting the transfer test in 2007 in these schools who were subsequently admitted to grammar schools is as follows:

- |                 |  |
|-----------------|--|
| (i) Malone Road | 95% (214 of 225 pupils who sat the test) |
| (ii) Kilcooley  | 0% (0 of 11 pupils who sat the test)     |
| (iii) Shankill  | 26% (10 of 39 pupils who sat the test)   |
| (iv) Falls      | 45% (49 of 108 pupils who sat the test)  |

In addition, only 16 out of 79 pupils who sat the transfer test (which equates to 20%) in primary schools serving the New Lodge area secured a grammar school place.

### Post-Primary Transfer

**Mr Beggs** asked the Minister of Education what consultation she has had with the CCEA on the proposed interim post-primary transfer test. (AQO 1238/09)



**The Minister of Education:** Ó choimisiúnaíodh CCEA, ar 14 Bealtaine 2008, chun teist a fhorbairt, bhí mo chuid oifigeach i dteagmháil rialta le hoifigigh CCEA ar réimse saincheisteanna a bhaineann leis an choimisiúnú.

Since commissioning CCEA, on 14 May 2008, to develop a test, my officials have been in regular contact with CCEA officials on a range of issues related to the commission. In particular, consultation has taken place on procurement, contractual and costing issues, on a detailed schedule for rigorous test development including extensive trialling and also a specification for test development has been agreed.

### Traveller Children

**Mr Molloy** asked the Minister of Education what action her Department is taking to ensure that Traveller children receive a fair and equal education. (AQO 1286/09)

**The Minister of Education:** Bíonn deacrachtaí ag páistí den Lucht Siúil ina n-oideachas, amhail leibhéil freastail agus gnóthachtála atá níos ísle ná an meánleibhéal; eispéireas diúltach ar an scoil; mí-oiriúnacht idir ábharthacht an churaclaim iar-bhunscoile agus a stíl mhaireachtála; traidisiún agus stíl mhaireachtála gluaiseachta; agus leatrom ón phobal socraithe.

Traveller children experience difficulties in their education such as lower than average levels of attendance and achievement; negative experience of school; a misfit between the relevance of the post-primary curriculum and their lifestyle; a tradition and lifestyle of movement; and discrimination from the settled community.

My Department is working on a number of fronts to address these issues.

I have established a Taskforce for Traveller Education with membership from the Traveller community, and from government departments and voluntary agencies both north and south. The first meeting took place on Monday 10 November. I believe this Taskforce will be a catalyst for real and lasting change in the area of education for children from the Traveller community.

I want the Taskforce to explore and understand the educational issues that are important to Travellers and to use that knowledge to assist my Department to develop an action plan on Traveller education that will improve educational outcomes.

As a starting point, we need more education related data on Travellers to establish a baseline and set targets that can be measured. My Department is carrying out an additional data gathering exercise in conjunction with Classroom 2000 to collate data on attendance and achievement. Analysis of this information together with data on type of accommodation and special educational needs will assist the Taskforce in establishing the baseline position.

In addition, my Department is organising, in conjunction with the Department of Education and Science, a conference of best practice in the education of Traveller children in March 2009. The published report of the conference will inform the development of specific objectives and targets in the Department's action plan.

Draft guidance to schools on issues which impact on the education of Traveller children such as inclusion and diversity, the revised curriculum, management of attendance, home-school links, bullying, the recording of information and partnership working will be issued for consultation in the near future.

A good education is a key element in determining life chances. I hope through these elements of research, the sharing of best practice and the recommendations of the Taskforce, we will be able to raise educational standards to ensure Traveller children, like all children, have the best possible chance to reach their full potential.

### Irish Language

**Mr Boylan** asked the Minister of Education if her Department encourages the inclusion of the Irish language as a subject on the curriculum of post-primary schools. (AQO 1273/09)

**The Minister of Education:** Aithnim an tábhacht a bhaineann le foghlaim teanga dár ndaoine óga, ar bhonn áitiúil agus ar bhonn domhanda.

I recognise the importance of language learning for our young people, on both a local and global basis. I am currently awaiting the recommendations from the Universities' Joint Subject Centre for Languages, Linguistics and Area Studies which will inform a strategic approach to language learning at all levels, and will also look specifically at the indigenous languages here, including Irish.

At post-primary level languages are part of the statutory revised curriculum at Key Stage 3 for all pupils, and schools must offer pupils access to language courses at Key Stage 4. Under the revised curriculum schools also have greater flexibility in the languages they offer. This can be any official language of the EU member states, which includes Irish, and any other additional languages.

My Department supports and encourages the delivery of all languages in schools and, in relation to Irish, has a statutory duty to encourage and facilitate the development of Irish medium education and has duties under the European Charter for Regional and Minority Languages.

To address a gap, the Department has provided support for Irish resources in post-primary schools to ensure schools are able to deliver the subject of Irish language.

I also believe that learning a language from an early age means that young people can develop a lifelong enjoyment of languages. The peripatetic programme I introduced for primary schools last year will allow young people to learn Irish, among other languages, from an early stage in primary school, which they can then build on at post-primary school.

### Post-Primary Transfer

**Mr Lunn** asked the Minister of Education what action she will take against primary schools that are preparing pupils for tests as opposed to teaching the curriculum. (AQO 1310/09)

**The Minister of Education:** Tá dualgas reachtúil ar bhunscoileanna an curaclam athbhreithnithe a sheachadadh agus tá freagracht dhleathach mhóralta acu dá ndaltaí i dtús báire, ar neamhaird le haon bhrú a d'fhéadfaí bheith orthu le socrúithe eile a dhéanamh.

Primary schools have a statutory duty to deliver the revised curriculum and have a legal and moral responsibility first and foremost towards their pupils, regardless of any pressure they may come under to make other provisions. My Department has recently 350,000 leaflets to schools across the North, providing details of the revised curriculum and associated assessment and reporting arrangements. These are going to every family which has a child in a primary or post-primary school.

No post-primary school can oblige a primary school to assist in the preparation of pupils for any particular feature of its admissions process. If a complaint brought forward in relation to any individual school through the Curriculum Complaints Tribunal process is upheld, and remedial action not taken as a result, the matter may be referred to the Department of Education which may result in the issue of a direction requiring that school to comply with its statutory duties.

### 'Every School a Good School'

**Ms Anderson** asked the Minister of Education what are the policy objectives of her current consultation document 'Every School a Good School'. (AQO 1280/09)

**The Minister of Education:** Cé go mbíonn caighdeán arda san iomad scoileanna anseo, tá i bhfad barraíocht páistí ann go fóill a bhíonn ag streachailt le léitheoireacht, scríbhneoireacht agus matamaitic agus tá barraíocht daoine óga ann a fhágann an scoil gan scileanna agus gan mhuinín sna réimsí seo.

While standards are high in many schools here, there are still far too many children who struggle with reading, writing and using mathematics and too many young people who leave school still lacking in skills and confidence in these areas. No child should move into their teenage years and on into adulthood unable to read, write or work with numbers.

The aim of 'Every School a Good School: A Strategy for Raising Achievement in Literacy and Numeracy' therefore is to raise standards in literacy and numeracy through learning and teaching strategies designed to help young people acquire and develop core literacy and numeracy skills. Consequently they can then benefit from the educational and other opportunities encountered in the years of formal education and beyond and contribute positively as adults to society.

The strategy is designed to work in conjunction with other strategies, particularly the new school improvement policy to:

- Raise the levels of attainment for all young people in literacy and numeracy;

- Narrow the current gaps in relation to the outcomes achieved between those most and least disadvantaged;
- Narrow the gap between the highest performing and lowest performing pupils and schools, after 12 years of compulsory education.

The measure of its success will be whether the numbers of young people who reach or exceed the expected standards at KS1-3 and, ultimately, GCSE A\*-C level increase.

### Modern Language Teaching: Primary Schools

**Mrs D Kelly** asked the Minister of Education what discussions she is having with schools and teacher training providers to build the capacity for modern language teaching in (i) initial teacher training; and (ii) in-service development for existing teachers, in primary schools. (AQO 1305/09)

**The Minister of Education:** Tá mé ag súil le moltaí a fháil ar ball ón chomhLáirionad Ábhair um Theangacha, Theangeolaíocht agus Staidéir Ceantair de chuid Ollscoil na Banríona Bhéal Feirste agus Ollscoil Uladh maidir le cur chuige straitéiseach i leith foghlama teanga ag gach leibhéal, lena n-áirítear foráil bunscoile.

I am expecting to receive recommendations shortly from the joint Queen's University Belfast-University of Ulster Subject Centre for Languages, Linguistics and Area Studies on a strategic approach to language learning at all levels, including primary provision. This will inform the discussions which will follow between the Department, schools and teacher training providers about modern language teaching.

In the meantime, the Department is working with its education partners to look at ways of providing continuing professional development in modern languages for primary teachers.

In addition, teachers in those primary schools opting in to the primary languages programme which I introduced last year will also benefit from training and support, provided through the Education and Library Boards, in relation to teaching languages at primary level.

## EMPLOYMENT AND LEARNING

### Building Trades: Courses

**Mr Simpson** asked the Minister for Employment and Learning to detail the number of people (i) enrolled in courses; and (ii) who have successfully completed courses in (a) plumbing; (b) plastering; and (c) bricklaying, in each of the last five years. (AQW 2315/09)

**The Minister for Employment and Learning (Sir Reg Empey):** Due to differences in collection methodologies, data regarding enrolments/completions are presented separately for mainstream Further Education provision and Government training.

The following table details the number of student enrolments and completions on mainstream Further Education courses in a) plumbing; (b) plastering; and (c) bricklaying, from 2002/03 to 2006/07.

Academic Year	Enrolments			Final year completers		
	Plumbing	Plastering	Bricklaying	Plumbing	Plastering	Bricklaying
2002/03	386	9	281	181	-	140
2003/04	181	57	289	89	6	115
2004/05	226	61	262	93	3	114
2005/06	379	26	338	215	20	193
2006/07	765	38	602	549	29	485

**Data Sources:** Further Education Statistical Record and Further Education Leavers Survey Note: Some courses are run over more than one academic year. In addition, enrolment and completer data in FE colleges are not tracked by cohorts. Therefore, in the above table enrolments and completers are not directly comparable.

The tables below indicate the number of trainee (plumbing, plastering and bricklaying) starts, the number of achievers and the relevant percentage achievement rate at NVQ Level 2 and Level 3 in the past five years. These figures reflect activity on the Traineeship and Modern Apprentice provision of the Jobskills Programme.

The achievement rates shown are typical within this particular range of occupational areas. There are many reasons for the lower or higher achievement rates within certain industrial sectors. For instance the retention rates (i.e. trainees remaining on a programme) for those within the building trades is generally much lower than in engineering trades. The technical focus within the engineering discipline and the higher entry qualifications relevant for apprentice plumbers may be a contributory factor for the higher retention and achievement in this area.

Data for the Training for Success 2007 cohort have not been included as there has been insufficient time for completion of training which normally takes two years for these occupational areas.

#### TRAINEESHIP NVQ LEVEL 2

Cohort Year	Plumbing			Plastering			Bricklaying		
	Starts	Achievers	%	Starts	Achievers	%	Starts	Achievers	%
2002/03	283	223	79	1057	539	51	309	152	49
2003/04	383	269	70	1131	629	56	334	188	56
2004/05	398	286	72	1113	576	52	407	187	46
2005/06	316	223	71	1173	665	57	429	239	56
2006/07	360	249	69	1271	749	59	415	241	58

#### MODERN APPRENTICESHIP NVQ LEVEL 3

Cohort Year	Plumbing			Plastering			Bricklaying		
	Starts	Achievers	%	Starts	Achievers	%	Starts	Achievers	%
2002/03	179	123	69	412	216	52	97	34	35
2003/04	241	179	74	470	264	56	125	60	48
2004/05	276	205	74	483	267	55	120	47	39
2005/06	315	216	69	491	278	57	126	48	38
2006/07	222	36	16	530	144	27	119	28	24

**Data Source:** Client Management System

**Note:** Unlike Further Education, starts and achievers data are tracked by cohorts. Therefore, in the above two tables starts and achievers are comparable. However, it should be noted that for 2006/07 many starts are still due to complete their programme of study.

### Employment Projects: Lagan Valley

**Mr Craig** asked the Minister for Employment and Learning what projects in the Lagan Valley constituency (i) his Department delivered in 2007-08; and (ii) are due to commence in 2008-09. (AQW 2335/09)

**The Minister for Employment and Learning:** My Department has delivered, and is delivering, a number of projects in the Lagan Valley constituency.

The Department's Employment Service has introduced a number of initiatives within its network of Jobs and Benefits offices/Jobcentres, including Pathways to Work. Lisburn Jobs & Benefits Office is the most successful of the four offices in Northern Ireland that have been piloting, since January 2007, a new initiative offering Pathways to Work for Lone Parents. Over 150 Lone Parents have been helped to find work in the Lisburn area by this initiative.

The Department has supported projects in Lagan Valley under European funding programmes Building Sustainable Prosperity (BSP) and the Northern Ireland European Social Fund (ESF) Programme 2007-13.



Under BSP, the “Childcare Solutions” project undertaken by Employers for Childcare in Moira received a total of £2,209,000 between June 2002 and May 2008, of which European funding (65%) was £1,436,000. In 2007/2008, this project was offered European funding of £66,000 (65%) against a total spend of £101,000.

The “Coach-ability (NI)” project run by Dering Employment Service in Lisburn commenced on 1 April 2008. Total spend in 2008/09 is estimated at £76,000, of which ESF funding will be £30,000 (40%). DEL is contributing a further £19,000 (25%) and the remaining match funding is £27,000 (35%), which I understand is being provided by the project itself.

Another project, which received £263,000 from my Department, is “Bytes”, which has centres throughout Northern Ireland, including Lagan Valley. The project provides opportunities in an informal setting for young people to accelerate their own personal development through the creative and enjoyable use of technology. The project also assists young people to achieve their full potential, through progression to further education, training, or employment. In addition, there were two projects within Lagan Valley funded under Bridge to Employment—one received £9,650 in 2007/08 and another is expected to receive £11,000 in 2008/09.

Finally, turning to the further education side, the South Eastern Regional College (SERC) signed contracts in April 2008 on a new-build, £20m FE campus for Lisburn. This 15,000m<sup>2</sup> campus is targeted for completion by April 2010, and the PFI contract will then provide a fully maintained and serviced facility for 25 years.

Three proposals submitted by SERC have also been approved under the Further Education Innovation Fund, and will impact on enterprise development, incubation and innovation in Lagan Valley, and will help local businesses increase energy efficiency.

In addition, further education colleges are in the process of awarding contracts to third party organisations for the provision of learner support under the Learner Access and Engagement project. SERC’s tender included a contract for employment-related FE provision covering the Lisburn City Council Area.

### Teacher Training

**Mr McClarty** asked the Minister for Employment and Learning how many students received initial teacher training at (i) the University of Ulster; and (ii) the Open University, in each of the last 5 years. (AQW 2354/09)

**The Minister for Employment and Learning:** Enrolments on initial teacher training courses at (i) the University of Ulster and (ii) the Open University in each of the last 5 years are shown in the table below:

	University of Ulster	Open University
2002/03	200	25
2003/04	200	35
2004/05	190	50
2005/06	185	5
2006/07	180	35

**Source:** Higher Education Statistics Agency (HESA)

**Notes:**

- (1) Figures have been rounded to the nearest 5.
- (2) The latest available data are for 2006/07.
- (3) Data on enrolments are not mutually exclusive and therefore students may be included in more than one year.
- (4) The figure for the Open University is particularly low in 2005/06 as the vast majority of initial teacher training students were recorded as ‘student has suspended studies’ and so were not included in the enrolments population in this year.

### Employment Projects: North Down

**Mr Weir** asked the Minister for Employment and Learning to detail the projects in the North Down constituency (i) his Department has delivered in 2007-08; and (ii) are due to commence in 2008-09.

(AQW 2387/09)

**The Minister for Employment and Learning:** My Department has delivered, and is delivering, a number of projects in the North Down constituency.

On the Skills side of the Department's work, in 2007/08 funding of just over £16,000 was directed towards Management Development programmes to help companies in North Down. Some 12 companies participated in four programmes: Management Analysis and Planning; the Management and Leadership Development Programme; INTRO; and Investors in People. In 2008/09, it is expected that funding of £9,665 will be provided to nine companies in North Down on the same four programmes.

Also on the Skills side, a Software Professional course in North Down received £91,000 in 2007/08 under Critical Sector Initiatives. Further Departmental funding of £124,300 for the same project is anticipated in 2008/09.

From the European Social Fund (ESF), the Department provided support to enable the delivery of one project in the North Down Constituency during 2007-2008 and one project during 2008-09. In 2007/08, Conservation Volunteers Northern Ireland were supported under the ESF Building Sustainable Prosperity Programme 2000-2006 to fund their 'Environmental Employment Skills' project. Total funding of £136,126 was offered for the period 1 April 2006-31 March 2008, of which 65% was ESF and 35% was match funding provided by Conservation Volunteers.

In 2008/09, Conservation Volunteers Northern Ireland again received support, this time for their 'Training for Employment' Project under the Northern Ireland ESF Programme 2007-2013. The total cost for the project is anticipated to be £333,273 over the three-year period 1 April 2008-31 March 2010. The Department has offered funding of £216,628, comprising ESF (40%) and DEL (25%) contributions. The remaining 35% of costs will be provided by Conservation Volunteers Northern Ireland.

Finally, turning to the further education side, in 2007-08 DEL funded £120,000 of health and safety capital works at the Bangor campus of the South Eastern Regional College (SERC). In 2008-09, DEL is providing £1m towards the advanced works for the development of a £13m Performing Arts, Technology and Innovation Centre, also in Bangor.

### Public Appointments

**Ms Purvis** asked the Minister for Employment and Learning to detail, for each of the last 3 financial years, (i) all public appointments filled by his Department; (ii) public appointments still outstanding; and (iii) the grounds on which some appointments were not made; for his assessment of (a) the process adopted for public appointments; and (b) the Office of the Commissioner for Public Appointments guidance; and what action he is taking to ensure more efficient application of the procedures. (AQW 2426/09)

**The Minister for Employment and Learning:** Annex A details the public appointments made by my Department in the last three financial years.

At 12 November 2008, my Department had 27 outstanding public appointments. Details of these appointments and the grounds for their being outstanding are attached at Annex B.

My Department follows the Commissioner for Public Appointments' Code of Practice for all public appointments. The DEL Public Appointments Unit regularly revisits internal procedures to take account of issues emanating from the Commissioner's Annual Report and Audit Reports of specific competitions. In addition, the Unit is currently carrying out a full internal review to ensure that all public appointments competitions are carried out in line both with best practice and with the OCPANI Code.

### Apprentices

**Mr G Robinson** asked the Minister for Employment and Learning how many apprentices from further education colleges have been made redundant during (i) 2007/2007 and (ii) 2008/2009, academic years. (AQW 2453/09)

**The Minister for Employment and Learning:** The following information has been collated directly from the FE Colleges:

FE College	Redundancies from Sept 2007 – Oct 2008 (surveyed in October 2008)	Redundancies from Sept 2008 – Nov 2008 (surveyed in November 2008)
Belfast Metropolitan College	23	8
Northern West Regional College	33	7
Northern Regional College	106	3
South Eastern Regional College	16	24
South West College	40	64
Southern Regional College	12	10
<b>Total</b>	<b>230</b>	<b>116</b>

### John Luke Mural

**Mr McCausland** asked the Minister for Employment and Learning, pursuant to the answer to AQW 1923/08, what action has been taken by (i) Belfast Metropolitan College; and (ii) his Department, to bring the John Luke mural back into public ownership and make it accessible to the public. (AQW 2539/09)

**The Minister for Employment and Learning:** Having had to concede ownership of the John Luke mural, Belfast Metropolitan College has not been in a position to bring it back into public ownership. The College did engage legal advisors and legal Council to defend claims of ownership by Eastwoods (Demolition Contractor) and the advice was that the College would not win the case.

### John Luke Mural

**Mr McCausland** asked the Minister for Employment and Learning, pursuant to the answer to AQW 1923/08 (i) what consideration was given to the future of the John Luke mural during negotiations about the redevelopment of Belfast Metropolitan College at Millfield; (ii) what reference was there to the mural in the contract with the developer; and (iii) when was the contract with the developer signed. (AQW 2540/09)

**The Minister for Employment and Learning:** The College commissioned an engineering appraisal for the removal and safe transfer of the mural to the Ulster Museum. The cost was estimated to be £350,000. The College made application to the Lottery Fund for funding but the application was unsuccessful.

The contractual documents with Northwin stated that the John Luke Mural was “to be retained for removal by others.”

The Public Private Partnership contract was signed at July 2000.

### John Luke Mural

**Mr McCausland** asked the Minister for Employment and Learning, pursuant to the answer to AQW 1923/08 (i) when the mural was painted by John Luke; (ii) who commissioned the mural; and (iii) what fee was paid to the artist and by whom. (AQW 2541/09)

**The Minister for Employment and Learning:** The mural was painted by John Luke between 1963 and 1964.

It was never actually finished and remained uncompleted at the time of John Luke’s death in 1975.

Belfast City Council commissioned a number of murals; one of which was for the Belfast Institute.

No fee was paid by the College. The College has no information whether the City Council paid John Luke.

### John Luke Mural

**Mr McCausland** asked the Minister for Employment and Learning, pursuant to the answer to AQW 1923/08, did Belfast Metropolitan College (i) obtain a valuation and, if so, what this was; and (ii) seek legal advice about the disposal of the John Luke mural prior to signing the contract for the redevelopment of the Millfield complex. (AQW 2543/09)

**The Minister for Employment and Learning:** Sotheby's of London valued the mural at £20,000.

No legal advice was sought prior to the signing of the contract as the proposal, at that time, was to donate the mural to the Ulster Museum.

### John Luke Mural

**Mr McCausland** asked the Minister for Employment and Learning, pursuant to the answer to AQW 1923/08, (i) did the board of governors discuss the future of the John Luke mural, at any of their meetings; and if so, what were the dates of those meetings; (ii) who was the director during the negotiations of the contract for the redevelopment of the Millfield complex; and (iii) who was the chairman of the Board of Governors during the negotiation of the contract. (AQW 2545/09)

**The Minister for Employment and Learning:** Belfast Metropolitan College has confirmed that the mural was discussed at the Governing Body and Committee meetings on a number of occasions. The dates of these meetings were:

- 21/11/05 Finance & General Purposes Committee
- 28/11/05 Governing Body
- 26/11/06 Finance & GP Committee
- 13/02/06 Governing Body
- 04/05/06 Finance & GP Committee

The Director of Belfast Institute of Further and Higher Education at the time of the negotiations of the Public Private Partnership contract was Dr Patrick Murphy.

The Public Private Partnership contract was signed at July 2000. During the contract negotiations, Mr R T Jordan was Chairman of the Board of Governors.

### Employment Projects: Mid-Ulster

**Mr I McCrea** asked the Minister for Employment and Learning to detail the projects in the Mid-Ulster constituency that; (i) his Department delivered in 2007-08; and (ii) are due to commence in 2008-09. (AQW 2580/09)

**The Minister for Employment and Learning:** My Department has delivered, and is delivering, a number of projects in the Mid-Ulster constituency.

On the Skills side of the Department's work, in 2007/08 funding of £44,298 was directed towards Management Development programmes to help companies in Mid-Ulster. Some 15 companies participated in four programmes: Management Analysis and Planning; the Management and Leadership Development Programme; INTRO; and Investors in People Assessments. In 2008/09, it is expected that funding of £40,084 will be provided to 33 companies in Mid-Ulster on the same programmes and also another programme, Investors in People Contracts.

From the European Social Fund (ESF), the Department provided support to enable the delivery of one project in the Mid-Ulster Constituency during 2007-2008 and two projects during 2008-09.

In 2007/08, First Steps Women's Group were supported under the ESF Building Sustainable Prosperity Programme 2000-2006 to fund their 'A Future in Childcare' project. Total funding of £176,260 was offered for the period 1 June 2006 to 31 May 2008, of which 65% was ESF and 35% match funding provided by First Steps Women's Group and South West College.

For 2008/09, First Steps Women's Group has also been offered support for their 'Women Towards Greater Education and Employment' (WTGE&E) project under the Northern Ireland European Social Fund (ESF)



Programme 2007-2013. Total cost for the WTGE&E Project is £1,199,190 over the three-year period 1 April 2008 to 31 March 2011. The Department offered funding of £779,477 comprising ESF (40%) and the DEL contribution (25%). The remaining 35% match funding will be provided by the Department for Social Development and Surestart.

Also in 2008/09, Dungannon & South Tyrone Borough Council has been offered support for their Skills, Education, Employment, Knowledge (SEEK) project under the Northern Ireland European Social Fund (ESF) Programme 2007–2013. Total costs for the SEEK project is £459,196 over the three-year period 1 April 2008-31 March 2011. The Department offered funding of £298,471 (40% ESF and 25% DEL contribution). The remaining 35% match funding will be provided by Dungannon & South Tyrone Council and the South West College (SWC).

Turning to the further education side, Northern Regional College (NRC) and SWC both have college campuses in the Mid-Ulster constituency. DEL provided funding of £2.7m in 2007/08 for unitary payments under a Public Private partnership contract for the Dungannon campus of SWC, and a further £2.7m will be paid in 2008/09. In addition, DEL provided £40,000 of capital funding in 2007/08 for the Magherafelt campus of NRC, with a further £3,000 provided for 2008/09.

Proposals submitted by NRC and SWC have also been approved under the Further Education Innovation Fund. These proposals include: training and placement of lecturers with local companies; training lecturing staff to help them develop the entrepreneurial skills of their students; improving cross-border co-operation in supporting industry and local enterprise; providing industry linked research and development services, innovation support and bespoke training; and helping to promote the STEM agenda.

In addition, further education colleges are in the process of awarding contracts to third party organisations for the provision of learner support under the Learner Access and Engagement project. These contracts are expected to commence by December 2008.

Finally, both colleges are involved in initiatives in the local area. For example, throughout 2007/08 NRC worked in partnership with Magherafelt District Council to support local manufacturing companies by developing induction and health and safety materials for manufacturing businesses and farmers. NRC will continue to work with local businesses to provide skills training in 2008/09.

In 2008, SWC launched a new National Diploma in Civil Engineering, in partnership with the NI Quarry Producers' Association. The programme is designed to develop technicians for this industry from the Mid Ulster Area.

Other examples of initiatives by SWC include:

- SWC, in partnership with Dungannon & South Tyrone Borough Council, is investigating the feasibility of a district heating scheme using biomass;
- SWC has a dedicated Business Innovation Centre in the Dungannon campus providing direct innovation support to companies in the mid-Ulster area;
- SWC is currently providing direct support to business in mid-Ulster through the Invest Northern Ireland innovation voucher scheme. This scheme enables SMEs to access tailored training and technical services from the College to the value of £4,000 to assist with small development and business growth projects;
- Through the HE/FE Collaboration fund, SWC is working with the two NI universities and local companies to facilitate the transfer of knowledge of the latest research and technology processes into the local industry base; and
- SWC works closely with the Local Enterprise Agencies in the Mid-Ulster area and has recently submitted a joint tender bid with these agencies for delivery of the new Invest Northern Ireland small business support programme.

### Annual Reports — DEL Staff

**Mr Simpson** asked the Minister for Employment and Learning how many staff in his Department did not achieve an acceptable mark in their annual report, in the last reporting year. (AQW 2678/09)

**The Minister for Employment and Learning:** Unacceptable performance, in accordance with the NICS Performance Management Policy and Guidelines is indicated by a Box marking 4 or 5. The last full reporting year for performance management is the period 1 April 2007 to 31 March 2008. For this reporting year, one employee in the Department for Employment and Learning achieved a Box 4 marking.

### Belfast Metropolitan College: Gerald Moag Campus

**Mr McCausland** asked the Minister for Employment and Learning if full-time courses are provided at the Gerald Moag Campus of the Belfast Metropolitan College; and in which parliamentary constituency the centre is located. (AQW 2683/09)

**The Minister for Employment and Learning:** A range of full-time courses are offered at the Gerald Moag Campus of Belfast Metropolitan College.

The Gerald Moag campus is located in the Belfast West parliamentary constituency.

### Tuition Fees: Key Economic Areas

**Mr Lunn** asked the Minister for Employment and Learning what consideration he has given to variable university tuition fees for different subjects, to encourage uptake in key economic areas. (AQW 2707/09)

**The Minister for Employment and Learning:** In terms of my Department prescribing lower tuition fees to encourage the uptake of subjects in key economic areas, this is not an option as we would be ultra vires in doing so. Article 4 of the Higher Education Order (which facilitates variable fees) places restrictions on the Department's powers to discriminate, in terms of fee levels, between different courses on the basis of the area of study.

I am, however, keen to examine the recommendations of the forthcoming STEM Review to see how my Department can work with our universities and businesses to incentivise students to study subjects which are economically relevant.

In addition, the 300 additional PhDs which my Department is funding until 2011 will all be in areas which are economically relevant.

### Tuition Fees: STEM Subjects

**Mr Lunn** asked the Minister for Employment and Learning what consideration he has given to introducing lower tuition fees for STEM subjects to encourage the uptake of these subjects at universities. (AQW 2708/09)

**The Minister for Employment and Learning:** In terms of my Department prescribing lower tuition fees to encourage the uptake of subjects in key economic areas, this is not an option as we would be ultra vires in doing so. Article 4 of the Higher Education Order (which facilitates variable fees) places restrictions on the Department's powers to discriminate, in terms of fee levels, between different courses on the basis of the area of study.

I am, however, keen to examine the recommendations of the forthcoming STEM Review to see how my Department can work with our universities and businesses to incentivise students to study subjects which are economically relevant.

In addition, the 300 additional PhDs which my Department is funding until 2011 will all be in areas which are economically relevant.

### Apprentices

**Mr G Robinson** asked the Minister for Employment and Learning to give an assurance that apprentices who lose their jobs will not have to withdraw from their Further Education college course. (AQW 2709/09)

**The Minister for Employment and Learning:** The Department has evidence of over 300 apprentices at the six FE Colleges being made redundant, with the majority of these people working in construction training.

In light of this situation, I made a statement on 11th November 2008 to the Assembly in respect of contingency arrangements that the Department will be introducing to allow apprentices who have been made redundant to continue with their training. These arrangements will initially be introduced for apprentices in the areas of construction, motor vehicle industry, and engineering, where the need for such arrangements is greatest.

I have enclosed a hard copy of my statement for your reference.

### Calcast Ltd

**Ms Anderson** asked the Minister for Employment and Learning what steps his Department is taking to assist employees facing redundancy at Calcast Ltd. in Derry/Londonderry. (AQW 2763/09)

**The Minister for Employment and Learning:** My Department will assist individuals to find alternative employment.

Arrangements have been made for officials to meet with the management of Calcast Ltd on Wednesday 26th November at 11.00am to outline what services can be provided.

The Department, in partnership with the Social Security Agency and other organisations, will provide advice on employment opportunities, job search, training and education opportunities, careers advice and benefits advice.

Some of these services can be provided initially on site if agreed with the management and workers and be continued as and when employees present to their local Job & Benefits offices.

### Sector Skills Councils

**Mr Storey** asked the Minister for Employment and Learning if all Sector Skills Councils will have achieved their sector skills agreements by December 2008. (AQO 1214/09)

**The Minister for Employment and Learning:** To date, 23 of the 25 Sector Skills Councils have achieved their Sector Skills Agreements. Work is underway by the other two Councils with the aim of achieving their Agreements by the end of 2008.

### ‘C’mon Over’ Campaign

**Mr McFarland** asked the Minister for Employment and Learning for his assessment of the success of the ‘C’mon Over’ campaign. (AQO 1252/09)

**The Minister for Employment and Learning:** The ‘C’Mon Over’ campaign has raised the awareness of employment opportunities in Northern Ireland through the use of Facebook (which now has 540 fans, the majority of which are in the 25-34 age range), an on-line advertising campaign and a presence at a number of graduate fairs in Scotland, the North of England and Dublin. These fairs, which together attracted nearly 18,000 students, were supported by Citi, NYSE Euronext Advanced Trading Solutions, Randox, Liberty IT, Kainos, Abacus Professional Recruitment and Blueprint Appointments.

The majority of those people who were surveyed expressed an interest in the job opportunities available in Northern Ireland.

### Careers Strategy

**Mr Savage** asked the Minister for Employment and Learning to provide a timescale for the publication of the Careers Strategy. (AQO 1243/09)

**The Minister for Employment and Learning:** My Department and the Department of Education have prepared and agreed the content of the joint Careers Education, Information, Advice and Guidance Strategy and Implementation Plan. Subject to the agreement of the Minister of Education it is our intention to present the Strategy and Implementation Plan for Executive approval when circumstances allow.

### TWL

**Dr McDonnell** asked the Minister for Employment and Learning to explain why casual callers to TWL Headquarters in England seeking information on TWL in Northern Ireland on 29 September 2008 were unable to be given contact details of TWL premises; and why callers were provided with the mobile number of a TWL employee in Northern Ireland who could only provide information up to the award of Steps 2 Work contracts. (AQO 1296/09)

**The Minister for Employment and Learning:** In accordance with the conditions of the contract award letter to TWL, the company was providing services from 29 September.

To ensure that casual callers to the TWL Headquarters in England received the most up to date information regarding the organisation's Steps to Work provision in Northern Ireland, TWL Senior Management viewed it appropriate that these callers should be referred to the dedicated mobile number of the TWL's Northern Ireland Head of Operations while British Telecom installed all the necessary telephone lines.

### Apprenticeships

**Mr Shannon** asked the Minister for Employment and Learning, given the difficulties with finding places for apprenticeships, to outline his plans to address these issues through job centres and schemes that are in place to encourage these types of opportunities. (AQO 1223/09)

**The Minister for Employment and Learning:** On 11th November 2008, I made a statement to the Assembly in which I outlined plans to engage with Sector Skills Councils and employers, with a view to encouraging "foster employers" for any apprentices who have been made redundant in the construction, motor vehicle, and engineering industries. I also outlined plans to enable unemployed apprentices in these occupational areas to continue with training through Further Education Colleges and under the Department's Steps to Work initiative.

In my statement and in our work with the Sector Skills Councils, I and the Department are appealing to employers to continue to invest in training and staff development so that they are in a ready and competitive position for the inevitable upturn in the economy, when it comes.

Additionally, the Department has already rolled out an employer-focussed advertising campaign, to raise awareness of the importance of investing in apprentices in order to better raise skills levels for industry.

### Teacher Training

**Mr D Bradley** asked the Minister for Employment and Learning what plans he has to conduct an inquiry into the six year delay in the production of the Review of Teacher Training to determine what failures occurred in the management of the Review and the lessons that can be learned. (AQO 1289/09)

**The Minister for Employment and Learning:** It had been hoped to publish the review shortly after the conference in 2005. However, this coincided with the announcements on the Review of Public Administration and the Independent Strategic Review of Education undertaken by Sir George Bain. These significant policy issues and matters relating to the development of a new funding model for the University Colleges needed to be reflected in the final document. As this was a joint review between the Department of Education and my Department, any inquiry into the delay to determine what lessons can be learned would need to be agreed between both Departments.

### Undergraduate Retention

**Mr K Robinson** asked the Minister for Employment and Learning how the rates of undergraduate retention at Queen's University, Belfast and the University of Ulster compare to the United Kingdom average. (AQO 1246/09)

**The Minister for Employment and Learning:** The non-continuation rates for full-time undergraduate entrants in 2005/06 at Queen's University Belfast, the University of Ulster and the UK are given in the table below: -

	Non-continuation rate
Queen's University Belfast	7.9%
University of Ulster	15.5%
UK average	9.9%

Source: 2006/07 Performance Indicators, Higher Education Statistics Agency



## Vocational Career Choices

**Mr Newton** asked the Minister for Employment and Learning how careers advisors gain knowledge and experience to enable them to offer advice on vocational career choices, particularly within the traditional trades. (AQO 1229/09)

**The Minister for Employment and Learning:** My Department's Careers Advisers are professionally qualified from NVQ Level 4 to Masters level in the delivery of information, advice and guidance. Their knowledge and experience on vocational career choices is enhanced through attendance at Professional Development days. Close liaison with the Sector Skills Councils including Construction Skills ensures access to up-to-date labour market information. Advisers also carry out individual research and regular employer visits.

## Construction Industry

**Mr McKay** asked the Minister for Employment and Learning what action he is taking to support people that have lost their jobs in the construction industry. (AQO 1254/09)

**The Minister for Employment and Learning:** A comprehensive range of services is available through my Department's network of 35 Jobs and Benefits offices and JobCentres and through contracted Providers to help the unemployed find work including those formerly in the construction industry. The services include mandatory work-focused interviews; action planning for certain clients and measures designed to improve the job prospects for those who have become unemployed.

In particular, the Department has recently rolled out the Steps to Work initiative, which will provide a flexible approach to the use of its adult return to work provision. In effect, this will allow this provision to be tailored appropriately to each individual's needs in helping to overcome their barriers to returning to employment.

## ENTERPRISE, TRADE AND INVESTMENT

### Wind Farms

**Mr Hamilton** asked the Minister of Enterprise, Trade and Investment to detail how the per Kwh subsidy paid to wind farms compares with that paid in the Republic of Ireland. (AQW 2251/09)

**The Minister of Enterprise, Trade and Investment (Mrs A Foster):** The answer assumes the question refers to large-scale onshore wind, and gives a response in subsidy per MWh as the standard metric. It is also difficult to make a direct comparison.

The Republic of Ireland announced feed-in tariff rates for large-scale onshore wind in 2006 of €57 per MWh. The Department of Energy and Natural Resources in the Republic of Ireland advise that a 4% compound annual up-rate applies, giving a 2008 figure of €61.65 or around £52.25 (as at 13th November 2008): this represents the full amount that the wind farm generator would receive for the electricity.

In the UK, the picture is more complex under the Renewables Obligation regimes. Here the nominal value of a Renewable Obligation Certificate (ROC) is equivalent to the buy-out price plus money recycled from the ROC buy-out fund. For example, for 2007/08 the buyout price was set at £34.30 and the recycled payments from the buyout fund were £18.59. So the nominal value of a ROC for 2007/08 was £52.89 per MWh.

However, it would be wrong to assume that the Northern Ireland wind farm generator receives this full amount. In fact, generators may not get the full value of the ROC, as this will be subject to negotiations with the supplier. While generators will want to receive at least the buyout price for their ROC, and gain as much of a share of the benefit from the additional recycling of the buyout fund as possible, suppliers will want to retain as much of the recycled buyout fund for their ROC as possible (and at least to cover their costs). The final price will therefore depend on the relative strengths of the generators and the suppliers exactly what proportion is passed through. In addition to ROCs, wind farm generators will get an additional price for the electricity which here in Northern Ireland would be the Single Electricity Market pool price. Some generators sell their ROCs and electricity together, whilst others will prefer to sell separately.

## Tourism Ireland

**Mr Moutray** asked the Minister of Enterprise, Trade and Investment to detail the work her Department has carried out in the last year to improve the way in which Tourism Ireland markets Northern Ireland as a tourist destination. (AQW 2314/09)

**The Minister of Enterprise, Trade and Investment:** Officials from my Department meet regularly with Tourism Ireland (TIL) to discuss the marketing of Northern Ireland as a Tourist destination in Great Britain and international markets. These meetings include reviewing targets and discussing various marketing campaigns and the focus and emphasis of each.

It is clear that Northern Ireland features prominently across all markets in TIL's extensive destination marketing programme. In addition, the organisation carries out specific campaigns and activities focusing exclusively on Northern Ireland, particularly in Great Britain, and in markets with direct access services. This serves to raise awareness of, and interest in, Northern Ireland as a holiday destination by focusing on the diversity of things to see and do, on Signature Projects and Winning Themes, and on the diversity of things to see and do throughout Northern Ireland.

Tourism Ireland's strategy of stimulating demand from key markets and segments has been shown to be effective in recent years. For 2009 this strategy will be refined to meet the challenges presented by the new economic realities in our key source markets. My officials will continue to work with TIL to maximise effectiveness and to ensure that TIL continues to play its key part in contributing to the achievement of the ambitious targets included in the Programme for Government to grow visitor numbers and revenue in Northern Ireland.

## Tourism Ireland

**Mr Moutray** asked the Minister of Enterprise, Trade and Investment for her assessment of the way in which Tourism Ireland has marketed Northern Ireland as a tourist destination, over the last 3 years. (AQW 2316/09)

**The Minister of Enterprise, Trade and Investment:** I believe there is room for improvement in the way that Tourism Ireland markets Northern Ireland. There continues to be an increase in the number of tourists coming to Northern Ireland. Northern Ireland attracted almost 1.8 million overseas visitors during 2007 – an additional 83,000 compared to 2006 and an increase of 4.9%. Particularly welcome also was the very substantial growth in holidaymakers from all market areas including Great Britain (+34%), North America (+25%), Mainland Europe (+42%) and Other Areas (+10%).

Tourism Ireland features Northern Ireland across all markets in its destination marketing programme. In addition, it carries out specific campaigns and activities focusing exclusively on Northern Ireland, particularly in Great Britain and in markets with direct access services. This serves to raise awareness of, and interest in, Northern Ireland as a holiday destination by focusing on the diversity of things to see and do, on Signature Projects and Winning Themes, and on the diversity of things to see and do throughout Northern Ireland.

Tourism is now one of the most important indigenous industries in Northern Ireland and it is vital that we consolidate and build on this position next year and beyond, despite global challenges.

## Orange Order: Tourism Potential

**Mr Craig** asked the Minister of Enterprise, Trade and Investment for her assessment of the working relationship between (i) the Northern Ireland Tourist Board; and (ii) Tourism Ireland, with the Orange Order; and if these bodies have worked with the Orange Order to maximise its tourism potential. (AQW 2327/09)

**The Minister of Enterprise, Trade and Investment:** Both the Northern Ireland Tourist Board (NITB) and Tourism Ireland are in regular contact with representatives of the Loyal Orders to see how events like the Twelfth of July parades can be developed as tourist attractions.

NITB worked with the Orange Order to help broaden the appeal of this year's Twelfth of July demonstrations and identified four "flagship" parades, Belfast, Tandragee, Dromara and Coleraine as having the most potential to appeal to visitors. NITB provided Welcome Host training for stewards at these parades.

Tourism Ireland also helped raise the profile of this year's parades. For example the Tourism Ireland website carried a link direct to the BBC's live coverage of the Twelfth.

I understand that considerable interest was generated and am optimistic that such events have the potential to make a real contribution to the Northern Ireland tourism product.

### Energy From Waste Facility

**Mr Newton** asked the Minister of Enterprise, Trade and Investment if Arc 21's proposal for an Energy From Waste facility is compatible with the need to diversify energy supplies and encourage renewable energy generation. (AQW 2362/09)

**The Minister of Enterprise, Trade and Investment:** I understand that Arc21 manages 57% of all the municipal waste produced in Northern Ireland. The planned Energy from Waste Facility could contribute significantly to its capacity to dispose of that waste in a way that represents the best environmental and economic option for its councils and their ratepayers. The energy generated by the plant could also be supplied to the electricity grid thus contributing to the diversity of energy supply in Northern Ireland.

Generation of electricity from waste will help achieve the Programme for Government target that by 2012, at least 12% of all electricity consumed in Northern Ireland is obtained from indigenous renewable energy sources - at least 15% of which must be generated by non-wind technologies.

### Public Appointments

**Ms Purvis** asked the Minister of Enterprise, Trade and Investment to detail, for each of the last 3 financial years, (i) all public appointments filled by her Department; (ii) public appointments still outstanding; and (iii) the grounds on which some appointments were not made; for her assessment of (a) the process adopted for public appointments; and (b) the Office of the Commissioner for Public Appointments guidance; and what action she is taking to ensure more efficient application of the procedures. (AQW 2428/09)

**The Minister of Enterprise, Trade and Investment:**

(i) All public appointments filled for each of the last 3 financial years

Year	Body	No. of Appointments
2005/2006	Invest NI	1 extension, 7 reappointments, 1 appointment
	NI Authority for Energy Regulation	1 reappointment
	Health & Safety Executive (NI)	3 reappointments
	General Consumer Council	7 appointments, 3 reappointments
	Northern Ireland Tourist Board	2 appointments, 4 reappointments
2006/2007	NI Authority for Energy Regulation	6 appointments
	Invest NI	3 appointments
	General Consumer Council	1 reappointment
	Northern Ireland Tourist Board	1 appointment
	Health & Safety Executive (NI)	5 appointments, 1 reappointment
2007/2008	NI Authority for Utility Regulation	1 appointment
	NI-CO	3 appointments
	General Consumer Council	1 extension and 3 appointments

(ii) There are no public appointments outstanding.

(iii) Not applicable.

(a) Through the application of criteria-based selection processes the Department meets the requirements of the Code of Practice of the Office of the Commissioner for Public Appointments for Northern Ireland (OCPANI).

(b) The Department is subject to audit for compliance against the Code by OCPANI on an ongoing basis and implements recommendations for improvement as appropriate.

### Home Heating Oil

**Dr Farry** asked the Minister of Enterprise, Trade and Investment to outline the potential for the regulation of the prices of home-heating oil through the Northern Ireland Authority for Utility Regulation. (AQW 2437/09)

**The Minister of Enterprise, Trade and Investment:** Regulation of the home heating oil industry is viewed as unnecessary across the United Kingdom due to the competitive nature of the industry and the fact that wholesale prices are set internationally, thus outwith the scope of the Northern Ireland Authority for Utility Regulation. The Northern Ireland oil industry is, of course, subject to UK and EU competition law and to the scrutiny of the General Consumer Council for Northern Ireland. Regulation would also impose additional costs on consumers.

### Invest NI: Campsie Industrial Estate

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment, pursuant to her answer to AQW 2059/09, in relation to the vacant premises currently rented by Invest NI at Campsie Industrial Estate on a 25-year contract, (i) why Invest NI does not possess the original copy of the leasing agreement; (ii) what has happened to Invest NI's original copy; (iii) the nature of all Invest NI and Departmental investigations into this matter; (iv) the timing and circumstances of Invest NI discovering the leasing agreement was missing; (v) the nature of any remedial or disciplinary measures that have been instituted as a result; and (vi) why Invest NI has continued to pay public money for a leasing agreement for which it does not possess an original copy. (AQW 2460/09)

**The Minister of Enterprise, Trade and Investment:** Invest NI does hold an original copy of the leasing agreement for the unit at Campsie Industrial Estate in a secure location and also retains a copy on its file.

As is normal practice, and in line with government policy, Land and Property Services holds a master copy of the lease and provides certified copies to authenticate that the copy is in fact based upon the master. It was appropriate therefore that in its response to AQW 2059 a certified copy of the agreement was provided.

Given that Invest NI does hold an original copy of the lease, responses to parts (ii) to (vi) inclusive are not applicable.

### Invest NI: Use of Consultants

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment to detail the identity of each (i) consultant; (ii) consultancy firm; and (iii) commercial service provider, professionally engaged by Invest NI in each year for which its accounts have been audited; and to further detail (a) the amount paid in each instance; (b) the declared purpose of work in each instance; (c) the duration of engagement in each instance; and (d) any relationship between any previous or serving Invest NI Board Member, or senior staff member, with any of the specified consultants, consultancies or commercial service providers. (AQW 2461/09)

**The Minister of Enterprise, Trade and Investment:** Invest NI has no operational requirement to capture information in a way that would facilitate answering this question in the format requested, either in whole or in part. Whilst it completes an annual 'Consultancy Return' for the Department of Finance and Personnel, the definition of consultancy, and the detail required in this question, is much broader than that used for the annual return.

Detailed answers could only be provided by undertaking a major exercise to retrieve the information manually and incorporate it into the requested format. This could only be provided at a considerable disproportionate cost. It is estimated that the exercise could take in excess of 90 man days to complete and would cost a minimum of £18,000. In addition, the displacement of the specialist staff that would be required to undertake the exercise would have a negative impact on the agency's ability to fulfil its prompt payment commitments to clients and suppliers.

### Invest NI: Taxi Expenses

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment to provide a comprehensive breakdown of all taxi expenses incurred by Invest NI in each year for which its accounts have been audited, detailing (i) the identity of the officials in each instance; (ii) the departure and destination of each one-way journey; (iii) the cost in relation to each one-way journey; (iv) the identity of the taxi firm in each instance. (AQW 2463/09)



**The Minister of Enterprise, Trade and Investment:** Invest NI has no operational requirement to capture information in a way that would facilitate answering this question in the format requested, either whole or in part.

Detailed answers could only be provided by undertaking a major exercise to retrieve the information manually and incorporate it into the requested format. This could only be provided at a disproportionate cost. It is estimated that the exercise could take in excess of 20 man days to complete and would cost a minimum of £4,500. In addition, the displacement of the specialist staff that would be required to undertake the exercise would have a negative impact on the agency's ability to fulfil its prompt payment commitments to clients and suppliers.

### Invest NI: Credit Card Expenses

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment for a comprehensive list of all credit card expenses incurred by Invest NI in each year for which its accounts have been audited, detailing (i) the identity of the officials; (ii) the item paid for; (iii) the place of purchase; and (iv) the cost of each item, in each instance. (AQW 2464/09)

**The Minister of Enterprise, Trade and Investment:** Invest NI has never held or operated any corporate credit cards. All staff expenses are incurred personally and reclaimed retrospectively.

In common with many government organisations, Invest NI uses two government procurement cards. One of these is held centrally and used mainly for the payment of travel bookings under the NICS travel booking contract. It is a requirement of the contract that a government procurement card be held and used for payment. The second procurement card is held in, and used by, approved staff in Invest NI's Boston office. Again this card is not used or carried by staff members but is only used when required to secure bookings for items such as travel, accommodation and events. The cards are not used by individual staff to cover expenses.

### Social Economy Enterprises

**Mr Hamilton** asked the Minister of Enterprise, Trade and Investment what the estimated value of social economy enterprises is to the economy; and how this compares as a percentage of the total economy. (AQW 2472/09)

**The Minister of Enterprise, Trade and Investment:** In July 2007 DETI published the findings of a survey undertaken to collect for the first time, information on identified social economy enterprises (SEE's) in Northern Ireland. The survey provided baseline data designed to increase understanding of the profile of SEE's and provide a basis for future monitoring of change.

The survey provided baseline data on nearly 400 enterprises with a total of 6,700 paid employees, 5,000 volunteers and turnover of just over £355million. The turnover represents approximately 1% of total economic output.

The survey database has been transferred to the Social Economy Network (NI) Ltd, the representative body of the sector in Northern Ireland, to help it grow its membership, develop products and services for its members; and to provide a basis to build and maintain a detailed database on the size and scale of the sector.

### Annual Reports — DETI Staff

**Mr Simpson** asked the Minister of Enterprise, Trade and Investment how many staff in her Department did not achieve an acceptable mark in their annual report, in the last reporting year. (AQW 2674/09)

**The Minister of Enterprise, Trade and Investment:** 3 members of staff in the Department (including 1 in the Health and Safety Executive NI) did not achieve an acceptable mark in their annual report in the last reporting year.

### Calcast Ltd

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment what steps her Department and Invest NI are taking to support employees facing redundancy at Calcast Ltd. in Derry/Londonderry. (AQW 2760/09)

**The Minister of Enterprise, Trade and Investment:** Invest NI are meeting senior management of Calcast/Montupet on Friday 28 November 2008.

Redundancy related issues fall within the remit of DEL.

Invest NI has been in discussions with DEL and meetings have been arranged with the company.

Invest will work with DEL to assist employees affected, particularly those wishing to consider the start a business option.

DEL, in partnership with other organisations, will provide advice on employment opportunities, job search, training and education opportunities, careers advice and benefits advice.

### Calcast Ltd

**Ms Anderson** asked the Minister of Enterprise, Trade and Investment what plans she has to intervene in the dispute over the notice period given to employees facing redundancy at Calcast Ltd. in Derry/Londonderry.  
(AQW 2761/09)

**The Minister of Enterprise, Trade and Investment:** The dispute has now been resolved to the satisfaction of both parties.

### Tourists: North America

**Mrs Long** asked the Minister of Enterprise, Trade and Investment what plans she has to attract tourists from North America in light of the global economic downturn.  
(AQO 1328/09)

**The Minister of Enterprise, Trade and Investment:** Tourism Ireland has significantly increased its online presence in North America, working closely with prominent intermediaries e.g. travel and lifestyle sites, carriers and major travel partners like Amex. Their 2008 autumn programme in North America includes attendance at key consumer promotions such as the Stone Mountain Highland Games and the Stars of the South conference, running direct mail campaigns and organising trade workshops.

The current dollar/sterling exchange rate provides an opportunity to encourage more tourists from North America, but this opportunity must be weighed against low consumer confidence globally. This may have a detrimental impact on the willingness of potential tourists to spend their money.

Nevertheless, I believe that a combination of the clear strategic direction currently adopted by Tourism Ireland and a continuation of the tactical flexibility displayed this year will serve Northern Ireland well.

### Small Business Rates Relief Scheme

**Mr B McCrea** asked the Minister of Enterprise, Trade and Investment what discussions she has held with the Minister of Finance and Personnel on a small business rates relief scheme.  
(AQO 1245/09)

**The Minister of Enterprise, Trade and Investment:** Whilst the Department of Finance and Personnel has lead responsibility for rating policy matters, it consults my department regularly on matters relating to businesses. The then Minister of Finance and Personnel corresponded with my predecessor earlier this year in relation to the ERINI report which concluded that there is no justifiable economic case for a small business rate relief scheme for NI, despite such schemes existing in the rest of the UK. I understand that the Minister of Finance and Personnel will make a final decision on the matter shortly. For my Department's part, Invest NI is offering a range of well-focused interventions designed to assist small businesses weather the current economic difficulties and reach their full potential.

### Productivity Drop

**Mr Armstrong** asked the Minister of Enterprise, Trade and Investment what steps she is taking to address the fall in productivity in the business service and finance sector.  
(AQO 1262/09)

**The Minister of Enterprise, Trade and Investment:** Productivity has been identified as the single most important factor behind Northern Ireland's relatively low level of economic prosperity. My Department and Invest NI have therefore identified increasing private sector productivity as its top priority.

I also recognise that relative productivity in business and financial services has been falling over recent years. Much of the decline is due to the significant growth in lower paying service sector jobs in Northern Ireland.

My Department is therefore committed to do all that it can to improve productivity in key sectors such as business and financial services. That's why the Programme for Government has outlined a series of actions and stretching targets to increase innovation and exports, improve our telecoms infrastructure, promote the greater use of renewable energy and boost tourism activity in NI.

The Programme for Government also contains a commitment to attract high quality inward investment with the aim of creating jobs that offer salaries well above the private sector average wage.

All of these actions are in support of the overarching productivity goal in the Programme for Government, which aims to halve the private sector productivity gap with the UK average, excluding the Greater South East of England, by 2015.

### Agriculture and Food Processing Industry

**Mr Poots** asked the Minister of Enterprise, Trade and Investment what meetings she has had with representatives of the agriculture and food processing industry, since taking up office. (AQO 1277/09)

**The Minister of Enterprise, Trade and Investment:** Since taking up Office I have had seven meetings with representatives of the food and agriculture sectors. These included meetings with individual companies in addition to those involving a range of industry representatives, such as the Ulster Farmers Union and Dairy UK (NI), to discuss current issues facing these sectors.

I also attended a Breakfast Food Branding conference on 19 November 2008 in Craigavon, where I had the opportunity to address more than 80 food companies.

In addition to the challenges arising from the current economic climate, the agri food sector also faces a number of specific issues, including cost implications of the EU Regulatory regimes, uncertainties pending the outcome of World Trade negotiations and changes generated by the response to major sectoral reviews such as the Red Meat Industry taskforce recommendations. Consumer reaction to recent spiraling food costs places further pressures on food manufacturing companies.

I can, however, assure you that my Department, through Invest NI, is working closely with companies throughout the industry to help them to maximise business opportunities arising from both local and international markets.

### Economic Downturn

**Mr K Robinson** asked the Minister of Enterprise, Trade and Investment for her assessment of the ability of Northern Ireland to face the current economic downturn. (AQO 1258/09)

**The Minister of Enterprise, Trade and Investment:** The global economy is faced with unprecedented challenges and Northern Ireland, like other regional economies, is not immune to the downturn. Official statistics from my Department indicate that certain sectors are experiencing particular difficulties. For example, construction and services are reporting declining employment and output. However, I was encouraged to note that manufacturing output in Quarter 2 of 2008 remained relatively strong.

Though I am not complacent, I believe that Northern Ireland is as well placed as any UK region to cope with the current economic downturn. We will continue to implement the actions outlined in the Programme for Government to grow a more dynamic, innovative private sector. For now, we are less exposed to the turbulence in the financial sector, given its small size locally, and our relatively large public sector should act as a stabilising influence.

Also, the 1.5% reduction in interest rates by the Bank of England, the recapitalisation of the banking sector and the recent fall in the value of sterling should help the economy. In addition, I anticipate that the further measures the Chancellor will be announcing in the Pre-Budget report today may help businesses throughout the UK, including Northern Ireland.

## Economic Downturn

**Ms Lo** asked the Minister of Enterprise, Trade and Investment what plans she has to attract investment in light of the global economic downturn. (AQO 1326/09)

**The Minister of Enterprise, Trade and Investment:** Invest NI works with those Northern Ireland businesses in the manufacturing and tradeable services industry sectors that can demonstrate potential for growth through increasing exports and by becoming more internationally competitive. To qualify for such support, businesses should have sales outside of Northern Ireland greater than 25 per cent of turnover or greater than £250,000 per annum.

Invest NI's 2008-2011 Corporate Plan outlines its priority actions as realising the potential of existing businesses; shifting the sectoral focus towards higher value-added sectors; and supporting academia and frontier companies at the leading edge of innovation and technology.

Performance against many of Invest NI's 2008/09 key targets has been encouraging to date, particularly when set against the prevailing economic conditions. The agency has signalled that there should be a sufficient existing pipeline of activity to achieve this year's targets, although it is still too early to predict with any confidence the impact which the global economic downturn is likely to have in this respect.

In terms of attracting value-added Foreign Direct Investment in higher productivity sectors, by the end of September 2008 six new inward investment projects had been secured. These will promote 259 new jobs, attracting annual average wages and salaries of over £8million and associated investment of £23.5million. The immediate pipeline for potential Foreign Direct Investment projects remains reasonably healthy despite the current economic climate. However, there is some evidence that the volume of investment decisions is declining and that investors are beginning to defer their expansion plans.

Invest NI is seeking to respond to this situation by marketing Northern Ireland as a cost competitive location. We have a number of key selling points which make the region attractive to inward investors. These include a highly educated workforce, competitive operating costs, advanced telecoms infrastructure, excellent university / business linkages and a pro-business environment.

Whilst there is no doubt that securing Foreign Direct Investment and achieving our targets will be very challenging,

Invest NI nevertheless continues to target those investment prospects that are driven by cost reduction, or which are seeking to position themselves in preparation for the situation improving. Last month, for example, I accompanied 15 of our companies on an intensive Trade Mission to Boston and Silicon Valley where I met with existing investors and followed up on a number of prospects from the US NI conference.

## Gas Pipeline: Cookstown

**Mr I McCrea** asked the Minister of Enterprise, Trade and Investment what plans she has to extend the gas pipeline to Cookstown. (AQO 1231/09)

**The Minister of Enterprise, Trade and Investment:** My Department, in cooperation with the Utility Regulator will, in the near future, be initiating a study into the possibility of taking gas to the west of Northern Ireland. Extension of the gas network has the potential to provide environmental, fuel diversity, and security of energy supply benefits to energy consumers. However any extension to the Northern Ireland gas network will be dependent on the economic viability of particular proposals.

In the meantime, any application for a licence to take gas to Cookstown will be duly considered by the Department and the Utility Regulator.

## Foreign Direct Investment

**Rev Dr Robert Coulter** asked the Minister of Enterprise, Trade and Investment, given the current economic downturn, what additional steps she is taking to ensure the retention of existing foreign direct investment. (AQO 1260/09)

**The Minister of Enterprise, Trade and Investment:** Invest NI is committed to working very closely with its overseas investors and client aftercare has always been a key part of our normal activity.



A dedicated Client Team, working with each investor's local Northern Ireland management, ensures that projects are implemented as smoothly as possible. This also provides an opportunity to work with the client to maximize any potential prospects for further investment. This will continue to be the case, particularly in the present economic climate, which is forecast to prevail in the medium term.

Invest NI Client Teams will continue to work with our overseas clients to safeguard our existing foreign investment projects and, where possible, to secure additional re-investment.

This approach has proved to be very successful to date. Since Invest NI's inception in 2002, almost 6000 additional jobs have been secured through £800m of re-investment from existing foreign owned clients. Significant re-investments from companies such as Michelin, Bombardier, Caterpillar, Allstate and Citi have made these companies some of our largest employers and have had a very positive impact on our local economy.

## Unemployment

**Mr Storey** asked the Minister of Enterprise, Trade and Investment to outline the anticipated level of unemployment over the next three years. (AQO 1213/09)

**The Minister of Enterprise, Trade and Investment:** Recent statistics published by my Department indicate that the unemployment rate for Northern Ireland, over the period July – September 2008, was estimated at 4.1%. This rate was significantly below the UK average of 5.8% and represented the lowest unemployment rate among the UK regions. The rate also compared favourably against the European Union (6.9%) and the Republic of Ireland (6.2%).

In terms of this measure of the unemployment rate, there are no forecasts. However, as part of the work with the Economic Development Forum, my Department monitors a range of economic forecasts which includes the claimant count rate. On this measure, the officially published rate for October 2008 was 3.5% and it was forecast to rise to 3.9% in 2009 and 4.2% in 2010, before falling to 4.0% by 2011.

However, the national and international outlook has deteriorated significantly since these forecasts were produced. This will have implications for the Northern Ireland forecasts, and I expect that the number of claimants could be higher than that previously estimated.

## Consumer Confidence

**Mr Burns** asked the Minister of Enterprise, Trade and Investment, given the downturn in retail sales and the failure of the Executive to meet since June, what steps she is taking to improve consumer confidence. (AQO 1334/09)

**The Minister of Enterprise, Trade and Investment:** Official statistics published by my Department indicate that a number of sectors, including retail, face ongoing pressures. For example, over the year to Quarter 2 2008, the output of the distribution, wholesale and retail sector fell by 7%. This was a sharper decline than for the services sector as a whole, which fell, over the same period, by 4.3%. However, increased cross-border trade, as a result of the recent decline in the value of sterling against the euro, is expected to provide some support to domestic retail businesses.

These trends reflect the slowdown in the global economy and it is important to recognise the limited policy levers that the Northern Ireland Executive has to address these pressures, particularly within sectors such as retail.

I am encouraged by the steps being taken nationally to stimulate the economy and strengthen consumer confidence. For example, the 1.5% reduction in interest rates by the Bank of England, the recapitalisation of the banking sector, alongside the recent fall in the value of sterling, should help the retail sector. In addition, the further measures that the Chancellor may be announcing in his Pre-Budget report will help businesses and consumers throughout the UK, including Northern Ireland.

In addition to these national measures, the actions taken by the Executive as part of the Programme for Government are also aimed at stimulating wealth and employment, which are vital for consumer confidence. My Department will therefore continue to implement the range of actions outlined in the Programme for Government to grow a more dynamic, innovative private sector in Northern Ireland.

## Economic Downturn

**Mr Simpson** asked the Minister of Enterprise, Trade and Investment for her assessment of the impact of the current downturn in the world economy on the local business community. (AQO 1217/09)

**The Minister of Enterprise, Trade and Investment:** The global economy continues to face a range of unprecedented challenges. Northern Ireland, like other small open economies, cannot be insulated from the downturn.

In terms of the business community in Northern Ireland, I am very aware that certain sectors face ongoing pressures. For example, retail and business and financial services have all reported declining levels of output and, of course, the construction sector is reporting significant reductions in employment.

This reflects global trends, with important export markets such as the EU and the Republic of Ireland officially in recession. Output has also fallen in the US. This is resulting in declining levels of demand for locally produced goods and services throughout Northern Ireland, including in your own constituency.

However, as you will be aware, we are using the policy levers available to us to address these near-term pressures. For example, Invest NI has established a £5m Accelerated Support Fund (ASF) to offer Invest NI clients targeted support during the current economic difficulties. In addition, they have introduced, or specifically tailored, a number of other initiatives to assist client companies in the areas of innovation, energy efficiency and exports.

There are also important steps being taken nationally. The recent reduction in interest rates by the Bank of England, the recapitalisation of the banking sector and the fall in the value of sterling should help the economy. In addition, the further measures that the Chancellor will be announcing in his Pre-Budget report should help businesses throughout the UK, including Northern Ireland.

## Economic Downturn

**Mr O'Loan** asked the Minister of Enterprise, Trade and Investment what discussions she has had with local major financial institutions on the levels of support available to help ameliorate the impact of the current economic downturn on local small to medium sized enterprises. (AQO 1327/09)

**The Minister of Enterprise, Trade and Investment:** DETI and Invest NI officials have recently held discussions with a number of local banks to explore the low uptake of the Small Firms Loan Guarantee Scheme by Small and Medium Size Enterprises in Northern Ireland.

Discussions are ongoing. These will involve all the key lenders in Northern Ireland, business representative organisations and the Department of Business, Enterprise and Regulatory Reform (BERR), which administers the UK-wide scheme, to see what might be done to improve take up of the scheme in Northern Ireland.

The 1.5% reduction in interest rates by the Bank of England will also be welcomed by local businesses. The Finance Minister, in this Assembly, recently urged local banks to pass on the full rate cut to their customers, and I would echo and re-emphasise the importance of that call.

## ENVIRONMENT

### Renaming Streets

**Mr McKay** asked the Minister of the Environment who has the authority to rename streets; and if local residents should have an input into the decision making process on the re-naming of streets. (AQW 2130/09)

**The Minister of the Environment (Mr S Wilson):** Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 makes provision about district council powers in relation to street names. The 1995 Order does not make specific provision about the renaming of streets.

### Wetlands

**Mr Beggs** asked the Minister of the Environment whether the definition of 'wetland' in the proposed regulations on the use of lead shot over wetlands can be kept simple to allow for effective enforcement.

(AQW 2241/09)

**The Minister of the Environment:** We will use the Ramsar Convention definition of 'wetland', which is "wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres". This definition is sufficiently simple to allow for effective enforcement.

### Wetlands

**Mr Beggs** asked the Minister of the Environment if the definition of 'wetland' in the proposed regulations prohibiting the use of lead shot over wetlands, will, from a shooters perspective, be clearly defined to aid compliance and to avoid infringements being made.

(AQW 2242/09)

**The Minister of the Environment:** 'Wetlands' will be defined in the explanatory note to the Regulations.

In addition, to aid compliance and avoid infringements, my officials assisted by field sports bodies, will produce detailed practical guidance for shooters which will set out clearly what is and is not a 'wetland' for the purposes of the Regulations.

### Single Dwellings in the Country: Banbridge/Newry and Mourne

**Mr Wells** asked the Minister of the Environment how many applicants for single dwellings in the country side were submitted in the (i) Banbridge; and (ii) Newry and Mourne council areas, before 16 March 2006, have yet to be determined.

(AQW 2261/09)

**The Minister of the Environment:** The number of applications received before 16 March 2006 that have yet to be determined is as follows:-

- (i) Banbridge – Nil
- (ii) Newry & Mourne - 153

### Hare Numbers

**Mr Shannon** asked the Minister of the Environment if hare numbers have increased; and at what level it will be decided to restore hares onto the quarry list.

(AQW 2289/09)

**The Minister of the Environment:** Hare numbers have increased. The 2008 survey estimated a population of 2.86 hares per km<sup>2</sup>, compared to a population of 1 hare per km<sup>2</sup> estimated by the first survey, which was published in 1997.

The Irish hare has never been removed from the quarry list.

### Brownfield Land

**Mr Wells** asked the Minister of the Environment what guidance has been issued to Planning Service staff advising them on how to assess applications for high density housing, following the amendment to the definition of what constitutes Brownfield Land, as outlined in the Regional Development Strategy.

(AQW 2299/09)

**The Minister of the Environment:** No new guidance has been issued to staff as the change in the definition of brownfield land does not have a direct influence on planning applications and they continue to be dealt with under the same policy context. However, staff have been made aware that the change in the definition of brownfield sites to exclude gardens will prevent developers attempting to justify high density developments in established residential areas on the basis they comply with Regional Planning Policy. Staff in my Department continue to assess such applications subject to the relevant detailed planning policy and guidance including PPS 7

Quality Residential Environments, PPS 12 “Housing in Settlements”, Planning Circular 03/07 Assessing Planning Applications for Residential Development in Urban Areas, Villages and other Small Settlements”, DCAN 8: Housing in Existing Urban Areas and all other material considerations.

### **Brownfield Land**

**Mr Wells** asked the Minister of the Environment to detail all the planning applications for high density housing that have been refused as a result of the amended definition of Brownfield Land, included in the revised Regional Development Strategy. (AQW 2300/09)

**The Minister of the Environment:** No planning applications for high density housing have been refused as a result of the amended definition of Brownfield Land, included in the revised Regional Development Strategy. The change in definition of brownfield land does not have a direct influence on planning applications as they continue to be dealt with under the same policy context that was in place prior to the amendment of the Regional Development Strategy. However, the change in the definition of brownfield sites to exclude gardens will prevent developers attempting to justify high density developments in established residential areas on the basis that they comply with Regional Planning Policy.

### **Glass Recycling**

**Mr Shannon** asked the Minister of the Environment what consideration he has given to increasing the dividend for glass recycling. (AQW 2301/09)

**The Minister of the Environment:** On the understanding that you are enquiring if I have considered offering some sort of “subsidy” to those who collect glass for recycling to counteract the current low prices being offered for some recyclables, I have not given this any consideration as it is not within my power to do so. However, the demand for high quality glass cullet remains high and indeed colour separated glass cullet has increased slightly in price in recent months.

### **Brownfield Land**

**Mr Wells** asked the Minister of the Environment, pursuant to the answer to AQW 654/09, if the amended definition of Brownfield Land, as outlined in the revised Regional Development Strategy, has led to the refusal of planning applications for high density housing in urban areas, since 1 July 2008. (AQW 2302/09)

**The Minister of the Environment:** Further to my answer to AQW 2300/09 no planning applications for high density housing in urban areas have been refused as a result of the amended definition of Brownfield Land, as outlined in the revised Regional Development Strategy. The change in definition of brownfield land does not have a direct influence on planning applications as they continue to be dealt with under the same policy context that was in place prior to the amendment to the Regional Development Strategy. However, the change in the definition of brownfield sites to exclude gardens will prevent developers attempting to justify high density developments in established residential areas on the basis that they comply with Regional Planning Policy.

### **Area of Special Scientific Interest**

**Mr Wells** asked the Minister of the Environment to detail what individuals and organisations the Northern Ireland Environment Agency consults before designating an Area of Special Scientific Interest. (AQW 2304/09)

**The Minister of the Environment:** In advance of the statutory designation of an Area of Special Scientific Interest (ASSI), the Northern Ireland Environment Agency (NIEA) consults with the Council for Nature Conservation and the Countryside, the Department of Agriculture and Rural Development and with Planning Service. The Agency also endeavours to visit all owners and occupiers of the subject lands to advise them of the Agency’s intention to designate and to confirm the scientific interests on the lands.

At the time of declaration, NIEA gives formal notice of such to every owner and occupier of lands that are affected, and to each District Council in whose area it is located.



### Area of Special Scientific Interest

**Mr Wells** asked the Minister of the Environment to detail the criteria used by the Northern Ireland Environment Agency in designating an Area of Special Scientific Interest. (AQW 2307/09)

**The Minister of the Environment:** Areas of Special Scientific Interest (ASSIs) are designated in accordance with Article 28(1)(a) of the Environment (NI) Order 2002 which states that the Department must be satisfied that the area of land is of special scientific interest by reason of its flora, fauna, or geological, physiographical or other features.

ASSIs come under two broad categories; those selected for biological reasons and those whose interest is earth science.

In selecting areas suitable for declaration for biological purposes, the Northern Ireland Environment Agency uses the guidelines set out in the published Guidelines for the selection of Biological ASSIs in Northern Ireland (1999) which are themselves a version of the Guidelines for the Selection of Biological SSSIs published in 1998 by the then Nature Conservancy Council for use in Great Britain.

Earth science ASSIs are selected through the use of the guidance set out in the Earth Science Conservation Review: site selection guidelines for earth science ASSIs. These guidelines are based on those published by the Joint Nature Conservation Committee under its Geological Conservation Review, 1996.

### Driving Test: Pass Rates

**Mr Simpson** asked the Minister of the Environment to detail the (i) number; and (ii) percentage of people, who pass their driving test on the (a) first attempt; and (b) second attempt, in each test centre. (AQW 2398/09)

**The Minister of the Environment:** Detail for the period 1 April to 31 October 2008 of the number and percentage of people who passed their driving tests on the first and second attempt, in each test centre, is included in the following table.

	Number Passed 1st Time	%	Number Passed 2nd Time	%
Armagh	308	40.3	195	44.9
Ballymena	628	50.0	353	54.4
Balmoral	898	38.1	534	40.0
Dill Road	631	37.1	417	39.5
Coleraine	682	47.6	341	46.3
Cookstown	773	49.0	440	51.3
Craigavon	910	48.2	460	49.8
Downpatrick	517	47.3	301	53.8
Enniskillen	514	59.6	199	56.2
Larne	896	46.9	446	45.6
Lisburn	652	47.2	359	50.4
New Buildings	160	46.8	86	54.1
Waterside	649	41.6	370	43.7
Newry	694	51.6	371	56.2
Newtownards	927	51.9	447	52.0
Omagh	668	57.5	291	57.7

## Ravenhill Reach Office Park Planning Application

**Mr Spratt** asked the Minister of the Environment, in relation to the Ravenhill Reach Office Park Planning Application (Planning Reference Z/2008/0477/F), (i) to detail the progress with the application; (ii) if the application is likely to be on the Belfast City Council Town Planning schedule for 4 December 2008; and (iii) for Planning Service's assessment of the importance of the scheme in creating construction jobs, especially during the current economic downturn. (AQW 2400/09)

**The Minister of the Environment:** Planning Service has now received replies from all consultees and has completed its consideration of the application. Belfast City Council's Town Planning Committee will be consulted on 20 November 2008 with an opinion to approve the application. In processing the application Planning Service gave full consideration to the importance of the scheme in creating employment opportunities.

## Removal of Trees: Prosecutions

**Mr W Clarke** asked the Minister of the Environment if his Department has determined that a case will be taken to prosecute the people responsible for the removal of trees at Myrtle Lodge, Bryansford Road, Newcastle, between 26 March and 28 March 2008. (AQW 2412/09)

**The Minister of the Environment:** It would be inappropriate to make detailed comment on the case as until such times as the matter has either been before the court or the Department has determined that no case can be taken. I can advise, however, that the matter continues to be investigated.

A breach of a Tree Preservation Order is a summary offence and the penalty, which may include the necessity to replace any trees felled, is a matter for the courts.

## Environmental Schemes

**Mr Shannon** asked the Minister of the Environment what assistance his Department gives to landowners to retain land under environmental schemes, broken down by county. (AQW 2419/09)

**The Minister of the Environment:** The only environmental scheme operated directly by the Department of the Environment which provides assistance to landowners is the Management of Sensitive Sites (MOSS) scheme. This scheme is used exclusively to provide payments to landowners to manage Areas of Special Scientific Interest in an appropriate manner.

There are currently 102 MOSS agreements and the assistance provided to landowners in the current financial year on a county basis is as follows:

County	Number of landowners	Total amount (£)
Antrim	14	88,196.99
Armagh	8	6,418.00
Down	30	92,612.80
Fermanagh	22	30,022.52
Londonderry	16	31,357.00
Tyrone	12	15,013.00

## Waste Agriculture Plastic Film

**Mr Boylan** asked the Minister of the Environment what procedures are in place to ensure that waste agriculture plastic film, such as silage wrap, are recycled. (AQW 2456/09)

**The Minister of the Environment:** The Waste Management Licensing Regulations (NI) 2006 prohibits farmers from burning or burying plastic waste on their farms without a licence/permit.

Discarded agricultural plastics are categorised as either packaging or non-packaging waste.

Packaging plastics, such as feed sacks and shrink wrap from goods pallets, are subject to Packaging Regulations, which impose the obligation on producers to recover and recycle packaging waste.

Non-packaging farm plastics, which include silage wrap and crop covers, do not fall under the remit of the Packaging Waste Directive and continue to be collected in successful voluntary schemes operating throughout Northern Ireland. There is no EU Directive requiring the UK to take any action. Farmers pay a fee to a collection company to pick up farm plastics from farms and transport it on to a reprocessor.

In addition, Duty of Care legislation requires all sectors of industry to deal responsibly with the waste they produce, that is, to use authorised waste carriers and send their waste, including waste plastics, to appropriate licensed sites.

### Waste Agriculture Plastic Film

**Mr Boylan** asked the Minister of the Environment if local councils are under any obligation to provide a service to recycle waste agriculture plastic film to ensure European waste and recycling directives are met.

(AQW 2457/09)

**The Minister of the Environment:** Local Councils are not under any obligation to provide a service to recycle waste agriculture plastic film. Some Councils accept farm plastic film for a commercial charge at their Civic Amenity Sites. Fermanagh District Council accepts farm film without charge at its Drummee, Lisnaskea and Irvinestown Civic Amenity Sites.

### Culling of Badgers

**Mr B Wilson** asked the Minister of the Environment if he would oppose any proposals for a culling of badgers given their status as a protected species.

(AQW 2493/09)

**The Minister of the Environment:** I am keen to assist the Department of Agriculture and Rural Development in its investigations into the role played by badgers in the transmission of Bovine TB and I have therefore issued a licence under the Wildlife (NI) Order 1985 to enable it to carry out a comprehensive study of the prevalence of the disease in the Northern Ireland badger population.

Any subsequent cull of badgers would require a separate licence to be issued by the Department and would be addressed on its scientific merits.

### Illegal Dumping: South Antrim

**Mr Burns** asked the Minister of the Environment to detail the number of incidents of illegal littering/dumping in rivers reported to the Environmental Health Service/Northern Ireland Environment Agency in (i) Northern Ireland; and (ii) the South Antrim constituency, in each of the last five years.

(AQW 2505/09)

**The Minister of the Environment:** The Northern Ireland Environment Agency is responsible for carrying out waste crime investigations on a commercial scale. While the Agency maintains information on incidents recorded by District Council area, the data does not differentiate between illegal dumping in water or on land.

### Planning Applications

**Mr Newton** asked the Minister of the Environment, in relation to planning applications Z/2006/0224/F and Z/2006/0305/LB, (i) to detail the progress of both applications, particularly responses from the Northern Ireland Environment Agency and the Roads Service; and (ii) if both applications will be on the Belfast City Council's Town Planning schedule for 4 December 2008.

(AQW 2530/09)

**The Minister of the Environment:** Planning Service is still awaiting final consultation replies from both NIEA and Roads Service. Upon receipt of these replies Planning Service will be able to formulate its opinion on the applications. If the replies are received before 26 November it is possible that Planning Service will be able to consult Belfast City Council's Town Planning Committee on 4 December 2008. The next Town Planning Committee meeting after that will be 8 January 2009.

### Ulster Farm By-Products

**Mr Burns** asked the Minister of the Environment, pursuant to his answer to AQW 1944/09, to detail (i) the exact nature of the 6 water pollution incidents; (ii) the tests carried out by the Northern Ireland Environment Agency to determine the extent of the pollution; (iii) the action he is taking against Ulster Farm By-Products in relation to these incidents. (AQW 2535/09)

**The Minister of the Environment:** My officials responded to all six of the reports of pollution in the Glenavy River detailed in my answer AQW 1944/09. Four investigations did not find any sign of pollution and no evidence to suggest that there had been any polluting discharge from Ulster Farm By-Products. Of the two other reports, one came from Ulster Farm By-Products following an accidental release which was largely contained on site. After investigation, officials from the Northern Ireland Environment Agency (NIEA) did not find it necessary to take further action. In the final case, samples of effluent were taken for analysis and NIEA is considering the most appropriate enforcement action to take.

### Ulster Farm By-Products

**Mr Burns** asked the Minister of the Environment how many complaints his Department has received in relation to offensive odours emanating from freight traffic travelling to and from the Ulster Farm By-Products site in Glenavy, in each of the last 5 years. (AQW 2537/09)

**The Minister of the Environment:** The Northern Ireland Environment Agency's regulatory responsibility is restricted to activities on the Company's site and therefore the Agency does not have control over transport to and from the factory on public roads. Consequently, whilst comments about odour from vehicles have been received, they are not recorded as complaints against the Company and no statistics are available.

### Glenavy River: Pollution

**Mr Burns** asked the Minister of the Environment to detail (i) the nature of the pollution incident that occurred in the Glenavy River during the weekend of 7 and 8 November 2008; and (ii) the tests carried out by his Department to determine the extent of the pollution; and to confirm if the pollution came from Ulster Farm By-Products, and if so, whether this represents a violation of the enforcement notice outlined in AQW 186/09. (AQW 2538/09)

**The Minister of the Environment:** Following a telephone report of pollution on the Glenavy River, on Sunday 9 November, an official visited the site and found no signs of pollution in the river. There was no evidence to suggest that there had been any polluting discharge from Ulster Farm By-Products. It was therefore not considered necessary to undertake any tests.

### George Best Belfast City Airport

**Mr B Wilson** asked the Minister of the Environment if a public inquiry will be held before a decision is made on whether planning permission will be granted for an extension of the runway at George Best Belfast City Airport. (AQW 2544/09)

**The Minister of the Environment:** A planning application accompanied by an Environmental Statement for an extension to the runway at the George Best Belfast City Airport was submitted to the Department on Friday 14 November 2008.

The application is likely to be designated as one of major importance under Article 31 of the Planning (NI) Order 1991. One option open to the Department through the Article 31 process is to hold a public inquiry.

Until such time as consideration of the proposal has taken place the Department is not in a position to confirm whether or not the application would be subject to a public inquiry. My officials in the Planning Service will progress consideration of the application as quickly as it is possible to do so.



## Illegal Waste

**Mr Gallagher** asked the Minister of the Environment, pursuant to the answer to AQW 4518/08, (i) to provide an update on the progress of; and (ii) to outline the timeframe for, the removal of illegal waste from (a) the Slattinagh, Garrison, County Fermanagh; and (b) Trillick, County Tyrone. (AQW 2557/09)

**The Minister of the Environment:** Dublin City Council, as the competent authority for these matters in the Republic of Ireland, are committed to letting a contract for the removal of waste from the two sites in question and its disposal in a suitable facility in the Republic of Ireland. In parallel, officials from my Department have been involved in discussions with officials from the Department for the Environment, Heritage and Local Government over the last few months aimed at resolving the remaining issues surrounding the scope of the work, the methodology to be employed and the apportionment of costs.

I hope that the remaining issues can be resolved before the end of the year which will allow the contract procurement to proceed. The procurement is required to be carried under the EU Open Tendering process. It is therefore anticipated that it will be some 4-5 months before work on site commences.

## Ministerial Correspondence

**Mr Kennedy** asked the Minister of the Environment, pursuant to his answer to AQW 2246/09, to provide copies of all the correspondence listed in the answer. (AQW 2625/09)

**The Minister of the Environment:** As is the convention in such instances, I would refer the Member to Hansard in relation to the Assembly questions and answers. The remainder of the papers have been deposited in the Assembly Library.

## Rose Energy Incinerator

**Mr T Clarke** asked the Minister of the Environment if the proposed site for the Rose Energy incinerator at Ballygannon Road, Glenavy, is within an Area of Outstanding Natural Beauty. (AQW 2646/09)

**The Minister of the Environment:** The proposed site for the Rose Energy incinerator does not lie within an Area of Outstanding Natural Beauty.

## FINANCE AND PERSONNEL

### Civil Servants Journeys

**Mr Burns** asked the Minister of Finance and Personnel to detail (i) the number; and (ii) the cost of tickets for (a) first class; (b) standard economy class, journeys made by civil servants, on the Enterprise train service between Belfast and Dublin, in each of the last five years. (AQW 1815/09)

**The Minister of Finance and Personnel (Mr N Dodds):** The information provided below relates to the Department of Finance & Personnel (DFP). Information held by other departments is not in the same format to that of DFP. Due to these variances I have provided the DFP information only and would respectively suggest that you contact other departments directly.

#### DFP STATISTICS ON USE OF THE ENTERPRISE TRAIN SERVICE BETWEEN BELFAST AND DUBLIN

Financial Year	Volume First Class	Volume Economy	Value First Class	Value Economy
2004/05	7	0	£413.00	0
2005/06	81	5	£3,378.00	£108.10
2006/07	131	5	£6,729.80	£175.00
2007/08	136	7	£6,389.58	£254

### Official Car Pool

**Mr McNarry** asked the Minister of Finance and Personnel if motor vehicles in the official car pool have been fitted with tracking devices; and if so (i) how much it cost; (ii) who took the decision; and (iii) are they fully operational. (AQW 2280/09)

**The Minister of Finance and Personnel:** Vehicles in the official car pool used by senior officials and visitors are managed using a fleet management system. The fleet management system uses GPS tracking to locate vehicles to enable management to allocate the nearest available vehicle to newly received requests. This allows the vehicles to be managed in a more efficient and cost effective way.

Vehicles used to transport Ministers do not have a fleet management system installed.

The system is currently installed on six vehicles in the official car pool at a total cost £9,300 which includes all running costs, reinstalls if the vehicle is changed and updates for the next five years.

The decision to install the fleet management system was taken by officials within my Department who have day to day responsibility for managing the service.

The Fleet management system is fully operational on all the vehicles that are installed on the system.

### Civil Service: Sick Absence

**Mr Hamilton** asked the Minister of Finance and Personnel for the most up to date sickness absence levels in the Civil Service, broken down by religious background. (AQW 2470/09)

**The Minister of Finance and Personnel:** To provide the information requested would be contrary to Section 4(4) of the Data Protection Act 1998 which requires data providers to observe the principle that personal data is used for a specified and lawful purpose and is not further processed in a manner incompatible with that purpose. The purpose of collecting community background information is to enable the Northern Ireland Civil Service to monitor the effectiveness of its policies on equality of opportunity. The examination of sick absence levels by community background is not relevant to this stated purpose and is not carried out. Consequently the further processing of community background data would not be consistent with the data protection principles.

### Performance Efficiency and Delivery Unit

**Mr Cree** asked the Minister of Finance and Personnel to detail the contact the Performance Efficiency and Delivery Unit has had with each Department. (AQW 2595/09)

**The Minister of Finance and Personnel:** As part of the Department of Finance and Personnel, PEDU has had regular contact with other departments on a number of issues. In terms of DFP, specific work has been undertaken with LPS as regards rates collection levels.

In terms of other departments, as part of the request to departments by DFP for an update on progress against Public Service Agreement targets, PEDU has had contact either directly, or indirectly through other DFP colleagues, with all 11 Departments.

Similarly, PEDU has had contact with some departments in relation to the Delivery Plans for the Innovation Funding. The Departments concerned are DARD, DCAL, DE, DEL, DETI, DHSSPS and DOE. The aim of this exercise was to ensure that participating Departments have the plans and systems in place to spend the allocated funding and achieve the promised objectives and outcomes.

As a by-product of the Delivery Review of Planning Service, PEDU staff also had occasional contact with many parts of DOE as well as DRD and DARD in relation to their involvement in the consultation process of a planning application.

PEDU has also been in contact with DETI in relation to creating consistency in the processes used in managing Business Cases.

### Performance Efficiency and Delivery Unit

**Mr Cobain** asked the Minister of Finance and Personnel to detail the targets set by the Performance Efficiency and Delivery Unit for each Department. (AQW 2596/09)

**The Minister of Finance and Personnel:** The Performance Efficiency and Delivery unit has not set any targets for departments. The role of the Unit is to work with departments to assist them in meeting target set by the Executive in the Programme for Government.

### Official Car Pool

**Mr McNarry** asked the Minister of Finance and Personnel if there has been abuse of the official car pool; and, if so, what action was taken. (AQW 2712/09)

**The Minister of Finance and Personnel:** The Department of Finance and Personnel has no record of any abuse of the official car pool.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Ambulances and Patient Care Services Vehicles

**Mr Storey** asked the Minister of Health, Social Services and Public Safety to detail the highest number of miles shown on (i) an A&E ambulance; and (ii) a patient care services vehicle, in each Health and Social Care Trust area. (AQW 1758/09)

**The Minister of Health, Social Services and Public Safety (Mr M McGimpsey):** The Northern Ireland Ambulance Service (NIAS) has advised me that fleet data are maintained on the basis of its operational divisions which are aligned with Health and Social Services Board areas. The highest mileage for A&E ambulances and Patient Care Services vehicles in each division are shown in the table below.

NIAS Division	A&E	PCS
East (City)	191,417	139,157
East (Country)	227,178	137,656
North	268,403	299,426
South	245,397	200,316
West	218,363	259,718

I recognise the high mileage figures on some of our ambulance fleet. That is why on 1 October 2008 I announced my intention to invest some £100 million over the next ten years to enable the Northern Ireland Ambulance Service to modernise its estate and replace its fleet and equipment on a regular basis. This includes an investment of £17.4 million capital funding over the CSR period 2008-2011 to modernise the ambulance service fleet, estate, equipment and IT infrastructure, including the purchase of some 60 new A&E ambulances, 60 Patient Care Services vehicles and 26 Rapid Response Vehicles.

### Wi-Fi Exposure

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what assessment has been undertaken on Professor Olle Johansson's bio initiative report, that concludes that there is a risk of harm from exposure to wi-fi. (AQW 2247/09)

**The Minister of Health, Social Services and Public Safety:** The Health Protection Agency (HPA) provides support and specialist advice to DHSSPS on a wide range of health protection matters including

radiation protection. The role of HPA in this regard includes maintaining an oversight of relevant international developments. The HPA statement on WiFi is available on the HPA website at: <http://www.hpa.org.uk/radiation>

HPA are aware of the BioInitiative report but have not produced a formal response. One reason for this is that other bodies have already responded. The report lacks the balance that would normally be associated with scientific review documents. It does not give any consideration to reviews and guidance produced by authoritative and competent scientific bodies such as the International Commission on Non-Ionizing Radiation Protection (ICNIRP), the European Commission Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) and the HPA.

### Home-Start

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if Home-Start will continue to receive funding from his Department given that the budget allocation for 'ex Children's Fund' is to be discontinued by 2010. (AQW 2249/09)

**The Minister of Health, Social Services and Public Safety:** My Department will continue to fund, until March 2009, all of those projects formerly supported by the Children's Fund that support the objectives and functions of DHSSPS, including the locally-based Home-Start schemes. Decisions about which projects will continue to receive funding after this date will be based on a review of their performance, and the extent to which their activities contribute to key children's service planning priorities in their areas. Arrangements for this review are currently being put in place with Children and Young People's Committees in each Health & Social Services Board area. I am keen that the review is completed before the end of the year, and that projects are notified speedily thereafter of its outcome.

### Young Adults with Learning Disabilities

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety what discussions he has had in relation to the Reward System for young adults with learning disabilities in the Western Health and Social Care Trust area. (AQW 2296/09)

**The Minister of Health, Social Services and Public Safety:** As a result of the issue of the possible removal of the rewards system being brought to my attention, I met with the Chief Executive of the Western Health & Social Care Trust. Subsequently, the Trust has decided that payments will continue to adults with a learning disability attending day-care centres in the Western Health and Social Care Trust area.

### Mental-Health Problems: Young People

**Mr McCartney** asked the Minister of Health, Social Services and Public Safety what provisions are in place for tackling mental health problems in young people. (AQW 2322/09)

**The Minister of Health, Social Services and Public Safety:** Investment in Child and Adolescent Mental Health Services (CAMHS) has seen an improvement in recent years, providing benefits which include:

- Specialist Consultant Psychiatrists for young people;
- Crisis intervention teams in each of the four Board areas to assist in the provision of appropriate timely clinical intervention for young people;
- Specialist Eating Disorder staff;
- A 24/7 regional crisis response helpline "Lifeline" and associated support services.
- 12 inpatient beds for adolescents (14 – 17 years) in the temporary Regional Adolescent Unit at Knockbracken.
- 15 beds for children (up to and including 13 years) in the Child and Family Centre at Forster Green.
- 4 additional beds are also available in the Belfast Trust as an interim measure pending the new build 18 bed adolescent unit at Forster Green.
- A number of non-statutory organisations also provide valuable counselling services to meet specific needs.



### **Mental-Health Problems: Young People**

**Mr McCartney** asked the Minister of Health, Social Services and Public Safety what steps his Department is taking to improve services for young people with mental health problems. (AQW 2323/09)

**The Minister of Health, Social Services and Public Safety:** A number of improvements are being made in Child and Adolescent Mental Health Services in line with the recommendations of the Bamford Review. These include:

- Strengthening Crisis Intervention Teams;
- Enhanced Community Mental Health Teams
- Additional Specialist Eating Disorder staff;
- New in-patient eating disorder facilities;
- Increasing the number of Consultant Psychiatrists for young people;
- The provision of a new 18 bed in-patient adolescent unit and a replacement of the 15 bedded Child and Family Centre at Forster Green.

My Department's total new investment in mental health and learning disability services in support of Bamford amounts to £87m over three years, resulting in recurrent additional investment of £44m from 2010/11. Some of these funds will address the development of Child and Adolescent Mental Health services.

### **Musgrave Park Hospital: Orthopaedic Beds**

**Mr A Maskey** asked the Minister of Health, Social Services and Public Safety if 20 orthopaedic beds are to be lost in Musgrave Park hospital, as reported in the media. (AQW 2342/09)

**The Minister of Health, Social Services and Public Safety:** I refer the member to the answer I gave to AQW/1724 / 09.

### **Musgrave Park Hospital: Orthopaedic Beds**

**Mr A Maskey** asked the Minister of Health, Social Services and Public Safety to detail the impact on (i) medical care; and (ii) staffing levels, through the loss of 20 orthopaedic beds at Musgrave Park Hospital. (AQW 2343/09)

**The Minister of Health, Social Services and Public Safety:** I refer the member to the answer I gave to AQW/1724 / 09.

### **Orthopaedic Patients**

**Mr A Maskey** asked the Minister of Health, Social Services and Public Safety to detail the number of Health Service patients referred to private health care in order to meet the Department's waiting time targets for orthopaedic patients. (AQW 2344/09)

**The Minister of Health, Social Services and Public Safety:** In the 2006/07 and 2007/08 years the Belfast Trust and the Western Trust referred a total of 12368 and 2736 orthopaedic patients respectively to the independent sector for inpatient, daycase or outpatient services. The Northern, Southern and South Eastern Trusts did not refer any orthopaedic patients to the independent sector during this time.

### **Patients Travelling Abroad for Treatment: East Belfast**

**Mr Newton** asked the Minister of Health, Social Services and Public Safety how many patients in the East Belfast constituency have had to travel abroad for treatment. (AQW 2359/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not available by parliamentary constituency.

### Health Provision: East Belfast

**Mr Newton** asked the Minister of Health, Social Services and Public Safety what plans he has for an increased investment in health provision in the East Belfast constituency. (AQW 2361/09)

**The Minister of Health, Social Services and Public Safety:** Under the Investment Strategy for NI my Department received some £3.3 billion in capital funding over the next 10 years. This funding is to address an identified investment need within health and social care of £7.8 billion.

In respect of your East Belfast constituency I am planning capital investment of some £62m in the CSR period to target key areas of health and social care. In addition, there will also be investment in regional facilities which the population of East Belfast will be able to access.

As regards revenue investment it is not possible to provide information on the increased investment in health provision on a parliamentary constituency basis. The four Area Boards are responsible for the allocation of resources at a local level. Investments made in one constituency may have benefits to those in neighbouring constituency or even at a regional level and its therefore impossible to quantify the extent and subsequent effect of investments at constituency level.

### Patients Travelling Abroad for Treatment: North Down

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many patients in the North Down constituency, have had to travel abroad for treatment. (AQW 2388/09)

**The Minister of Health, Social Services and Public Safety:** Information on the number of patients in the North Down constituency that have had to travel abroad for treatment is not collected centrally by the Department. Provision of such data by Health and Social Service Boards and Health and Social Care Trusts would incur a disproportionate cost.

### Health Provision: North Down

**Mr Weir** asked the Minister of Health, Social Services and Public Safety to detail his plans for increasing investment in health provision, in the North Down constituency. (AQW 2389/09)

**The Minister of Health, Social Services and Public Safety:** In light of funding constraints I commissioned on 31 May 2008 a Review of Capital Priorities across the entire health and social care system over the next 10 years. The Review covered all Programmes of Care including Primary & Community Care infrastructure, which takes account of facilities such as health and care centres. The report has highlighted that some very difficult decisions will need to be taken in order that the limited funding available will be allocated to areas of highest need.

I am still considering the report and will be making announcements about projects over the coming weeks.

As regards revenue investment it is not possible to provide information on the increased investment in health provision on a parliamentary constituency basis.

### Annual Reports — DHSSPS Staff

**Mr Simpson** asked the Minister of Health, Social Services and Public Safety to detail how many of the Department's staff did not achieve an acceptable mark in their annual report, in their last reporting year. (AQW 2397/09)

**The Minister of Health, Social Services and Public Safety:** One member of staff did not achieve an acceptable mark in their annual report in the last reporting year.

### Binge Drinking

**Mr Simpson** asked the Minister of Health, Social Services and Public Safety for his assessment of the effectiveness of his Department's efforts to reduce binge drinking. (AQW 2399/09)

**The Minister of Health, Social Services and Public Safety:** My Department takes the misuse of alcohol very seriously, particularly binge drinking and underage drinking. Current actions include the establishment of a binge drinking advisory group; the continuation of the binge drinking public information campaign and positive engagement with the drinks industry particularly local supermarkets. In addition further action is planned; I am due to issue an integrated young people's drinking action plan in the near future. The outcomes and outputs associated with these activities and initiatives together with available prevalence data are closely monitored to ensure progress is being maintained and targets met.

### North Belfast City Learning Centre

**Ms Ní Chuilín** asked the Minister of Health, Social Services and Public Safety to detail (i) the funds his Department has allocated to the North Belfast City Learning Centre; and (ii) how this fits in with the Department's Statutory Duty of Opportunity and Equality. (AQW 2413/09)

**The Minister of Health, Social Services and Public Safety:** No funding is provided by my Department.

My Department has set out in an Equality Scheme how it proposes to fulfil its duties in respect of the Section 75 of the Northern Ireland Act 1998. The scheme may be downloaded from the Department's Internet site at: <http://www.dhsspsni.gov.uk/equality-scheme.pdf>

### IVF Treatment

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what money has been made available for IVF treatment in the last 12 months. (AQW 2423/09)

**The Minister of Health, Social Services and Public Safety:** In 2008/09 in excess of £1.5m was made available to the Regional Fertility Centre at the Royal Group of Hospitals by the Health and Social Services Boards for publicly funded specialised fertility treatments. This funding is used to provide a range of treatments, primarily IVF and Intracytoplasmic sperm injection (ICSI), but also other specialised fertility treatments and related services such as counselling.

In addition to this I recently announced an extra investment of £800,000 which will allow an additional 200 women to be treated before the end of the financial year.

### Regulatory Reform (Fire Safety) Order 2005

**Mr Hamilton** asked the Minister of Health, Social Services and Public Safety to detail what legislation exists in Northern Ireland that is comparable to the Regulatory Reform (Fire Safety) Order 2005. (AQW 2433/09)

**The Minister of Health, Social Services and Public Safety:** The Fire and Rescue Services (Northern Ireland) Order 2006 makes provision for fire safety regulation which is broadly comparable with the Regulatory Reform (Fire Safety) Order 2005 in England and Wales. My Department is currently preparing regulations under the 2006 Order which will rationalise current fire safety procedures in Northern Ireland.

In the meantime, fire safety in non domestic premises in Northern Ireland is regulated through a system of inspection and certification under the Fire Services (Northern Ireland) Order 1984 and, under the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 and the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001, employers are expected to carry out a suitable and sufficient fire risk assessment of their premises.

### 'Adopting the Future'

**Dr Farry** asked the Minister of Health, Social Services and Public Safety to detail the outcome of the 2006 'Adopting the Future' consultation. (AQW 2434/09)

**The Minister of Health, Social Services and Public Safety:** The outcome of the "Adopting the Future" consultation was detailed in the "Adopting the Future Consultation Report", published in January 2007. The consultation summary report is accessible on the Departmental website at [www.dhsspsni.gov.uk/child\\_care/](http://www.dhsspsni.gov.uk/child_care/)

adoption/adoption\_review.htm. Both documents were issued under the Direct Rule administration and there are aspects of the policy to which I wish to give further consideration before finalising the content of new adoption legislation. In preparation for legislative reform, an additional £1m has been secured for adoption for 2008-11 to improve the quality of front line services. The funding will be used to develop a number of specialist regional services to secure the best choice of placements for children who need to be adopted and provide better support for everyone affected by adoption. Steps are already being taken to get these services in place as quickly as possible.

### Myalgic Encephalomyelitis

**Mr Lunn** asked the Minister of Health, Social Services and Public Safety how many people his Department estimates suffer from Myalgic Encephalomyelitis (Chronic Fatigue Syndrome); and how many of these people (i) live outside the Belfast City Council area and (ii) are below age 18. (AQW 2438/09)

**The Minister of Health, Social Services and Public Safety:** Information is not available on how many people suffer from Myalgic Encephalomyelitis.

### Chronic Fatigue Syndrome

**Mr Lunn** asked the Minister of Health, Social Services and Public Safety how many people are employed within the Health Service on provision of Chronic Fatigue Syndrome services; and how many of them offer services to people resident outside the Belfast City Council area. (AQW 2439/09)

**The Minister of Health, Social Services and Public Safety:** The Belfast Health and Social Care Trust provides a consultant-led specialist service for Chronic Fatigue Syndrome. This service currently has one (0.5 Whole-Time Equivalent) person employed solely to provide Chronic Fatigue Syndrome services. At this time referrals to this service are from the Belfast area only.

As Chronic Fatigue Syndrome may involve a range of symptoms and disabilities, people suffering from this condition may be treated by a number of different health and social care professionals, including GPs, community care, neurology, mental health and allied health professionals. These staff are not employed solely to provide services to people with Chronic Fatigue Syndrome and it is not possible to identify separately the proportion of their time spent treating patients with this individual condition.

### Chronic Fatigue Syndrome

**Mr Lunn** asked the Minister of Health, Social Services and Public Safety what Health Service provision is available in assisting diagnosis of Chronic Fatigue Syndrome among children under 18; and what advice his Department is giving to schools on the matter. (AQW 2440/09)

**The Minister of Health, Social Services and Public Safety:** Primary healthcare professionals should be familiar with, and be able to identify, the characteristic features of chronic fatigue syndrome (CFS). A child or young person who has symptoms suggestive of CFS should be referred to a paediatrician for assessment to exclude other diagnoses.

For people with CFS who are able to continue in or return to education, healthcare professionals should ensure, with the person's informed consent, that educational institutions have information on the condition and the agreed management plan.

On 31 January 2008, my Department issued a circular endorsing a National Institute for Health and Clinical Excellence (NICE) clinical guideline on the diagnosis and management of chronic fatigue syndrome/myalgic encephalomyelitis in adults and children. The NICE guideline can be found at <http://www.nice.org.uk/Guidance/CG53>.

### Chronic Fatigue Syndrome

**Mr Lunn** asked the Minister of Health, Social Services and Public Safety what funding is available to the psychiatric treatment of persons suffering from Chronic Fatigue Syndrome, as a percentage of his Department's overall spend on the matter. (AQW 2441/09)



**The Minister of Health, Social Services and Public Safety:** The breakdown of funding available to the psychiatric treatment of persons suffering from Chronic Fatigue Syndrome is not held and could only be obtained at disproportionate cost.

### Chronic Fatigue Syndrome

**Mr Lunn** asked the Minister of Health, Social Services and Public Safety what bids he has made for additional funding for Chronic Fatigue Syndrome services. (AQW 2442/09)

**The Minister of Health, Social Services and Public Safety:** It is the responsibility of the Health and Social Services Boards to plan and allocate resources to meet the needs of their local population, including those with chronic fatigue syndrome. In determining their priorities for funding, Boards will take into account local circumstances, the strategic objectives established for the HSC and competing demands and pressures for a wide range of health and social care services generally.

### Residential Care: North Down

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many elderly people require residential care in the North Down area. (AQW 2443/09)

**The Minister of Health, Social Services and Public Safety:** The South Eastern Health and Social Care Trust have advised that there are 191 elderly people in residential care in the North Down area at present. Two clients are currently awaiting a place in a residential home of their choice. In addition, a further 376 elderly people have been assessed as requiring nursing home care in the North Down area.

### Nursing Home Care: North Down

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many elderly people require nursing home care in the North Down area. (AQW 2444/09)

**The Minister of Health, Social Services and Public Safety:** The South Eastern Health and Social Care Trust have advised that there are 191 elderly people in residential care in the North Down area at present. Two clients are currently awaiting a place in a residential home of their choice. In addition, a further 376 elderly people have been assessed as requiring nursing home care in the North Down area.

### Residential Homes: North Down

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many residential homes there are in the North Down area. (AQW 2445/09)

**The Minister of Health, Social Services and Public Safety:** At 30 June 2008, there were 22 residential homes and 19 nursing homes in the North Down area.

### Nursing Homes: North Down

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many nursing homes there are in the North Down area. (AQW 2446/09)

**The Minister of Health, Social Services and Public Safety:** At 30 June 2008, there were 22 residential homes and 19 nursing homes in the North Down area.

### Residential Care: North Down

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to outline if there is a shortage of nursing or residential care in the North Down area. (AQW 2447/09)

**The Minister of Health, Social Services and Public Safety:** The South Eastern Trust has advised that there is no shortage of nursing or residential care places in the North Down area. There are currently two people waiting for a residential care place in their home of choice, but who could be accommodated elsewhere if necessary.

### IVF Treatment

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many IVF treatments have been successful on the (i) first attempt; (ii) second attempt; and (iii) third attempt, over the last 5 years. (AQW 2466/09)

**The Minister of Health, Social Services and Public Safety:** Information on the number of IVF treatments that have been successful on the (i) first attempt; (ii) second attempt; and (iii) third attempt, over the last 5 years is not collected centrally by the Department. Provision of such data by the Regional Fertility Centre at the Belfast Health and Social Care Trust would incur a disproportionate cost.

### IVF Treatment

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many people have applied for IVF treatment in the last 12 months, broken down by hospital. (AQW 2467/09)

**The Minister of Health, Social Services and Public Safety:** Public funded fertility treatment in Northern Ireland is provided by the Regional Fertility Centre at the Belfast Health and Social Care Trust. During the months of November 2007 to October 2008 inclusive, the Regional Fertility Centre received 571 referrals for public funded fertility treatment. Of this number, 372 referrals were received for In vitro Fertilisation (IVF), with 199 received for Intracytoplasmic sperm injection (ICSI) treatment.

### Health Centres: Strangford

**Mr Hamilton** asked the Minister of Health, Social Services and Public Safety to outline (i) the plans for; (ii) timing of the construction of; and (iii) proposed investment in, new health centres in the Strangford constituency. (AQW 2473/09)

**The Minister of Health, Social Services and Public Safety:** In light of the funding constraints I commissioned on 31 May 2008 a Review of Capital Priorities across the entire health and social care system over the next 10 years. The Review covered all Programmes of Care including Primary & Community Care Infrastructure, which takes account of facilities such as health and care centres. The Report has highlighted that some very difficult decisions will need to be taken in order that the limited funding available will be allocated to areas of highest need.

I am still considering the Report and will be making announcements about projects over the coming weeks.

### Autism: Western Health and Social Care Trust

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety to outline what steps his Department is taking to address the lack of service provision for children with autism in the Western Health and Social Care Trust area. (AQW 2478/09)

**The Minister of Health, Social Services and Public Safety:** The Western Health and Social Care Trust (the Trust) have advised me that in April 2008 it secured funding from the Western Health and Social Services Board for the development and expansion of a dedicated Autistic Spectrum Disorders (ASD) team including the appointment of a Consultant Clinical Psychologist to lead the service.

Although difficulties have been experienced with recruitment, work to establish the full multi-disciplinary team continues. In the interim any slippage incurred will be reinvested in the team and towards ASD assessment and diagnosis.

The Trust have also put an action plan in place which is designed to reduce the waiting list and waiting times within the Trust area.

**Autism: Western Health and Social Care Trust**

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety how many staff are currently working with children with autism, within the Western Health and Social Care Trust area. (AQW 2479/09)

**The Minister of Health, Social Services and Public Safety:** Due to the number of different settings in which assessments can take place and the range of professionals involved, it is not possible to provide accurate details of the numbers of health professionals currently working with children affected by autism.

**Autism: Western Health and Social Care Trust**

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety what the current waiting time is for children awaiting a diagnosis for autism, in the Western Health and Social Care Trust area. (AQW 2480/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not collected centrally, and could only be provided at disproportionate cost.

**Erne Hospital: Pain Clinic**

**Mr Gallagher** asked the Minister of Health, Social Services and Public Safety whether the post vacated by the recent departure of an anaesthetist at the Erne Hospital will be filled to allow the Pain Clinic to resume; and to outline a timeframe for this post being filled. (AQW 2481/09)

**The Minister of Health, Social Services and Public Safety:** The recruitment and retention of medical staff at the Erne Hospital is a matter for the Western Health and Social Care Trust.

However, I can advise that it is the Western Trust's intention to fill this vacancy as early as possible and will advertise the post again early in 2009.

Until a suitable replacement is found the Trust is making use of trained staff from its other sites to ensure continuity of pain services.

**Autism: Western Health and Social Care Trust**

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety how many children are currently on a waiting list for autism diagnosis in the Western Health and Social Care Trust area. (AQW 2482/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not collected centrally, and could only be provided at disproportionate cost.

**Autism: Legislative Framework**

**Mr Buchanan** asked the Minister of Health, Social Services and Public Safety what engagement his Department has had with all other Department's in seeking a cross Departmental legislative framework for autism. (AQW 2483/09)

**The Minister of Health, Social Services and Public Safety:** Part of the remit of the recent Independent Review of Autism Services included an examination of existing legislation to determine whether additional legislation might be necessary. The Independent Review concluded that no such need existed. I am not aware of any need for additional legislation in relation to autism, or in relation to the ability of my Department to work with other Departments in the delivery of services for people affected by autism.

**Intensive Care Units**

**Lord Browne** asked the Minister of Health, Social Services and Public Safety how many intensive care units there are in each Health and Social Services Board area. (AQW 2487/09)

**The Minister of Health, Social Services and Public Safety:** The total number of intensive care units in each Health and Social Services Board area is given below.

Health and Social Services Board Area	Total number of Intensive Care Units*
Eastern	8
Northern	4
Southern	2
Western	4

Source: Health and Social Care Trusts

\* Comprised of Adult, Paediatric, Neonatal, Cardiac Surgery and Psychiatric Intensive Care Units

### Alcohol Strategy

**Lord Browne** asked the Minister of Health, Social Services and Public Safety to detail the Health and Social Care Trusts that have an alcohol strategy in place. (AQW 2488/09)

**The Minister of Health, Social Services and Public Safety:** The New Strategic Direction for Alcohol and Drugs (NSD) contains a series of outcomes to reduce the harm related to alcohol and drug misuse at both regional and local levels. Much of this work is delivered at a local level, via action plans that have been developed by the Drug and Alcohol Co-ordination Teams (DACTs) within the four Health and Social Services Boards. All five local Health and Social Care Trusts are active partners within the relevant DACTs, and as such they fully contribute to the development and implementation of DACTs local Action Plans

In supporting the delivery of the regional strategy, five Health and Social Care Trusts also play an active role contributing to the structures and advisory groups created at a regional level by my Department.

### Child Protection

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety what assurances he can give that adequate measures are in place to ensure that the fate which befell Baby P in the North London Borough of Haringey could not be replicated in Northern Ireland. (AQW 2489/09)

**The Minister of Health, Social Services and Public Safety:** My staff are considering this case very carefully to see if there are any lessons which can be learned to improve further child protection services in Northern Ireland. In recent years we have invested heavily in child protection services and family support. This includes a reform of front line child protection services which involves the introduction of a uniform assessment model to be used by professionals when assessing the needs of individual children and their families.

We have also reviewed child protection structures and established Gateway Teams within each of the HSC Trusts to deal with child protection cases. Measures have been taken to improve supervision, recording and information exchange within child protection services in HSC Trusts and we have also invested heavily to improve Trust IT facilities. I am assured that our child protection services are both robust and professional. The new Safeguarding Board will include a duty on relevant agencies to co-operate to safeguard children.

### Pay and Conditions: Health and Social Care Trust New Starts

**Mr McClarty** asked Minister of Health, Social Services and Public Safety why there is a disparity in pay and conditions for joiners in each Health and Social Care Trust. (AQW 2498/09)

**The Minister of Health, Social Services and Public Safety:** There is no disparity in pay and conditions for joiners. The Agenda for Change process requires that jobs are evaluated using a single Job Evaluation Scheme. Joiners like all other non-medical staff in the Health and Social Care have had their jobs banded using this system. The outcome of this exercise is that joiners have been graded at AfC pay band 3 or 4 depending on the level of responsibility required in their particular job.



### **Autistic Spectrum Disorder/Asperger's Syndrome: South Eastern HSCT**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety if the South Eastern Health and Social Care Trust has a specialist in place to diagnose (i) Autistic Spectrum Disorder; and (ii) Asperger's Syndrome. (AQW 2507/09)

**The Minister of Health, Social Services and Public Safety:** The Trusts have advised me that services are available for all those referred to them with possible Autistic Spectrum Disorders (ASD) including Asperger's Syndrome. Specialist practitioners work in a variety of locations across Trust areas within a variety of professions to include Clinical Psychology, Speech and Language Therapy and Paediatric Medicine.

The ASD Strategic Action Plan, which is currently available for public consultation takes account of the long standing deficiencies in key areas of ASD services, including services for adults. The Action Plan has been developed to identify, quantify and address those deficiencies.

### **Autistic Spectrum Disorder/Asperger's Syndrome: Southern HSCT**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety if the Southern Health and Social Care Trust has a specialist in place to diagnose (i) Autistic Spectrum Disorder; and (ii) Asperger's Syndrome. (AQW 2508/09)

**The Minister of Health, Social Services and Public Safety:** The Trusts have advised me that services are available for all those referred to them with possible Autistic Spectrum Disorders (ASD) including Asperger's Syndrome. Specialist practitioners work in a variety of locations across Trust areas within a variety of professions to include Clinical Psychology, Speech and Language Therapy and Paediatric Medicine.

The ASD Strategic Action Plan, which is currently available for public consultation takes account of the long standing deficiencies in key areas of ASD services, including services for adults. The Action Plan has been developed to identify, quantify and address those deficiencies.

### **Autistic Spectrum Disorder/Asperger's Syndrome: Northern HSCT**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety if the Northern Health and Social Care Trust has a specialist in place to diagnose (i) Autistic Spectrum Disorder; and (ii) Asperger's Syndrome. (AQW 2509/09)

**The Minister of Health, Social Services and Public Safety:** The Trusts have advised me that services are available for all those referred to them with possible Autistic Spectrum Disorders (ASD) including Asperger's Syndrome. Specialist practitioners work in a variety of locations across Trust areas within a variety of professions to include Clinical Psychology, Speech and Language Therapy and Paediatric Medicine.

The ASD Strategic Action Plan, which is currently available for public consultation takes account of the long standing deficiencies in key areas of ASD services, including services for adults. The Action Plan has been developed to identify, quantify and address those deficiencies.

### **Autistic Spectrum Disorder/Asperger's Syndrome: Western HSCT**

**Mr Easton** asked the Minister of Health, Social Services and Public Safety if the Western Health and Social Care Trust has a specialist in place to diagnose (i) Autistic Spectrum Disorder; and (ii) Asperger's Syndrome. (AQW 2510/09)

**The Minister of Health, Social Services and Public Safety:** The Trusts have advised me that services are available for all those referred to them with possible Autistic Spectrum Disorders (ASD) including Asperger's Syndrome. Specialist practitioners work in a variety of locations across Trust areas within a variety of professions to include Clinical Psychology, Speech and Language Therapy and Paediatric Medicine.

The ASD Strategic Action Plan, which is currently available for public consultation takes account of the long standing deficiencies in key areas of ASD services, including services for adults. The Action Plan has been developed to identify, quantify and address those deficiencies.

### Autistic Spectrum Disorder/Asperger's Syndrome: Belfast

**Mr Easton** asked the Minister of Health, Social Services and Public Safety if the Belfast Health and Social Care Trust has a specialist in place to diagnose (i) Autistic Spectrum Disorder; and (ii) Asperger's Syndrome. (AQW 2511/09)

**The Minister of Health, Social Services and Public Safety:** The Trusts have advised me that services are available for all those referred to them with possible Autistic Spectrum Disorders (ASD) including Asperger's Syndrome. Specialist practitioners work in a variety of locations across Trust areas within a variety of professions to include Clinical Psychology, Speech and Language Therapy and Paediatric Medicine.

The ASD Strategic Action Plan, which is currently available for public consultation takes account of the long standing deficiencies in key areas of ASD services, including services for adults. The Action Plan has been developed to identify, quantify and address those deficiencies.

### Departmental Budget: DHSSPS

**Dr Farry** asked the Minister of Health, Social Services and Public Safety to detail the changes to his budget, in respect of both revenue and capital, that have been made resulting from (i) the increased flexibility to shift resources between budget headings; and (ii) the first call on £20m per annum in monitoring rounds, that were agreed as part of the Budget 2008-2011. (AQW 2515/09)

- (i) The Minister of Health, Social Services and Public Safety: The increased flexibility awarded to DHSSPS under Budget 2008-2011 has allowed the Department to deliver on its respective commitments in the Programme for Government without seeking additional funds from the Northern Ireland Block over and above the £20m guarantee of first call on available in year monies. The Department has been able to reinvest monies to meet new, urgent pressures as and when they arise without seeking approval from the Centre in the formal monitoring rounds. This flexibility has meant that services have been maintained and improved with no detriment to the patient.
- (ii) The Department's plans for 2008-2011 assume that the additional £20m in year funding agreed as part of the Budget 2008-2011 will be made available in full. These monies have been used to take forward reform in services for those with long term conditions, children, cardiovascular and elective care access.

### Clinical Clothing

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety to outline his plans for stricter enforcement for hospital doctors and medical staff, to wear appropriate clinical clothing at all times when on ward duty, to prevent cross infection. (AQW 2531/09)

**The Minister of Health, Social Services and Public Safety:** In February 2008 I announced that my department had issued a Regional Dress Code Policy as part of a package of measures to improve patient safety and reduce the spread of healthcare associated infection.

The Regional Dress Code Policy applies to all Health and Social Care staff, including doctors and medical staff, in all healthcare settings and regardless of whether or not a uniform is worn.

HSC Trusts were advised by the Chief Medical Officer and the Chief Nursing Officer that the policy should be implemented immediately and that my department requires HSC Trusts to monitor their staff's compliance with the Regional Dress Code Policy and report on this to the DHSSPS on an annual basis.

### St Luke's Hospital, Armagh

**Mr Boylan** asked the Minister of Health, Social Services and Public Safety what consultation has taken place with patients and their relatives in relation to the proposed closure of villas one and two at St Luke's Hospital, Armagh. (AQW 2548/09)

**The Minister of Health, Social Services and Public Safety:** The Director of Mental Health and Disability in the Southern Health and Social Care Trust has written to the patients, and relatives and carers of patients, in

Villas One and Two at St. Luke's Hospital in relation to future plans for the facility. Also, a twelve week period of public consultation on the resettlement of long stay mental health patients from Villas 1 and 2 will begin on 10 December 2008.

### St Luke's Hospital, Armagh

**Mr Boylan** asked the Minister of Health, Social Services and Public Safety to detail the options put forward to patients and their relatives, other than that of being cared for at home, in relation to the proposed closure of villas at St Luke's Hospital, Armagh. (AQW 2549/09)

**The Minister of Health, Social Services and Public Safety:** The options offered to the patients of the Villas at St. Luke's Hospital will be based on a person centred individual assessment. These are likely to include: Residential Homes, Nursing Home placements for general care needs, Specialist Nursing home placements such as units for Elderly Mental Infirm patients, and Supported Living Facilities with individually designed care and support packages as appropriate.

The Trust will be engaging with community based private providers and other stakeholders to ensure patients, carers/relatives and advocates are fully aware of the options available. No decisions will be taken until these consultations have been completed.

### St Luke's Hospital, Armagh

**Mr Boylan** asked the Minister of Health, Social Services and Public Safety how many qualified nursing staff will be affected by the proposed closure of villas at St Luke's Hospital, Armagh. (AQW 2550/09)

**The Minister of Health, Social Services and Public Safety:** The Southern Health and Social Care Trust proposes to resettle 60 of the remaining 80 long-stay patients in St Luke's. Acute nursing services will also transfer to the Bluestone Unit, Craigavon. This will affect approximately 75% of nursing staff associated with these services and it is estimated that there will be a requirement for staff reduction and redeployment of 82 qualified nursing staff (73.7 Whole Time Equivalents).

These changes will be effected over a 3 year period and opportunities will be available to redeploy these staff in services re-provided in the community both locally and more widely across the Trust area. Proposals will be subject to consultation and no decisions will be taken until the consultation is completed.

### St Luke's Hospital, Armagh

**Mr Boylan** asked the Minister of Health, Social Services and Public Safety how many (i) house-keeping; (ii) portering; and (iii) auxiliary staff, will be affected by the proposed closure of villas at St Luke's Hospital, Armagh. (AQW 2551/09)

**The Minister of Health, Social Services and Public Safety:** It is impossible to accurately estimate the net effect of changes to services over the next 3 year period. At present, the Southern Health and Social Care Trust employs a total of 133 Support Service staff (88.9 Whole Time Equivalents) in a variety of roles including domestic services, catering, telephony, portering and other auxiliary services.

The St Luke's Hospital site will continue to be a location for the provision of a range of community mental health services. The Trust will also be locating a range of new area-wide specialist mental health teams on the St Luke's site, including new specialist teams for Personality Disorders, Addictions and Forensic Mental Health services.

Service developments will offer new employment opportunities, thus requiring the retention of a proportion of existing support services staff. Additionally, the site also provides accommodation for a number of management and support services, including the centralized offices for the Trust's payroll function. Further opportunities to develop this usage may also become available. Proposals will be subject to consultation and no decisions will be taken until the consultation is completed.

### St Luke's Hospital, Armagh

**Mr Boylan** asked the Minister of Health, Social Services and Public Safety for his assessment of the proposed closure of villas at St Luke's Hospital, Armagh, given that representatives from all political parties are calling for the retention of public sector jobs in Armagh, including Health Service jobs. (AQW 2552/09)

**The Minister of Health, Social Services and Public Safety:** The St Luke's Hospital site will continue to be a location for the provision of a range of community mental health services. The Trust will also be locating a range of new area-wide specialist mental health teams on the St Luke's site, including new specialist teams for Personality Disorders, Addictions and Forensic Mental Health services.

Service developments will offer new employment opportunities, thus requiring the retention of a proportion of existing support services staff. Additionally, the site also provides accommodation for a number of management and support services, including the centralized offices for the Trust's payroll function. Further opportunities to develop this usage may also become available.

The proposed changes and new developments at St Luke's will therefore, provide an opportunity for the redeployment of staff, both for new services on site, and services in the community. The Southern Health and Social Care Trust is taking a corporate approach to the employment and redeployment of its staff. Proposals for the site will be issued for consultation in December 2008 and no decisions will be taken until completion of the consultation exercise.

### Fire and Rescue Service: Recruitment

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to (i) detail what steps are being taken to recruit firefighters through the schools; and (ii) outline what agreements have been made with the Equality Commission to address issues relating to the under representation of firefighters from the Catholic community. (AQW 2553/09)

**The Minister of Health, Social Services and Public Safety:** Catholics are not under-represented in the NIFRS. Earlier this year, it reported that, of the 1,782 Firefighters in NIFRS who are recorded as either Protestant or Catholic, 58.8% are Protestant and 41.2% are Catholic. The Northern Ireland Census 2001 shows 40.26% of the population as Catholic.

Under the terms of an agreement with the Equality Commission, NIFRS makes a Declaration of Commitment to ensuring fair participation of both communities in its workforce. It also ensures that its Equal Opportunities Policy is openly communicated to its workforce, potential applicants and the community.

Although NIFRS does not directly recruit Firefighters through a Schools recruitment programme, a number of Community Fire Safety programmes are specifically targeted towards young people to raise awareness of the work of the Fire & Rescue Service. The schemes have value in raising the profile of NIFRS and are inclusive of all groups in the community both on a religious and gender basis. This is particularly the case in both the Local Integrated Fire Education (LIFE) and Cadet schemes. The former involves a week of working with NIFRS learning news skills in a challenging environment and the Cadet schemes, of which there are 10 across Northern Ireland, give young people, irrespective of religion or gender, opportunities to sample the work of the fire service.

NIFRS regularly takes part in job fairs and careers events for young people and has written and produced its own Careers Information Guidance. In conjunction with the Council for the Curriculum, Examinations & Assessment (CCEA), NIFRS continues to accommodate work experience as part of the Employability programme for designated teachers.

### Fire and Rescue Service: Expenditure

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to detail the amount of money spent by the Northern Ireland Fire and Rescue Service on (i) hospitality; (ii) travel; and (iii) conference fees/accommodation, for delegates, in the last three years. (AQW 2554/09)



**The Minister of Health, Social Services and Public Safety:** The information requested is set out in the table below:

	2005/06	2006/07	2007/08
Hospitality	£5,187	£13,957	£24,6851
Travel	£202,448	£226,983	£306,6722
Conference Fees and Accommodation	£1,4773	£22,154	£25,887

#### Notes

1. Includes £14,705 in respect of LIFE (Local Intervention Fire Education) Schemes.
2. Includes additional travel expenditure incurred by operational staff working Variable Crewing System (11 am to 11 pm Wholetime emergency response cover at Portadown, Dunmurry, Newtownards and Coleraine). This information is not separately identifiable.
3. NIFRS is unable to provide data for conference fees in relation to 2005/06 as specific information regarding conference fees was not uniquely recorded.

### Fire and Rescue Service: Female Firefighters

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to detail what plans his Department has to increase the number of female firefighters in the Northern Ireland Fire and Rescue Service. (AQW 2555/09)

**The Minister of Health, Social Services and Public Safety:** The Northern Ireland Fire and Rescue Service (NIFRS) has a range of initiatives in place to ensure that a career in firefighting is fully available to females. These include:

- Engaging directly with Careers Advisors and the Education sector through its Schools Outreach programme, which identifies the range of career options within the Fire and Rescue Service. In doing so NIFRS challenges the stereotype that firefighting is a career option for males only.
- Offering work shadowing to teachers who participate in the Council for the Curriculum, Examinations and Assessment's 'Education for Employability' programme. Feedback has been positive. Teachers are now aware that firefighting is a viable career choice for women.
- Raising awareness of vacancies, particularly in the Retained (part time) station areas, through the extensive use of press, radio and television the display of posters and distribution of leaflets featuring photographs of male and female Firefighters. The notable outcome of this approach has been increased applications for each vacancy and an increase in appointments of female Retained Firefighters.

NIFRS has increased the profile of existing female Firefighters by involving them in events such as the recent multi-cultural Belfast Mela (Summer Festival) at which 2 female Firefighters spoke about the career options within NIFRS. Its website features a section entitled "A Day in the Life of" which includes case studies of female firefighters. This high-visibility approach to raising awareness is now established as the template for future retained firefighter recruitment campaigns.

### Hip Arthroscopy

**Mr Irwin** asked the Minister of Health, Social Services and Public Safety how many patients are currently awaiting a hip arthroscopy. (AQW 2693/09)

**The Minister of Health, Social Services and Public Safety:** There were four patients waiting for a hip arthroscopy at a Health and Social Care hospital in Northern Ireland at 30th June 2008, the last quarter for which official waiting time data are available.

### Blind/Partially Sighted Registrations

**Mr Irwin** asked the Minister of Health, Social Services and Public Safety, pursuant to his answer to AQW 2421/09, to detail the available information on the number of people registered as (i) blind; and (ii) partially sighted, broken down by Health and Social Care Trust area. (AQW 2705/09)

**The Minister of Health, Social Services and Public Safety:** Pursuant to my answer to AQW 2421/09, information on the number of people registered as (i) blind; and (ii) partially sighted is not collected centrally, but is recorded by each Health & Social Care Trust on the number of blind or partially sighted people.

Community Information Branch (CIB) requested information on the number of people registered as blind or partially sighted from the five HSC Trust Chief Executive's. The information provided by the five HSC Trusts is detailed in the table below.

**NUMBER OF PERSONS REGISTERED AS BLIND OR PARTIALLY SIGHTED IN HSC TRUSTS (31 MARCH 2008) 1**

HSC Trust	(i) Blind Persons	(ii) Partially Sighted Persons
Belfast HSC Trust	1,149	488
Northern HSC Trust	1,520	818
South Eastern HSC Trust	386	909
Southern HSC Trust	604	358
Western HSC Trust	527	257
Northern Ireland	4,186	2,830

1 The information recorded by HSC Trusts is not a register of those blind or partially sighted, as people may refuse to have their names added to relevant HSC Trust records.

## REGIONAL DEVELOPMENT

### GAA Consultation: Roads Service Response

**Mr Wells** asked the Minister for Regional Development to provide details of the reply given by the Roads Service in response to the consultation document on the planning application submitted for GAA pitches and related facilities, at Burrenbridge Road, Bryansford, Newcastle. (AQW 2263/09)

**The Minister for Regional Development (Mr C Murphy):** My Department's Roads Service responded on 28 April 2008, to a consultation from Planning Service of 3 April 2008, in respect of planning application R/08/0297 for GAA pitches at Burrenbridge Road, Bryansford, Newcastle.

In its response, Roads Service outlined its objections, based on traffic safety considerations which related to poor roads infrastructure. This was particularly with regard to the narrowness of the Burrenbridge Road, and the substandard junction of the latter with the A25, which is a protected route carrying approximately 6000 vehicles per day between Castlewellsan and Kilcoo, and on to Newry. Speeds on this road at the junction are in the region of 60mph and visibility standards are poor, because of a nearby crest and parked vehicles at an adjacent shop. The Burrenbridge Road is approximately 4.5m wide and it has no footways.

I can advise that further consultations between the developer and Roads Service are likely.

### Strangford Ferry

**Mr Shannon** asked the Minister for Regional Development to detail the reasons for the failure of electronic signage for the Strangford ferry; and what action his Department is taking to rectify the problem. (AQW 2305/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that there could be a number of reasons for the failure of the electronic signage for the Strangford ferry and has commissioned a consultant to report on the causes of failure, and to recommend actions to have these signs fully operational. Until the consultant's report is prepared, Roads Service will not know the actual cause of failure.

Roads Service are arranging for metal signs to be available, as a temporary measure, for use at the slipways at Portaferry and Strangford, in case of bad weather or other sailing difficulties.

### Roads Network: Deterioration

**Mr McCallister** asked the Minister for Regional Development what plans he is putting in place to address the further deterioration in the roads network, as highlighted in the recent Roads Service 2007-2008 Annual Report. (AQW 2329/09)

**The Minister for Regional Development:** I would like to reassure the Member that the maintenance of road and footway surfaces, and their underlying structure, continues to be a high priority for my Department's Roads Service. However, there are many pressures on the resources available and the roads programme must compete for funding along with the many other Departmental spending programmes.

I can advise that the budget for roads structural maintenance, announced earlier this year, is set to rise over the budget period and in the three years to end March 2011, some £200 million will have been invested in the structural maintenance of our roads.

However, this still means that the budget allocation would be around £125 million less than the levels recommended by the Structural Maintenance Funding Plan across the budget 2007 period.

Maintenance priority will be given to the main strategic road network, which carries the greatest volume of traffic and on the local road network safety defects and the highest priority works will be addressed.

### Narrow Water Bridge Project and A1/ A2 Southern Relief Road: Funding

**Mr P J Bradley** asked the Minister for Regional Development what funding will be available from his Department for (i) the Narrow Water Bridge Project; and (ii) the A1/ A2 Southern Relief Road, south of Newry. (AQW 2346/09)

**The Minister for Regional Development:** As previously indicated, in my reply to AQO 959/09, the proposal for a bridge at Narrow Water is being taken forward by Louth County Council and their Consultant, Roughan O'Donovan. My Department's Roads Service has no direct involvement in this project or has been asked for any commitment to contribute funds to this scheme.

Roads Service is, at present, undertaking a feasibility study for a Newry Southern Relief Road, which would provide improved access between the A2 Warrenpoint dual carriageway and the A1 Belfast to Dublin road and the funding made available for this study amounts to £785,000. The study will consider whether this scheme is feasible and provides Value for Money, and the priority which it would attract compared to competing demands for other important road improvements schemes elsewhere in the north.

### Northern Ireland Water: Expenditure

**Mr Beggs** asked the Minister for Regional Development to detail the estimated costs of the previous Water Service proposals to upgrade waste water and sewer treatment in the (i) Ballystrudder; (ii) Ballycarry; (iii) Whitehead, and surrounding areas over the last 10 years; and to list all expenditure. (AQW 2369/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that a number of previous proposals were considered over the past 10 years for providing treatment of wastewater discharging into Larne Lough either individually or collectively from Ballystrudder, Ballycarry and Whitehead. The estimated capital costs of various proposals ranged from £250,000 to £1.9 million but work was not progressed due to competing priorities and financial constraints. The cost of investigating these options was £170,000.

### Scoil na Fuiseoige's Primary School

**Mr Butler** asked the Minister for Regional Development (i) if Scoil na Fuiseoige's primary school in Twinbrook will be connected to the main sewerage system in Dunmurry, given the problems with new developments and the Dunmurry Waste Water Plant; and (ii) if Roads Service will approve access to the school from the Gardenmore Road, Twinbrook; and to provide a timescale within which Northern Ireland Water and Roads Service will make decisions in relation to this matter. (AQW 2376/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that, in June 2004, it responded to a planning consultation, relating to a proposed primary school for Scoil na Fuiseoige, Twinbrook. At this time NIW advised that a water supply and also foul and storm water sewers were available to serve the School. Planning Service subsequently granted approval in October 2007 to the proposed development and NIW will permit the school to be connected to the public sewerage system.

In relation to the access to Scoil na Fuiseoige's Primary School, Twinbrook, I can confirm that my Department's Roads Service would look favourably on a proposal to access the school from Gardenmore Road, provided that the necessary road access design standards are met and these are acceptable to Planning Service.

As part of Roads Service's consultation response to Planning Service in June 2008, it identified the need for the applicant to address issues relating to vehicular and pedestrian movement. Once Roads Service has received a response in relation to these issues, it will provide a recommendation to Planning Service.

### Northern Ireland Water: Consultancy Expenditure

**Mr Savage** asked the Minister for Regional Development to detail (i) how much Northern Ireland Water has spent; and (ii) the companies it used, for consultancy, since its inception. (AQW 2392/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that the associated fees and other costs of external consultancy firms employed from 1 April 2007 to 30 September 2008 are as detailed below. The costs are exclusive of VAT and do not include consultancy relating to the design and build of capital projects.

Achievers	£495
Adjust Procurement Solutions	£7,232
Alexander HR	£20,217
Alvarez & Marsal Europe	£10,934
Anna Shiels	£3,743
ASM	£4,800
Austin Hunter	£800
AV Browne Advertising Ltd	£3,780
BCM Services	£760
BDO Stoy Hayward	£17,275
Black & Veatch Ltd	£47,487
BT Plc	£1,370
BTW Shiells	£6,272
Building Design Partnership	£5,957
Business Publications Company	£128,415
Capita Business Services Ltd	£4,773
Central Procurement Directorate	£268
Changing Chains	£42,063
Cjjm Partnership	£65,954
CLN Solutions	£92,313
Consult NBI Ltd	£34,850
Contracting Out LLP	£313,477
Dept of Finance & Personnel	£14,118
Dundas & Wilson CSLLP	£146,348



E McMullan Ltd	£1,400
EIM	£49,618
Eleven Thirty Design	£990
Empathy Ratings Syndicated Research	£4,200
Ernst & Young	£10,044
Frontier Economics	£136,381
Fujitsu	£32,614
Glen Water	£33,320
Government Actuary Department	£20,390
Halcrow Management Science Ltd	£83,295
HCL Communications	£1,390
Helm Corporation	£311,695
Independent Occupational Health Ltd	£21,013
Insideredge	£42,500
Interim Management Assignments (NI) Ltd	£199,641
Jacobs Uk Ltd	£91,224
John Smyth	£61,040
Kirkwood Management Consultants	£56,800
KPMG	£20,650
Love PR	£4,320
Martin Cowley Media	£26,320
McAdams Design	£273,478
McClure Watters	£6,250
MCG Services	£10,880
Mercer Human Resource Consulting Ltd	£36,828
MOTT MacDonald Group	£2,069,404
MWH Ltd	£100,585
NI Statistics	£17,846
Nick Owen Associates Ltd	£1,922
Ntution Ltd	£112,456
Nueda	£7,460
Odour Assessment	£6,700
Peter Graham Consultancy Ltd	£5,400
Practical Planning Limited	£79,560
Pricewaterhouse Coopers LLP	£6,742,657
Prime Transformation Ltd	£4,500
RMS Enterprises Ltd	£8,400
Robinson Consulting	£31,926
Rospa (Health & Safety Audit)	£31,310
Sackers & Partners	£8,831

Stakeholder Communications Ltd	£14,290
Strategic Planning	£3,600
The Event -Ful consultancy	£22,450
Water UK Information & Learning	£798
Weber Shandwick	£50,270
<b>Total</b>	<b>£11,830,347</b>

### Northern Ireland Water: Energy Costs

**Mr W Clarke** asked the Minister for Regional Development what are the energy costs to Northern Ireland Water in relation to (i) water treatment plants; (ii) water pumping stations; (iii) waste water pumping stations; and (iv) waste water treatment plants; and what amount of energy is provided to these installations from renewable sources. (AQW 2415/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that since its inception in April 2007 up to the end of September 2008 the company's energy costs were £29.4 million for the water and sewerage installations requested. These costs are broken down as follows:-

	1 April 07 - 31 March 08 (£ million)	1 April 08 - 30 Sept 08 (£ million)
Water Treatment Plants	6.6	4.0
Water Pumping Stations	2.9	1.5
Wastewater Pumping Stations	2.8	1.4
Wastewater Treatment Plants	6.6	3.6

During the 2007/2008 financial year, almost 8% of the total electricity used by Northern Ireland Water was supplied from renewable sources.

### Northern Ireland Water: Water and Sewerage Infrastructure

**Mr Boylan** asked the Minister for Regional Development, given that Northern Ireland Water has publicly stated that it is investing £1 million per day in modernising water and sewerage infrastructure, if this includes upgrading and replacing lead piping to older established housing and developments. (AQW 2459/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that some properties built before 1970 may be connected to the public water mains by a lead service pipe. The part of the service pipe from the customer's tap to the property boundary, which is known as the supply pipe, is the responsibility of the customer while responsibility for the part of the pipe from the property boundary to the water main, which is known as the communication pipe, rests with NIW.

Under its current policy, NIW will, at the request of a customer, replace the communication pipe free of charge provided that the customer replaces the supply pipe.

NIW currently replaces over 1,000 lead communication pipes each year at a cost of around £600,000.

### Directional Road Signs

**Lord Browne** asked the Minister for Regional Development to detail his Department's policy on replacing lights on directional road signs. (AQW 2486/09)

**The Minister for Regional Development:** My Department's Roads Service's policy for the operation and maintenance of illuminated traffic signs, including directional signs, comprises of a programme of night-time

inspections to identify faulty or defective lights. These inspections are carried out once a fortnight during the winter, and every four weeks during the summer.

Reports of outages and defects may also be received from other members of Roads Service staff, or from members of the public or public representatives. In all cases, the reports are programmed into the next planned maintenance operation for repair, which normally takes place 5 working days after the inspection, unless the nature of the report indicates that an urgent repair is necessary.

### **Derry/Londonderry to Coleraine Line**

**Mr Durkan** asked the Minister for Regional Development what is his Department's preferred option for the location of a passing loop on the Derry/Londonderry to Coleraine line. (AQW 2500/09)

**The Minister for Regional Development:** The work undertaken to date by Translink would indicate that a passing loop is required in the general area of Carrowreagh, which is approximately 1.5 miles from Bellarena Halt. This being the case, it would appear that the land at Ballykelly would not be required. Some detailed design work must be completed before Translink can determine the precise location. Additionally, there may also be geographical or land acquisition issues that would need to be considered.

### **Aviation Traffic**

**Mr Burns** asked the Minister for Regional Development (i) for his assessment of the amount of aviation traffic and passengers being lost to Dublin Airport from (a) Belfast International Airport; and (b) George Best Belfast City Airport; and (ii) to outline what steps he is taking to address this problem. (AQW 2503/09)

**The Minister for Regional Development:** Accurate survey data is not available to me to make such an assessment.

Air passengers from the North benefit from having a choice of services offered by competing airports including access to the range of international destinations served by flights from Dublin airport.

Competitiveness of the Belfast airports may be assisted by better road and public transport access. A number of schemes to improve access are contained in current transport plans. Further improvement of these links will be considered as part of the forthcoming review of the Regional Transportation Strategy.

### **Waringstown: Traffic Congestion**

**Mr Moutray** asked the Minister for Regional Development what plans he has to tackle traffic congestion in Waringstown. (AQW 2522/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that, in common with similar locations, traffic in Waringstown experiences delays at peak times.

Following your previous request for traffic signals at the Mill Hill junction in Waringstown, Roads Service has confirmed that, following assessment of the location, it has been concluded that traffic signals would not be appropriate.

Roads Service has no plans to introduce further traffic management measures in Waringstown. However, this will be kept under review and should a scheme be identified, that would be beneficial to traffic in the area, it will be delivered through the Local Transportation and Safety Measures Programme.

### **Waringstown: Daily Traffic**

**Mr Moutray** asked the Minister for Regional Development to provide an estimate of the daily volumes of traffic through Waringstown. (AQW 2523/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that a traffic survey was carried out on the A26 Banbridge Road, close to the junction with the Claire Road, between the 15 August

2007 and 24 August 2007. The survey recorded an average daily traffic volume of 7682 vehicles passing through Waringstown.

### Blair Mayne Road

**Mr Shannon** asked the Minister for Regional Development what discussions he held with businesses prior to agreeing that the Blair Mayne Road in Newtownards be closed for ten weeks, at the height of the Christmas shopping period. (AQW 2585/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that, as the Ards Shopping Centre is the major business affected by the temporary road closure of Blair Mayne Road South, discussions were held with the Centre Manager to explain the reasons for the closure and to inform that all entrances/exits to the Centre would remain open for the duration of the works.

All other procedures to inform the public of a temporary road closure have been carried out.

Only a small number of residents in Newtownards are affected by this temporary road closure and the subsequent effect on businesses in Newtownards is minimal. For this reason, it was not considered necessary to contact any other individual businesses in the area.

### Roads Maintenance: Funding

**Mr P Ramsey** asked the Minister for Regional Development for his assessment of essential roads maintenance being dependent on money from the December monitoring round; and what steps he is taking to guarantee funding for roads maintenance. (AQO 1390/09)

**The Minister for Regional Development:** My Department's Roads Service has sufficient funding in place to ensure that the roads network is kept in a safe condition. Roads Service complete regular inspections to ensure that essential response maintenance is identified and completed as necessary.

I can confirm that Roads Service will continue to make strong bids for additional structural maintenance funds as part of the in-year monitoring process.

## SOCIAL DEVELOPMENT

### Warm Homes Scheme

**Mr Shannon** asked the Minister for Social Development to detail the average timescale from interview to the completion of work under the Warm Homes scheme for (i) 2006; and (ii) 2007. (AQW 2223/09)

**The Minister for Social Development (Ms M Ritchie):** The average timescale from survey to the completion of work under the Warm Homes Scheme for 2006 and 2007 is set out in the table below.

	2006	2007
Insulation Only	9 weeks	6 weeks
Heating Only	17 weeks	14 weeks
Combined Jobs	18 weeks	20 weeks

### Newbuild Housing Programme

**Mr McGlone** asked the Minister for Social Development to detail the projected newbuild housing programme in the (i) Dungannon; (ii) Cookstown; and (iii) Magherafelt districts, for the next four financial years; and which Housing Associations have registered an interest in these programmes. (AQW 2291/09)



**The Minister for Social Development:** The attached tables detail the Social Housing Development Programme for the above Council areas for the next four financial years and, where applicable, indicates the Housing Associations which have expressed an interest:-

**1. DUNGANNON BOROUGH COUNCIL**

<b>2009/2010</b>		
<b>Housing Association</b>	<b>Scheme Name</b>	<b>Dwellings</b>
Dungannon Housing Association	Gortmerron Link Road, Dungannon	16
North & West Housing Association	Granville Primary School, Derryveen, Dungannon Phase 2	15
Oaklee Housing Association	Dungannon Orlit Replacement	2
	Cloneen Phase 2	30

<b>2010/2011</b>		
<b>Housing Association</b>	<b>Scheme Name</b>	<b>Dwellings</b>
Dungannon Housing Association	Annaghbeg Park North, Donaghmore	6
Dungannon Housing Association	Union Place, Dungannon	12
	Augher	6
	Castlecaulfield	8
	Coalisland Site 1	20
	Cloneen, Phase 3, Dungannon	24
	Roskeen Road, Moygashel, Dungannon	6
Oaklee Housing Association	Edfield Way, Fivemiletown	8
	Coalisland Phase 1 (Travellers)	12

<b>2011/2012</b>		
<b>Housing Association</b>	<b>Scheme Name</b>	<b>Dwellings</b>
BIH Housing Association	6 Castle Hill, Dungannon	8
Dungannon Housing Association	The Diamond, Moy	12
	Coalisland New Site 2	12
	Killyman, Dungannon	6
	Moygashel	6
	Dungannon Mental Health	10

<b>2012/2013</b>		
<b>Housing Association</b>	<b>Scheme Name</b>	<b>Dwellings</b>
Clanmil Housing Association	Oaks Park, Phase 1, Dungannon	30
	Ballygawley	6
	Benburb	4
	Bush, Dungannon	6
	Armagh & Dungannon Phase 1 Learning Disabilities	14

**2. COOKSTOWN BOROUGH COUNCIL**

<b>2009/2010</b>		
<b>Housing Association</b>	<b>Scheme Name</b>	<b>Dwellings</b>
	No Schemes planned	-
<b>2010/2011</b>		
	No Schemes planned	-
<b>2011/2012</b>		
	Cookstown South	25
	Stewartstown, Cookstown	6
<b>2012/2013</b>		
	Cookstown North	10
	The Rock, Cookstown	6
	Frail Elderly, Cookstown South	25

**3. MAGHERAFELT BOROUGH COUNCIL**

<b>2009/2010</b>		
	No Schemes planned	-
<b>2010/2011</b>		
BIH Housing Association	Magherafelt Town Phase 1	39
	Gulladuff	6
	Knockloughrim	10
<b>2011/2012</b>		
	Bellaghy	10
	Maghera	30
	Swatragh	6
North & West Housing Association	PSNI Site, Draperstown	12
<b>2012/2013</b>		
	Ballymaguigan, Magherafelt	6
	Draperstown	18
	Clady, Portglenone	6
	Inishrush, Magherafelt	6
	Magherafelt Town Phase 2	80
	Frail Elderly, Magherafelt	25
	Magherafelt YPLC	10

**Budget and Expenditure: DSD**

**Mr Cobain** asked the Minister for Social Development to detail (i) the total budget and expenditure for each of the last three financial years; (ii) areas of underspend in each of these years; and (iii) to where underspend was reallocated within her Department. (AQW 2292/09)

**The Minister for Social Development:** Details of the Department's final budget allocations for each of the last three financial years, together with information on expenditure and underspends, are set out in the

table below. Year-end underspends cannot be reallocated within the Department and are held centrally by the Department of Finance and Personnel.

Department for Social Development (£'000)									
	05/06			06/07			07/08		
	Final Budget	Final Outturn	Underspend (-)/ Overspend (+) (%)	Final Budget	Final Outturn	Underspend (-)/ Overspend (+) (%)	Final Budget	Final Outturn	Underspend (-)/ Overspend (+) (%)
Social Security & Child Support Programme									
Social Security Administration	192,448	179,769	-12,679	185,808	178,745	-7,063	182,105	179,136	-2,969
Child Support Agency (NI) Administration	17,046	15,718	-1,328	17,106	15,775	-1,331	16,447	15,953	-494
Department for Work & Pensions Admin Agency Services	923	791	-132	785	658	-127	385	597	+212
	<b>210,417</b>	<b>196,278</b>	<b>-14,139 (6.7%)</b>	<b>203,699</b>	<b>195,178</b>	<b>-8,521 (4.2%)</b>	<b>198,937</b>	<b>195,686</b>	<b>-3,251 (1.6%)</b>
Housing Programme									
NI Housing Executive	212,978	209,054	-3,924	156,242	144,415	-11,827	224,831	223,115	-1,716
Housing Associations	135,932	123,385	-12,547	134,387	126,994	-7,393	173,279	172,851	-428
	<b>348,910</b>	<b>332,439</b>	<b>-16,471 (4.7%)</b>	<b>290,629</b>	<b>271,409</b>	<b>-19,220 (6.6%)</b>	<b>398,110</b>	<b>395,966</b>	<b>-2,144 (0.5%)</b>
Urban Regeneration/Community Development Programme									
Urban Regeneration/Community Development	83,315	51,635	-31,680	66,614	67,417	+803	91,909	99,483	+7,574
EU Peace Programme	9,547	8,460	-1,087	6,759	5,862	-897	1,369	1,348	-21
	<b>92,862</b>	<b>60,095</b>	<b>-32,767 (35.3%)</b>	<b>73,373</b>	<b>73,279</b>	<b>-94 (0.1%)</b>	<b>93,278</b>	<b>100,831</b>	<b>+7,553 (8.1%)</b>
<b>Total</b>	<b>652,189</b>	<b>588,812</b>	<b>-63,377 (9.7%)</b>	<b>567,701</b>	<b>539,866</b>	<b>-27,835 (4.8%)</b>	<b>690,325</b>	<b>692,483</b>	<b>+2,158 (0.3%)</b>

### Traveller's Sites

**Mr Simpson** asked the Minister for Social Development, pursuant to her answer to AQW 1603/09, if the Housing Executive is obliged by law, to provide Traveller's sites in a geographical area identified by the Travelling community; or if another available site can be offered as an alternative. (AQW 2318/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive is under no obligation to provide Traveller's sites in a geographically identified area unless it considers that it is appropriate.

### Travellers: Comprehensive Needs Assessment

**Mr Simpson** asked the Minister for Social Development, pursuant to her answers to AQWs 1602/09 and 1603/09, to detail the legal status of the Comprehensive Needs Assessment of Travellers. (AQW 2319/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive has no statutory obligation to undertake a Comprehensive Needs Assessment of Travellers. However, the "Promoting Social Inclusion" report

on Travellers recommended that the Northern Ireland Housing Executive should undertake a comprehensive strategic needs assessment of current and projected accommodation requirements of all Travellers. This is to be “carried out in consultation with Traveller organisations, members of the Traveller Community and District Councils.”

### Traveller’s Sites

**Mr Simpson** asked the Minister for Social Development, pursuant to her answer to AQW 1601/09, if Traveller’s sites must be provided as a statutory duty or if they must be provided in the exact places requested by Travellers. (AQW 2320/09)

**The Minister for Social Development:** The legal framework which governs the provision and location of Traveller’s sites by the Northern Ireland Housing Executive is to be found in Article 28A of the Housing (Northern Ireland) Order 1981, as amended, which provides as follows:-

“28A. – (1) The Executive –

- (a) shall provide such caravans sites as appear to it to be appropriate for the accommodation of caravans of members of the Irish Traveller community,”

In considering whether it is appropriate to provide a Traveller site in any particular location all relevant factors must be taken into account. In drawing up a programme of schemes the Northern Ireland Housing Executive will give consideration to greatest need, land availability and in consultation with individuals, families and the wider community.

### Neighbourhood Renewal

**Ms Anderson** asked the Minister for Social Development what action she is taking to ensure that all Departments implement their commitments in relation to Neighbourhood Renewal. (AQW 2380/09)

**The Minister for Social Development:** My Department currently funds services in Neighbourhood Renewal Areas which fall within the functional responsibilities of other Departments. These Departments have a role to play in providing financial support for these services in the longer term. That role, in relation to existing individual projects, is currently the subject of negotiations with the relevant Department or statutory body. I expect to comment further on the future of these projects before the end of this financial year.

I have agreed with Departments a set of targets aimed at reducing differentials, in Neighbourhood Renewal Areas, in relation to health, education, employment, skills, economic growth and crime. These Departments have committed to work towards the achievement of the targets and to report progress to me annually.

### Annual Reports — DSD Staff

**Mr Simpson** asked the Minister for Social Development to detail how many of the Department’s staff did not achieve an acceptable mark in their annual report, in their last reporting year. (AQW 2395/09)

**The Minister for Social Development:** A total of twenty one staff in the Department for Social Development did not achieve an acceptable mark in their annual report, in their last reporting year.

### Housing Executive: Funding Available in Dundonald

**Mr Shannon** asked the Minister for Social Development if there has been a reduction in the funding available to the Housing Executive Grants Office in Dundonald. (AQW 2418/09)

**The Minister for Social Development:** The Housing Executive Grants Office in Dundonald has a funding provision of £2.58m for 2008/09 compared to an original allocation of £3.3m in 2007/08.

Decisions on individual allocations and grants is a matter for the Housing Executive.



### Housing Executive: Maintenance Assessment Criteria

**Mr Hilditch** asked the Minister for Social Development to detail the criteria used to assess the maintenance carried out by contractors for the Northern Ireland Housing Executive. (AQW 2436/09)

**The Minister for Social Development:** The criteria used to assess the maintenance carried out by contractors for the Northern Ireland Housing Executive is as follows:-

Value of Completed works	Required action
less than £100	6% telephone inspection
between £100 and £750	50% onsite inspection
Over £750	100% onsite inspection
All change of tenancy work (any value)	100% onsite inspection
All adaptations (any value)	100% onsite inspection
All policy items (any value)	100% onsite inspection

### Housing Executive: Maintenance Selection Criteria

**Mr Hilditch** asked the Minister for Social Development to detail the criteria used to select maintenance contractors for the Northern Ireland Housing Executive. (AQW 2462/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive's Response Maintenance tenders are procured under the Restricted Procedure of the Public Contracts Regulations 2006. The criteria for being invited to tender is as follows:-

- (i) Eligibility of applicants. (Regulation 23)
- (ii) Economic and financial standing. (Regulation 24) – to ensure the financial capability of tenderers.  
Applicants must have:-
  - (a) registration with Constructionline or equivalent
  - (b) in each of the last 3 years have an annual turnover of at least equal to £1 million and a status of "Active"
  - (c) have a notation of at least 20% of the estimated value for Building (Social Housing) or working in Occupied premises or Building (General)
- (iii) Technical ability (Regulation 25) – an assessment of the Applicant's management, staffing etc and technical experience, health and safety, environmental etc, including applicants must:
  - (a) not have had any works contract(s) terminated by the client for breach of obligations and/or poor performance by the applicant
  - (b) have a Health and Safety Policy approved by a 3rd party accreditation body or equivalent
  - (c) have experience of similar works
  - (d) demonstrate an adequate Company Management structure – details will be included in Pre-Qualification Questionnaire (PQQ)
  - (e) Contract Management Capability for the contract applied for - details will be included in the PQQ
  - (f) have an environmental policy
  - (e) have a system for monitoring waste management
  - (f) show how the applicant will meet the Housing Executive's environmental targets

The criteria for awarding the contract are

- Quality 30%
- Price 70%

### Homeless Figures

**Mr Moutray** asked the Minister for Social Development to detail the number of people currently on the Northern Ireland Housing Executive waiting list who are deemed to be homeless, broken down by (i) total; (ii) constituency; and (iii) council area. (AQW 2517/09)

**The Minister for Social Development:** At 30 September 2008 there were 9,547 housing applicants on the social housing waiting list deemed to be homeless and with 'Full Duty Applicant' status.

The attached table details the number of housing applicants with 'Full Duty Applicant' status by District Council area. The information requested is not available by parliamentary constituency area.

Council Area	Total
Belfast	3053
Antrim	233
Moyle	70
Ballymena	494
Ballymoney	109
Carrickfergus	223
Coleraine	298
Larne	87
Newtownabbey	427
Armagh	130
Banbridge	176
Dungannon	167
Fermanagh	183
Craigavon	231
Newry & Mourne	420
North Down	455
Castlereagh	239
Down	364
Lisburn	799
Newtownards	377
Cookstown	51
Derry	682
Limavady	77
Magherafelt	120
Omagh	31
Strabane	45
Outside NI	6
Total	9547

### Neighbourhood Renewal Partnerships: Funding

**Mr Moutray** asked the Minister for Social Development to detail the amount of funding allocated to each of the Neighbourhood Renewal Partnerships, in each of the last three years. (AQW 2520/09)

**The Minister for Social Development:** The information requested is contained in the tables below. Table 1 provides details of the Neighbourhood Renewal Investment Fund allocation to Neighbourhood Renewal Areas, in each of the last three financial years. Table 2 provides details of the amount of funding provided to each Neighbourhood Partnership, in each of the last three financial years.

**TABLE 1: FUNDING ALLOCATIONS TO NEIGHBOURHOOD RENEWAL AREAS 2005/06 TO 2007/08**

Neighbourhood Renewal Area	2005/06 £k	2006/07 £k	2007/08 £k
Outer West Belfast - Colin	859	1,270	1,219
Upper Ardoyne	105	155	149
Ligoniel	131	194	186
Greater Shankill	1,035	1,530	1,469
Inner East Belfast	1,075	1,590	1,527
Outer West Belfast - Lenadoon	474	701	673
Upper Springfield/Whiterock	606	895	860
South West Belfast	339	500	481
Inner North Belfast	717	1,059	1,017
Inner South Belfast	340	503	483
Lower Falls/Clonard	863	1,276	1,225
Tullycarnet	115	170	164
Crumlin/Ardoyne	742	1,096	1,053
Rathcoole	409	605	581
Andersonstown	393	582	559
Triax	922	1,364	1,310
Outer North	809	1,196	1,149
Outer West	488	722	693
Strabane	369	545	524
Waterside	463	685	658
Limavady	151	223	214
Coleraine East (Ballysally)	198	293	281
Coleraine West (Churchlands)	133	197	189
Ballyclare	51	75	72
Downpatrick	275	407	391
Newry	534	790	759
Bangor	150	222	213
Armagh	241	357	343
Omagh	148	219	210
Dungannon	41	61	59
Lurgan	514	760	730
Portadown	139	206	197
Ballymena	245	363	348
Brownlow	352	521	500
Coalisland	98	144	139
Enniskillen	156	231	221

TABLE 2: FUNDING PROVIDED TO SUPPORT NEIGHBOURHOOD PARTNERSHIPS 2005/06 TO 2007/08

Neighbourhood Renewal Area	2005/06 £k	2006/07 £k	2007/08 £k
Outer West Belfast - Colin	-	53	30
Upper Ardoyne	-	19	19
Ligoniel	-	18	18
Greater Shankill	-	-	-
Inner East Belfast	-	8	17
Outer West Belfast - Lenadoon	-	10	1
Upper Springfield/Whiterock	-	25	-
South West Belfast	-	-	-
Inner North Belfast	-	8	7
Inner South Belfast	-	-	-
Lower Falls/Clonard	-	9	9
Tullycarnet	-	9	13
Crumlin/Ardoyne	-	20	20
Rathcoole	-	22	22
Andersonstown	-	-	37
Triax	92	75	83
Outer North	21	57	57
Outer West	2	50	44
Strabane	18	48	29
Waterside	16	42	36
Limavady	2	5	20
Coleraine East (Ballysally)	-	1	68
Coleraine West (Churchlands)	-	1	-
Coleraine Borough Council (supporting both Ballysally and Churchlands)	4	29	37
Ballyclare	-	5	4
Downpatrick	-	21	19
Newry	1	61	7
Bangor	-	20	18
Armagh	8	55	22
Omagh	-	3	4
Dungannon	-	-	28
Lurgan	-	-	-
Portadown	-	-	-
Ballymena	-	16	41
Brownlow	23	54	61
Coalisland	-	-	7
Enniskillen	-	-	7



### Housing Executive

**Mr Moutray** asked the Minister for Social Development how many vacant Housing Executive units there are, broken down by (i) total; (ii) constituency; and (iii) council area. (AQW 2525/09)

**The Minister for Social Development:** The total number of vacant Northern Ireland Housing Executive properties at 31 October 2008 was 2,873. The attached table details this by District Office area. The information requested is not available by parliamentary constituency area.

Council area	Total
Belfast	640
Ballymena	154
Antrim	208
Newtownabbey	253
Carrickfergus	76
Larne	114
Moyle	8
Ballymoney	12
Coleraine	62
North Down	204
Newtownards	130
Castlereagh	143
Lisburn	118
Down	33
Banbridge	59
Newry	48
Armagh	44
Craigavon	144
Dungannon	47
Fermanagh	24
Derry	178
Limavady	19
Magherafelt	18
Strabane	39
Omagh	86
Cookstown	12
<b>Total</b>	<b>2873</b>

### Ballee: Sale of Land

**Mr McKay** asked the Minister for Social Development, pursuant to the answer to AQW 1477/09, what she means by a 'variety of reasons' as to why the sale of land at Ballee, Ballymena, has not yet taken place. (AQW 2532/09)

**The Minister for Social Development:** The sale of land at Ballee, Ballymena has not taken place yet because my Department has been unable to reach agreement with the other parties in the changed economic climate.

### Queens Parade, Bangor: Redevelopment

**Mr B Wilson** asked the Minister for Social Development for an update on the redevelopment of Queens Parade, Bangor. (AQW 2542/09)

**The Minister for Social Development:** My Department issued a development brief for Queen's Parade, Bangor to Karl Greenfarm Limited and a response was due on 30 September 08. The developer requested additional time to consider his response given recent financial markets volatility and this has been agreed.

### Housing Executive: Applications to Dundonald Grants Office

**Mr Shannon** asked the Minister for Social Development how many applications have been submitted to the Housing Executive Grants office in Dundonald for (i) replacement work; (ii) minor works; (iii) extensions for people with disabilities; and (iv) other works, in each of the last 3 years. (AQW 2562/09)

**The Minister for Social Development:** The information is not available in the format requested. The table below details the number of preliminary enquiries received by the Dundonald Grants Office in each of the last three years. A preliminary enquiry is the initial expression of interest for grant aid.

	2005/06	2006/07	2007/08
Preliminary Enquiries received:-	878	752	857

### Carers Allowance

**Mr Simpson** asked the Minister for Social Development to detail the process by which receipt of carers allowance is reduced when the person being cared for is admitted to hospital. (AQW 2632/09)

**The Minister for Social Development:** The rules governing entitlement to Carers Allowance stipulate that it is payable to someone who is caring for a disabled person (this is defined as a person getting Attendance Allowance, the middle or highest rate of care component of Disability Living Allowance or Constant Attendance Allowance). When the disabled person has been in hospital for more than 28 days (84 days if the disabled person is under 16) payment of these particular benefits ceases. Consequently payment of Carers Allowance stops at the same time. When this occurs a notification is sent to the Carers Allowance recipient informing them of this.

### Carers Allowance

**Mr Simpson** asked the Minister for Social Development how many people have had their entitlement to carer's allowance cut due to the hospitalisation of the person cared for and what was the total amount of money involved, in each of the last three years. (AQW 2633/09)

**The Minister for Social Development:** The IT system used to administer Carers Allowance holds data on current recipients only. Information is not held on the number of people whose entitlement ceased because the person being cared for was admitted to hospital.

### Town Centre Regeneration: Expenditure

**Mr Moutray** asked the Minister for Social Development what money her Department has spent on town centre regeneration in each constituency, in each of the last five years. (AQW 2650/09)

**The Minister for Social Development:** The Department does not hold information in the precise categories requested for all its funding areas. However, information is available in relation to the three main development areas, and this is set out in the table below.

**URBAN REGENERATION SPEND FROM 2003 TO 2008**

	2003/04 £m	2004/05 £m	2005/06 £m	2006/07 £m	2007/08 £m
(i) Belfast	10.54	12.69	11.91	18.6	23.40
(ii) North West	14.06	16.81	2.66	4.14	6.29
(iii) Regional Cities & Towns	2.17	0.51	2.15	3.61	24.11
(iv) Total	26.77	30.01	16.72	26.35	53.80

**Social Housing/Complex Needs Accommodation**

**Mrs D Kelly** asked the Minister for Social Development to provide figures of people on the waiting list for (i) social housing; and (ii) complex needs accommodation to meet their disability needs, in each district of Craigavon and Banbridge. (AQW 2697/09)

**The Minister for Social Development:** The table below details the latest information as at 30 September 2008.

	Waiting List	
	Social Housing	Complex needs accommodation
Craigavon	1334	9
Banbridge	713	24

The figures relate to the Northern Ireland Housing Executive's Lurgan/Brownlow District Office (which covers the Craigavon area) and the Banbridge District Office.

**Housing Executive: Condition Surveys**

**Mr Savage** asked the Minister for Social Development to detail the (i) companies; (ii) consultants; and (iii) other bodies, involved in the compilation of the questionnaire for the Northern Ireland Housing Executive condition surveys; and the amount of money that was paid for that work. (AQW 2698/09)

**The Minister for Social Development:** The work to compile the questionnaire for the Northern Ireland Housing Executive stock condition survey was carried out by the Department of Finance and Personnel, Central Procurement Directorate, on behalf of the Department for Social Development. Central Procurement Directorate provides a dedicated service to the Department's Housing Division and undertook the specific task of compiling the pre quality questionnaire which is required under EU contracting rules. No companies, consultants or other bodies were employed for this exercise.

**ASSEMBLY COMMISSION****Plastic Cups**

**Mr McKay** asked the Assembly Commission if the plastic cups provided for Members outside the Assembly chamber are recycled; and if not, to detail the action is being taken to ensure they are recycled or re-used. (AQW 2275/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** In line with one of the recommendations in the Northern Ireland Assembly Secretariat Review Report, the Assembly Commission aims to become an exemplar organisation in respect of sustainability.

The Commission aims to have waste recycled wherever possible and Parliament Buildings joined the Stormont Estate recycling initiative in 2006.

In order to facilitate the recycling of plastic cups ‘becca’ bins were provided beside each of the water fountains in the building. These bins are emptied into recycling bags and left out for collection by Sita, our waste collection supplier, to be recycled. Sita take all plastic material to Limestone Road for baling following which it is sent to J & A Young in Loughborough for recycling.

Unfortunately, on occasion the bins are contaminated with other waste such as coffee cups or chewing gum, in which case all of the contents have to be disposed of as general waste and cannot be recycled.

In order to encourage participation in recycling initiatives and to increase awareness of the recycling processes available, regular details of amounts recycled and amounts sent to landfill sites are posted on the Assembly intranet, Assist.



# NORTHERN IRELAND ASSEMBLY

Friday 5 December 2008

## Written Answers to Questions

### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Sectarianism

**Ms Purvis** asked the Office of the First Minister and deputy First Minister when the Ministers last discussed tackling sectarianism with their Scottish counterparts. (AQW 2017/09)

**The First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness):** In February 2008, the former First Minister Rt Hon Ian Paisley, the deputy First Minister and Junior Ministers met with the Scottish First Minister, Rt Hon Alex Salmond, in Scotland and saw an anti-sectarianism project at Murrayfield Stadium as part of their visit.

Prior to this, during a visit here in June 2007, the Scottish First Minister, the former First Minister and the deputy First Minister signed a joint communiqué recognising historical bonds between the people of Scotland and Northern Ireland agreeing to develop opportunities for further co-operation between the two countries. In addition to promoting common prosperity and development, the communiqué included an undertaking to strengthen co-operation between the devolved administrations. The Scottish First Minister and Executive Ministers have also taken part in trilateral meetings with Welsh Ministers as well as meetings of the Joint Ministerial Committee (JMC) and the British-Irish Council (BIC).

In the context of ongoing work on CSI and other good relations work, advisers and officials routinely examine best practice in other jurisdictions including Scotland. Junior Ministers have recently taken part in a Celtic/Rangers initiative aimed at tackling sectarianism across both jurisdictions.

#### Fuel Poverty

**Mr Molloy** asked the Office of the First Minister and deputy First Minister to outline the steps it is taking to coordinate responses to fuel poverty. (AQO 899/09)

**The First Minister and deputy First Minister:** We have given consideration to Minister Ritchie's request to implement the proposals set out in the paper Tackling Fuel Poverty and hope shortly to be in a position to announce measures to assist those affected by the present economic difficulties.

#### Child Poverty Inquiry

**Ms Anderson** asked the Office of the First Minister and deputy First Minister for an update on the progress towards implementing the recommendations of the Child Poverty Inquiry. (AQW 2381/09)

**The First Minister and deputy First Minister:** The Committee's report has been considered in detail and is scheduled for consideration at the next meeting of the Executive.

## Sports Strategy

**Mr P Ramsey** asked the Office of the First Minister and deputy First Minister to outline the (i) contribution to date; and (ii) planned future contribution, from her Department to the implementation of the Sports Strategy. (AQW 2620/09)

**The First Minister and deputy First Minister:** There has been no contribution from our Department to the implementation of the Sports Strategy to date. This is within the remit of the Department of Culture Arts and Leisure.

However, our officials will be working closely with their colleagues in DCAL to take account of the Sports Strategy as we develop implementation plans for the Play and Leisure Policy.

## Investment Strategy

**Mr Shannon** asked the Office of the First Minister and deputy First Minister what it is being done to speed up the delivery of the Investment Strategy. (AQW 2777/09)

**The First Minister and deputy First Minister:** We commissioned the Strategic Investment Board to identify and advise us on the scope to expedite projects within the Investment Strategy. SIB has now reported its findings and we are urgently examining the range of options open to us to accelerate projects within the available funding envelope.

The outcome of the December monitoring round undertaken by DFP will inform the Executive of the amount of capital funding available for the remainder of 2008-09. We are also looking at the position for 2009-10 and beyond in the context of the Strategic Stocktake. Both these exercises will enable us to consider the flexibility to accelerate up to £86.5 million funding for investment in the local economy over the next two years as a result of the Chancellor's Pre-Budget Report.

## Sustainable Development Strategy

**Mr Gallagher** asked the Office of the First Minister and deputy First Minister, pursuant to the answer to AQW 2558/09, to detail for each Department (i) the specific targets and associated actions that have been included in the Implementation Plan to date; (ii) the targets and actions subject to uncertainty and significant delays; and (iii) the targets and associated actions that are unlikely to be achieved. (AQW 2864/09)

**The First Minister and deputy First Minister:** The first Sustainable Development Strategy Implementation Plan contained a comprehensive list of targets and actions, with Departments responsible for delivery clearly assigned. This Implementation Plan is available for download from the OFMDFM website [www.ofmdfmni.gov.uk](http://www.ofmdfmni.gov.uk) and copies are available from the Assembly Library.

On the basis of information supplied by Departments, those targets identified as having actions associated with them that are subject to uncertainty or significant delay are: 2, 8, 9, 14, 20, 21, 22, 32, 35, 43, 50, 53 and 61. The only target considered to be unlikely to be achieved is target 13.

## Ebrington Regeneration Site

**Mr Durkan** asked the Office of the First Minister and deputy First Minister to detail (i) the reasons for its proposed surrender in the December 2008 Monitoring Round of £0.998 million in relation to capital requirements at the Ebrington regeneration site; (ii) the nature of, and reasons for the delays; and (iii) the measures being taken to ensure progress is expedited in the future. (AQW 2966/09)

**The First Minister and deputy First Minister:** The December 2008 Monitoring Round Executive paper has not been cleared by the Executive and we are therefore not in a position to answer this question.

## AGRICULTURE AND RURAL DEVELOPMENT

### Animal Welfare Legislation

**Mr B Wilson** asked the Minister of Agriculture and Rural Development, in her discussions with representatives from the Department of Agriculture, Fisheries and Food, whether they have stated an intent to regulate or ban circuses with animals in any new animal welfare legislation. (AQW 2546/09)

**The Minister of Agriculture and Rural Development (Ms M Gildernew):** I have not discussed the regulation of animals in circuses with the Department of Agriculture, Fisheries and Food.

My officials have met their counterparts in Dublin and have been advised that no decisions have been made on the content of their proposed Animal Health and Welfare Bill.

### Animal Welfare Legislation

**Mr B Wilson** asked the Minister of Agriculture and Rural Development for an update on her Department's review of animal welfare legislation; and if she plans to include a ban on the use of animals in circuses in any new legislation. (AQW 2547/09)

**The Minister of Agriculture and Rural Development:** My review of animal welfare legislation in the North is progressing. However, as I have stated in the past it is important that animal welfare legislation across the island of Ireland is broadly compatible. For this reason I want to take account of the new animal welfare legislation being brought forward in the South before finalising my review.

As the Department of Agriculture, Fisheries and Food in Dublin is still in discussions with stakeholders, no decisions have been made on the content of their proposed Animal Health and Welfare Bill.

The use of animals in circuses is something that I will consider along with a wide range of other issues that have been brought to my attention. I cannot pre-empt any outcome at this stage.

### Countryside Management Scheme

**Mr Ford** asked the Minister of Agriculture and Rural Development how many applications were received for inclusion in the Countryside Management Scheme this year; and how many are being processed.[R] (AQW 2565/09)

**The Minister of Agriculture and Rural Development:** 4500 applications were received during the application period (30 June - 29 August 2008) for the new Countryside Management Scheme (NICMS). 1300 applicants will be given the opportunity to enter the Scheme.

### Countryside Management Scheme

**Mr Ford** asked the Minister of Agriculture and Rural Development what criteria her Department uses for assessing which Countryside Management Scheme applications are accepted.[R] (AQW 2566/09)

**The Minister of Agriculture and Rural Development:** Applications for the new Countryside Management Scheme have been prioritised according to the criteria agreed with the Environmental Sub Group of the NI Rural Development Plan Monitoring Committee. The following criteria have been applied to each applicant's farm business;

- Presence of a designated site on the land associated with the farm business – Natura 2000/ASSI, RAMSAR, Geopark, Environmentally Sensitive Area.
- Agri-environment agreement status – categorised as those with no agreement, and those with a current agreement in force.
- Agri-environment agreement type – categorised as early agreement holders (2001-2004) and later agreement holders (2005-2006)

## Countryside Management Scheme

**Mr Ford** asked the Minister of Agriculture and Rural Development when the Countryside Management Scheme will be open for new applications; and whether those applications that were rejected this year will be prioritised. [R] (AQW 2567/09)

**The Minister of Agriculture and Rural Development:** I anticipate that the new Countryside Management Scheme (NICMS) will re-open for applications in early Summer 2009.

Eligible applicants who were unsuccessful this year will have their applications automatically re-submitted. If necessary, applications will be prioritised again according to environmental benefit, and those agreements demonstrating the greatest benefit will be progressed. Any prioritisation of applicants will be reviewed and agreed by the Environmental Sub Group of the NI Rural Development Plan Monitoring Committee.

## Sports Strategy

**Mr P Ramsey** asked the Minister of Agriculture and Rural Development to outline the (i) contribution to date; and (ii) planned future contribution, from her Department to the implementation of the Sports Strategy. (AQW 2572/09)

**The Minister of Agriculture and Rural Development:** The lead Department with regard to the NI Strategy for Sport and Physical Recreation 2007-2017 is the Department of Culture, Arts and Leisure. The Department of Agriculture and Rural Development has no formal role, and there are no plans to extend its remit in that regard.

Several of the quality-of-life measures included in Axis 3 of the Rural Development Programme 2007-2013 (RDP) have the potential to complement sporting and other leisure activities. However, their promotion is not among the RDP's formal aims, and individual spending decisions must be compatible with the priorities laid down in local development strategies.

While the Strategy for Sport and Physical Recreation 2007-2017 does not specifically refer to sporting activity in Forest Service woodland, Forest Service continues to provide a venue for a wide range of sporting activities such as orienteering, triathlon, athletics, fell running, long-distance horse-riding, cycling, canoeing, rowing and sailing.

In the near future, Forest Service will consult on a strategy to promote and facilitate the recreational and social use of forests. One of the proposed outcomes is to explore opportunities, with Sport NI, for Forest Service woodland to contribute further to sporting activities.

## Rural Development Programme

**Mr I McCrea** asked the Minister of Agriculture and Rural Development to detail the number of farmers in Mid-Ulster who have taken up the Rural Development programme, in the last 3 years. (AQW 2581/09)

**The Minister of Agriculture and Rural Development:** The Rural Development Programme 2000-2006 was a wide ranging package of funding measures which provided support to the broad spectrum of rural communities – farmers, growers, land owners and rural dwellers. The 2000 – 2006 Programme comprised different EU programmes and initiatives, namely Building Sustainable Prosperity (BSP), Natural Rural Resource Tourism Initiative (NRRTI – an element of Peace II), Leader+, and Interreg IIIA.

The total number of beneficiaries in Mid-Ulster of that Programme over the last three financial years is 192. It is not possible to identify within the computerised records system the number of farmers who received funding and to do so manually would incur disproportionate cost. However, part of the EU Peace and Reconciliation Programme (PEACE II), which was an element of the Rural Development Programme, specifically targeted farmers and farm families and was worth £21 million.

The new Rural Development Programme 2007 – 2013 contains successors to those measures listed above, but also brings in Axis 2 measures which specifically target farmers and landowners. Information on these schemes are not held on a parliamentary constituency basis, but are broken down by county.

Measure 2.1 of the RDP 2007 – 2013 is the Less Favoured Areas Compensatory Allowance (LFACA). Beneficiaries of this scheme, and its predecessors, by county over the last three years are as follows:



County	Beneficiaries 05/06	Beneficiaries 06/07	Beneficiaries 07/08
Antrim	2413	2363	2324
Armagh	1691	1589	1547
Down	1822	1757	1718
Fermanagh	2472	2433	2402
Londonderry	1910	1850	1814
Tyrone	3847	3778	3681

\*Please note – the LFACA scheme is run on a rolling year by year basis.

Measure 2.2 of the RDP 2007 – 2013 is the Agri Environment Programme. This comprises the Northern Ireland Countryside Management Scheme (CMS), the Environmentally Sensitive Areas Scheme (ESAS) and the Organic Farming Scheme (OFS). Beneficiaries of these schemes, and their predecessors, over the last three years are as follows:

County	CMS/ESAS	OFS
Antrim	2543	35
Armagh	1327	8
Down	1892	13
Fermanagh	1790	6
Londonderry	2047	7
Tyrone	2851	16

Measures 2.3 and 2.4 of the RDP 2007 – 2013 deal with forestry measures and comprise the Farm Woodland Premium Scheme (FWPS) and Woodland Grant Scheme (WGS). Beneficiaries of these schemes, and their predecessors, for the last three years are as follows:

County	FWPS	WGS
Antrim	426	56
Armagh	237	31
Down	439	86
Fermanagh	153	21
Londonderry	296	36
Tyrone	544	61

### Fishing Fleet

**Mr Shannon** asked the Minister of Agriculture and Rural Development to detail the discussion her Department has had with Westminster to ensure that quotas are maintained and enhanced for the fishing fleet. (AQW 2582/09)

**The Minister of Agriculture and Rural Development:** My Department has participated fully in meetings between the 4 Fisheries Administrations in relation to fishing opportunities for our fleet. Some of those meetings examined such issues as Cod recovery, effort control and the discarding of fish which also affect fishing opportunities. Following the publication of ICES advice in July my officials met with their counterparts to discuss the likely impact this advice would have on the Commission's proposals for 2009 and to identify the key negotiating priorities for the Agriculture and Fisheries Council in December. At this and subsequent meetings my Department has stressed the importance of the Nephrops TAC for our fleet and the need to ensure there is sufficient fishing time to take this quota. The importance of maintaining fishing opportunities for other key stocks such as Haddock, Cod and Herring has also been highlighted. The Minister of Regional Development Conor Murphy has also participated in the 2 Ministerial meetings held to date at which the approach to the autumn fisheries negotiations has been discussed.

## Local Produce

**Mr Shannon** asked the Minister of Agriculture and Rural Development what steps her Department has taken to promote local produce since the change in the European Union regulation reduction for 26 types of fruits and vegetables. (AQW 2584/09)

**The Minister of Agriculture and Rural Development:** The new Commission Regulation on Marketing Standards which reduces the current 26 standards to 1 general and 10 specific marketing standards is not due to come into operation until 1 July 2009. The current standards will remain in force until 30 June 2009.

My Department administers the EU Protected Food Names Scheme, which, for registered products, provides a marketing advantage and greater consumer awareness. We are currently progressing an application for Comber potatoes and another with the Fruit Industry Federation for Armagh Bramley Apples. I would encourage other local producers to consider whether they would benefit from Protected Status.

## Fishing Fleet

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development to detail (i) the amount of money it would take for her Department to pay for Light Dues fees in relation to the fishing fleet; and (ii) the number of fishing vessels that currently avail of the aids to navigation that are paid through Light Dues. (AQW 2586/09)

**The Minister of Agriculture and Rural Development:**

- (i) Light dues will vary according to the size of a fishing vessel but I estimate that the annual bill for light dues for our fishing fleet is approximately £50,000.
- (ii) The existing light dues charging system is not a “pure” user pays system in that it is not possible to define who is a user and how much use is made of navigational aids provided by the General Lighthouse Authorities. Payers of light dues are not charged to use particular navigational aids, but are making a contribution towards the General Lighthouse Authorities’ costs, based in general terms on their perceived revenue-earning capacity.

## Farm Modernisation Programme

**Mr I McCrea** asked the Minister of Agriculture and Rural Development to detail the number of farmers in Mid-Ulster who have participated in the Farm Modernisation Programme, in the last three years. (AQW 2597/09)

**The Minister of Agriculture and Rural Development:** No farmers in Mid-Ulster have taken up the Farm Modernisation Programme as no such Programme has been opened for applications in the last three years.

## Organic Sector

**Mr B Wilson** asked the Minister of Agriculture and Rural Development what measures have been taken to expand the organic sector. (AQW 2602/09)

**The Minister of Agriculture and Rural Development:** Under the NI Rural Development Programme 2007-2013 I have offered a new Organic Farming Scheme to assist farmers who wish to convert from conventional to organic production.

The new Scheme offers increased levels of support for the organic livestock sector, with additional support for the organic cereal and horticulture sectors. DARD will pay the following amounts to farmers to cover the first five years of conversion to organic production:

Horticulture (including top fruit) -	Arable	Other Improved Land
£670	£570	£470

These payments are on a ‘per hectare’ basis, and will be apportioned over the five years.

Under the Organic Option in the new Countryside Management Scheme, I have also offered an ongoing post-conversion payment of £30 per hectare per year for land which is certified organic.

In addition to this, CAFRE (Greenmount Campus) continues to provide education, advice and ongoing support in relation to organic farming. It also develops and tests new technologies appropriate to the local organic sector.

### National Seed List

**Mr B Wilson** asked the Minister of Agriculture and Rural Development to detail any genetically modified seeds on the National Seed List. (AQW 2603/09)

**The Minister of Agriculture and Rural Development:** There are no GM varieties currently on the UK National List.

### Fishing Fleet

**Mr Shannon** asked the Minister of Agriculture and Rural Development what discussions she has had with fishing fleets and fishing organisations in relation to quotas for fishing leading up to the meeting in Brussels in December 2008. (AQW 2654/09)

**The Minister of Agriculture and Rural Development:** I met with representatives of the fish catching and processing sectors, along with other stakeholders on 22 September. At that meeting the impact of the scientific advice for the main fish stocks of importance to our fleet was discussed and the negotiating priorities for the December Council were agreed. My colleague Conor Murphy briefed fishing industry representatives at the November fisheries Council and my officials have also had several discussions with industry stakeholders as part of the preparation for the December Council.

### Fishing Fleet

**Mr Shannon** asked the Minister of Agriculture and Rural Development how much funding has been allocated this year for decommissioning of the fishing fleet. (AQW 2656/09)

**The Minister of Agriculture and Rural Development:** There are currently no decommissioning schemes in operation. In the NI Draft EFF Investment Plan, my Department has proposed that €14.1m of the total €36.2m EFF funding package would be spent on Axis 1 but has indicated that allocations to specific measures within that Axis would be informed by the work of the Fisheries Forum.

I have asked the Fisheries Forum to develop a strategic plan for achieving a profitable and sustainable future for the fishing fleet. As part of that work, my Department has commissioned a review of the Fleet Futures Analysis to take account of changes to fishing opportunities and operating costs. The Department is also about to commence a Vessel Modernisation Needs Survey. This information will help inform decisions about the need, extent and finance required for any future decommissioning schemes.

### Fishing Fleet

**Mr Shannon** asked the Minister of Agriculture and Rural Development what percentage of the fishing fleet will be decommissioned this year. (AQW 2657/09)

**The Minister of Agriculture and Rural Development:** There are currently no decommissioning schemes in operation. In the NI Draft EFF Investment Plan, my Department has proposed that €14.1m of the total €36.2m EFF funding package would be spent on Axis 1 but has indicated that allocations to specific measures within that Axis would be informed by the work of the Fisheries Forum.

I have asked the Fisheries Forum to develop a strategic plan for achieving a profitable and sustainable future for the fishing fleet. As part of that work, my Department has commissioned a review of the Fleet Futures Analysis to take account of changes to fishing opportunities and operating costs. The Department is also about to commence a Vessel Modernisation Needs Survey. This information will help inform decisions about the need, extent and finance required for any future decommissioning schemes.

## Annual Reports — DARD Staff

**Mr Simpson** asked the Minister of Agriculture and Rural Development how many staff in her Department did not achieve an acceptable mark in their annual report, in the last reporting year. (AQW 2679/09)

**The Minister of Agriculture and Rural Development:** In the last reporting year (1 April 2007 to 31 March 2008) I can advise that 4 staff within my Department did not achieve an acceptable mark in their annual report.

## Fishing Fleet

**Mr Shannon** asked the Minister of Agriculture and Rural Development what are the criteria for the clearing of boats for use in the fishing fleet. (AQW 2692/09)

**The Minister of Agriculture and Rural Development:** Fishing vessels must be registered with the Ship Register, which is part of the Maritime and Coastguard Agency. The Maritime and Coastguard Agency is an agency of the Department of Transport. If fishing for profit the vessels must also be licensed by the Fisheries Administrations.

If applying to register a fishing vessel with the Ship Register, specific registration requirements should be discussed with the MCA. However the following is normally required:

- a completed application form and appropriate fee;
- a Declaration of Eligibility;
- three years title proof of ownership by means of original official Bills of Sale and/or builder's certificate (full registration) or original receipted invoice (simple registration);
- a Certificate of Incorporation if the owner is a company;
- a Certificate of Measurement;
- a Safety Certificate (for 12 metre and over vessels only);
- an International Tonnage Convention certificate 1969 (ITC 69) (for 15 metre and over vessels); and,
- for vessels built after 2001 – a SEAFISH Construction Certificate.

A registered fishing vessel must also have a licence issued by the Fisheries Administrations. This provides the vessel with the authority to carry out certain fishing activities depending on the category of licence issued. Since no new fishing vessel licences are issued, a vessel being licenced for the first time will have to arrange for the transfer of a licence 'entitlement' from an existing licence holder. The Fisheries Administrations must be notified to ensure that the licence entitlement details are changed and that the licence entitlement has sufficient capacity in terms of tonnage and engine power for the new vessel.

A registered vessel must also have access to quota to fish for species for which quotas have been set under the Common Fisheries Policy.

## Countryside Management Scheme

**Mr Bresland** asked the Minister of Agriculture and Rural Development how many farm businesses had been accepted into the Countryside Management scheme at 1 November 2008. (AQW 2718/09)

**The Minister of Agriculture and Rural Development:** At the 1 November 2008, there were 8700 farm businesses in the existing Countryside Management Scheme. No farm businesses have yet been accepted into the new Countryside Management Scheme (NICMS).

## EU CAP Health Check

**Mr P J Bradley** asked the Minister of Agriculture and Rural Development if she will make a statement to the Assembly with her assessment of how the Agricultural Industry has fared as result of the recent EU CAP Health Check. (AQW 2721/09)

**The Minister of Agriculture and Rural Development:** I am of the view that, overall, the local agricultural industry has achieved a positive result from the recent CAP Health Check agreement. The CAP Health Check



was never intended to be a fundamental reform and given our desire for policy stability, I welcome the fact that the impact of the agreement on the agricultural industry will be minimal.

On modulation, we have secured an outcome which will mean that the overall modulation deductions from farmers here will not increase from previously planned levels, which was one of our key goals.

As EU compulsory modulation rates increase, there will be offsetting reductions in our voluntary modulation rates, thus avoiding any increase in our headline rates while bringing total modulation rates applied elsewhere in the EU closer to ours. The industry had expressed a clear view that it wished to see a one for one substitution of voluntary modulation with EU compulsory modulation and I am pleased to have delivered this outcome.

We have also been successful in persuading the Commission that we can count existing measures under our Rural Development Programme as addressing the New Challenges of climate change, bio-energy, water management and bio-diversity. Consequently, there will be no need to remodel our existing Programme, which would have been very disruptive.

Changes to cross compliance will also be minimal and in particular, I managed to achieve agreement that the new requirement for buffer strips alongside water courses can be met by what we are already implementing under our Nitrates Action plan.

There has been welcome progress in other areas, such as further decoupling of subsidy schemes from production in the rest of the EU, which will bring other Member States closer to our position of full decoupling and, thus, reduce distortions to competition. Set-aside will be abolished from 1 January 2009 and the Single Farm Payment (SFP) Scheme will be simplified as the number of different types of entitlements will be reduced to a single standard type.

Turning to the dairy sector, the deal reached increases annual milk quota levels by 1% for each of the next five years for most Member States and, hence, starts a process of gradual adjustment towards the end of quotas in 2015. While I am extremely concerned about the current market conditions in the dairy sector and am lobbying vigorously for the reintroduction of export refunds, we must also look to the longer term. Economic analysis shows that gradual increases in quota levels will achieve a smooth phase out and avoid a sudden and rapid increase in milk production in 2015 which would destabilise the market and damage our interests.

There are a number of areas where there are regional choices to be made, such as the option to move towards a flat rate SFP and the use of National Envelopes. The latter opens up interesting possibilities and I will want to explore these fully. Naturally, I will be consulting fully with our stakeholders on these issues in due course.

### **Livestock and Meats Commission**

**Mr McQuillan** asked the Minister of Agriculture and Rural Development how many school cookery demonstrations have the Livestock and Meats Commission carried out, in the last 12 months. (AQW 2757/09)

**The Minister of Agriculture and Rural Development:** The Livestock and Meat Commission have carried out 183 school cookery demonstrations in the last 12 months.

### **Cereal Producers**

**Mr McQuillan** asked the Minister of Agriculture and Rural Development what plans she has to assist the Northern Ireland Cereal Producers. (AQW 2758/09)

**The Minister of Agriculture and Rural Development:** My Department supports our cereal producers in a range of ways.

The College of Agriculture, Food and Rural Enterprise (CAFRE) provides a comprehensive range of education and training programmes for cereal producers and processors.

CAFRE also deliver a range of knowledge and technology transfer projects to demonstrate the potential of new and innovative technology and encourage its adoption on cereal farms in the North.

The Agri-Food and Biosciences Institute (AFBI) conducts research and development work, which provides an important science and expertise base for the cereal sector's development. Information is provided on all varieties of cereal crops for growers and end –users. Specific work on the management of oats crops to achieve acceptable milling quality and optimising nitrogen use efficiency in wheat crops in relation to environmental and economic concerns is also carried out.

Investigations into reduced nutrient and pesticide inputs to meet both the economic and environmental objectives of sustainable arable farming systems are ongoing. Advice is also provided to the industry on pest and disease management, weed control and related pesticide usage in cereal crops

### Single Farm Payments

**Mr McQuillan** asked the Minister of Agriculture and Rural Development how many single farm payments have been made up to 1 November 2008, in the East Londonderry constituency. (AQW 2759/09)

**The Minister of Agriculture and Rural Development:** European Commission legislation permits the payment of 2008 Single Farm Payments to start on 1st December 2008. Payments cannot be made before the specified date.

### Clostridium Botulinum Bacteria

**Mr Savage** asked the Minister of Agriculture and Rural Development if recent Agri-Food and Biosciences Institute findings have concluded that combustion (or incineration) of poultry litter is the most effective and safest method of ensuring elimination of clostridium botulinum bacteria. (AQW 2996/09)

**The Minister of Agriculture and Rural Development:** Potent toxins produced by the organism *Clostridium botulinum* are responsible for cases of fatal botulism in cattle. In addition to the potential presence of the toxin in litter, the organism itself may also be present in one of two states. In the first of these (the vegetative state) the organism is growing. In the second state, the organism is present as non-growing spores. This dormant form is much more resistant to inactivation than the vegetative form.

Composting is a recognised method of treating poultry litter, with goals that include the inactivation of any bacterial or viral pathogens, seeds and insect larvae that may be present, as well as yielding a useful end product. Successful composting is based on achieving a temperature typically in the range 56°C to 66°C (130-150°F) over a period of days, with a recommendation that the litter should be turned at least once. Turning is necessary to ensure that all of the stack (particularly the surface, sides and bottom) are exposed to a sufficiently high temperature.

The temperature achieved is influenced by a range of factors including the degree of moisture present, oxygen levels and the ratio of carbon to nitrogen present. Thus careful management is essential to successful composting.

Botulinum toxins are destroyed by heat after a relatively short time (hours) at 65°C, and the vegetative form of the actual organism is killed by a few minutes at 60°C. The spore form of the organism is much more resistant to inactivation by heat. Exposure to 121°C for 3 minutes is used in the food processing industry to achieve this. In light of this spores may survive the composting process.

When composting is not carried out correctly, the likelihood of survival of toxin or the vegetative form, in addition to spores, is higher.

Anaerobic digestion is another alternative on-farm method of treatment of poultry waste. These plants are typically run at either 35°C (mesophilic digestion) or 55°C (thermophilic digestion) with approximate retention times of 10 to 30 days depending on feedstock and temperature. It is anticipated that the majority of on-farm digesters will run at 35°C, well below target composting temperatures, and therefore unlikely to offer any significant benefits relative to composting for elimination of *Clostridium botulinum* bacteria and associated toxins.

In contrast the combustion should consistently reach the temperatures necessary to inactivate toxin, vegetative forms of the organism and spores. On this basis, it is the conclusion of AFBI scientists that combustion is the most effective and safest, but not the only, method of ensuring elimination of *Clostridium botulinum* bacteria and associated toxins.

## CULTURE, ARTS AND LEISURE

### Re-Imaging Communities

**Mr Easton** asked the Minister of Culture, Arts and Leisure to list the areas that have received money, through the Arts Council, for Re-Imaging Communities. (AQW 2591/09)

**The Minister of Culture, Arts and Leisure (Mr G Campbell):** Listed below are the amounts of Re-Imaging Communities grants awarded each year by District Council areas.

Council Area	Year	Grant Awarded £
Antrim	2008/09	39,308
	2006/07	130,182
		<b>Total: £169,490</b>
Ards	2007/08	53,922
	2006/07	11,840
		<b>Total: £65,762</b>
Armagh	2007/08	68,550
	2006/07	24,800
		<b>Total: £93,350</b>
Ballymena	2007/08	15,000
	2006/07	5,500
		<b>Total: £20,500</b>
Banbridge	2008/09	<b>Total: £8,900</b>
Belfast City Council	2008/09	427,045
	2007/08	461,286
	2006/07	177,853
		<b>Total: 1,066,184</b>
Carrickfergus	2008/09	<b>Total: £5,690</b>
Cookstown	2008/09	<b>Total: £6,373</b>
Craigavon	2008/09	177,250
	2006/07	44,000
		<b>Total: £221,250</b>
Derry City Council	2008/09	77,800
	2007/08	285,108
	2006/07	38,850
		<b>Total: £401,758</b>
Down	2006/07	<b>Total: £15,000</b>
Dungannon	2007/08	81,314
	2006/07	10,990
		<b>Total: £92,304</b>
Larne	2007/08	<b>Total: £11,700</b>

Council Area	Year	Grant Awarded £
Limavady	2007/08	<b>Total: £15,157</b>
Lisburn	2008/09	47,133
	2007/08	27,394
	2006/07	14,580
		<b>Total: £89,107</b>
Magherafelt	2007/08	<b>Total: £26,656</b>
Moyle	2006/07	<b>Total: £9,180</b>
Newry and Mourne	2006/07	<b>Total: £49,820</b>
Newtownabbey	2008/09	39,049
	2007/08	46,250
	2006/07	6,610
		<b>Total: £91,909</b>
North Down	2008/09	48,290
	2007/08	10,639
		<b>Total: £58,929</b>
		<b>Grand Total: £2,519,019</b>

### Strategy for Indigenous or Regional Minority Languages

**Mr Simpson** asked the Minister of Culture, Arts and Leisure to outline his approach to producing a strategy for minority languages in relation to (i) the historical funding position of privilege enjoyed by Irish over other languages; (ii) the diverse nature of the Irish language, resulting from historical abuse of it on the part of some who campaigned on its behalf; and (iii) the extent to which Irish and minority languages will be in public evidence in daily life as a result of such a strategy. (AQW 2630/09)

**The Minister of Culture, Arts and Leisure:** The Strategy for Indigenous or Regional Minority Languages which is currently being developed will address the needs of minority languages and will not single out specific languages for political ends.

### Sporting Organisations: Funding

**Mr Simpson** asked the Minister of Culture, Arts and Leisure to detail the amount allocated to sporting organisations, in each constituency, in each of the last three years. (AQW 2636/09)

**The Minister of Culture, Arts and Leisure:** The table below details the total amount of exchequer and lottery funding granted to sports organisations by Sport Northern Ireland in each of the last three financial years, broken down by parliamentary constituency.

#### EXCHEQUER AND LOTTERY FUNDING TO SPORTS CLUBS BY CONSTITUENCY

	2005/06	2006/07	2007/08
Belfast East	-	-	-
Belfast North	-	-	800,000
Belfast South	161,770	-	-
Belfast West	-	-	-



	2005/06	2006/07	2007/08
East Antrim	-	-	520,000
East Londonderry	-	-	85,000
Fermanagh & S Tyrone	-	-	220,000
Foyle	225,000	-	531,342
Lagan Valley	-	139,531	-
Mid Ulster	-	-	345,000
Newry & Armagh	-	-	308,305
North Antrim	-	161,636	-
North Down	-	-	540,258
South Antrim	-	-	240,000
Strangford	-	-	-
Upper Bann	-	-	840,000
West Tyrone	-	-	1,692,451
South Down	108,183	-	-

### European Charter for Regional and Minority Languages

**Mr Shannon** asked the Minister of Culture, Arts and Leisure for an update on the implementation of the European Charter for Regional and Minority Languages. (AQW 2653/09)

**The Minister of Culture, Arts and Leisure:** The UK Government signed up to the European Charter for Regional or Minority Languages in March 2000 and ratified it in March 2001.

Since then the UK has submitted two periodical reports to the Council of Europe, in 2002 and 2005, detailing the progress made in implementing the Charter. On both occasions the UK, and Northern Ireland, were deemed to be in partial or full compliance on each article of the Charter.

The 3rd UK report, which is compiled by the Foreign and Commonwealth Office, was due on 1 July 2008. I have approved an Executive Paper setting out the Northern Ireland input to the UK report to explain progress made in implementing the Charter in Northern Ireland between 2005 and 2008.

I will present this to the Executive at the earliest opportunity.

### Annual Reports — DCAL Staff

**Mr Simpson** asked the Minister of Culture, Arts and Leisure how many staff in his Department did not achieve an acceptable mark in their annual report, in the last reporting year. (AQW 2677/09)

**The Minister of Culture, Arts and Leisure:** Within my Department, there are no staff who received an unacceptable mark in their annual report, during the last reporting year.

### Public Record Office Site: Flood Precautions

**Mr McCausland** asked the Minister of Culture, Arts and Leisure what extra precautions will be taken at the new Public Record Office site at the Titanic Quarter, following the assessment of flood risks; and what the cost will be of the extra precautions. (AQW 2686/09)

**The Minister of Culture, Arts and Leisure:** The flood risk assessment recommended that the finished floor level of the Public Record Office be raised to at least 4.2m OD (Ordnance Datum) <sup>1</sup>. This level will provide a 600mm free board on top of the predicted 1 in 200 year flood level, even when allowing for future sea level rise. (The highest recorded tide in Belfast is 2.9m OD). To take account of surrounding ground levels, the finished

floor level will be set at 4.55m OD, thus providing an even greater free board margin. The cost, associated with increased substructure works, estimated to be £60,000, was included in the original tender price. Titanic Quarter Ltd will also be undertaking site wide mitigation measures relating to road levels and drainage at no extra cost to PRONI.

<sup>1</sup> Ordnance Datum (OD) is the base Mean Sea Level at Belfast which is used for all maps produced for the Ordnance Survey NI.

### Public Record Office Site: Flood Risk Assessment

**Mr McCausland** asked the Minister of Culture, Arts and Leisure (i) when a full flood risk assessment was undertaken and completed for the new Public Record Office at the Titanic Quarter; (ii) who carried out the assessment; and (iii) to detail the cost of the assessment. (AQW 2687/09)

**The Minister of Culture, Arts and Leisure:** (i) A preliminary flood risk assessment was provided as part of the tender submission in June 2007. This was based on a flood risk assessment carried out by RPS Consulting Engineers for Phase 2 of the overall Titanic Quarter development. A site specific flood risk assessment was completed in December 2007 and submitted as part of the Planning Application for the Public Record Office.

(ii) The assessment was carried out by RPS Consulting Engineers.

(iii) The cost of preparing the assessment was included in the overall tender price submitted by Titanic Quarter Ltd and was not identified as a specific cost.

### Public Record Office Site: Titanic Quarter Location

**Mr McCausland** asked the Minister of Culture, Arts and Leisure when his Department took the decision to locate the new building for the Public Record Office at the Titanic Quarter. (AQW 2688/09)

**The Minister of Culture, Arts and Leisure:**

Titanic Quarter Ltd was appointed as the preferred bidder in August 2007, with the notice to proceed with construction being subject to obtaining Planning Permission, agreement of construction costs and finalisation of all legal matters associated with the land transfer and Development Agreement.

### Sport NI: Funding for Safety Improvements

**Lord Browne** asked the Minister of Culture, Arts and Leisure to detail the money that has been allocated to date by Sport NI to (i) gaelic; (ii) soccer; and (iii) rugby clubs, for ground safety improvements. (AQW 2689/09)

**The Minister of Culture, Arts and Leisure:** Sport Northern Ireland (SNI) is responsible for the distribution of funding for ground safety improvements. The total funding that has been allocated to date to Gaelic, Soccer and Rugby clubs for this purpose is as follows:

Gaelic	Soccer	Rugby
£5,522,659	£5,404,828	£ 345,991

A breakdown of these figures is provided in the attached table.

#### INTERIM SAFE SPORTS GROUNDS & STADIA SAFETY FUNDING BY GAA CLUB/COUNTY GROUND

##### ANTRIM GAA COUNTY BOARD

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	June 2003	65,650

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (UW)	January 2002	25,000
	February 2002	15,000
	September 2002	24,650
	September 2002	15,000
Stadia Safety Programme	N/A	557,773
	<b>Total</b>	<b>£703,073</b>

**ARMAGH GAA COUNTY BOARD**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	August 2001	40,000
	January 2001	60,000
	June 2003	100,000
Interim Safe Sports Grounds (UW)	February 2002	25,000
	February 2002	15,000
	August 2002	15,000
	September 2002	25,000
Stadia Safety Programme	N/A	830,693
	<b>Total</b>	<b>£1,110,693</b>

**DERRY GAA COUNTY BOARD**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	November 2001	210,000
Interim Safe Sports Grounds (UW)	February 2002	25,000
	September 2002	15,000
Stadia Safety Programme	N/A	800,000
	<b>Total</b>	<b>£1,050,000</b>

**DOWN GAA COUNTY BOARD**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	November 2001	235,000
Interim Safe Sports Grounds (UW)	December 2001	25,000
	January 2002	15,000
	September 2002	15,000
Stadia Safety Programme	Expected 2007	800,000
	<b>Total</b>	<b>£1,090,000</b>

**FERMANAGH GAA COUNTY BOARD/ENNISKILLEN GAELS GAA**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	November 2001	210,000
	August 2003	65,000
Interim Safe Sports Grounds (UW)	July 2001	25,000
Stadia Safety Programme	Expected 2008	405,123

Programme	Completion Date	Grant Awards (£)
	<b>Total</b>	<b>£705,123</b>

**LISNASKEA EMMETTS GAC**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	February 2002	15,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£15,000</b>

**ST COLMS GAC**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	February 2002	15,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£15,000</b>

**TYRONE GAA COUNTY BOARD**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	August 2003	100,000
	August 2003	40,000
Interim Safe Sports Grounds (UW)	February 2002	15,000
	February 2002	25,000
	August 2002	15,000
	September 2002	25,000
Stadia Safety Programme	Expected 2007	613,770
	<b>Total</b>	<b>£833,770</b>

**Total Awards For Gaa:       £5,522,659**

**SUMMARY: INTERIM SAFE SPORTS GROUNDS & STADIA SAFETY FUNDING BY SOCCER CLUB****ARDS FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	August 2003	40,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£40,000</b>

**ARMAGH CITY FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	September 2002	15,000
Interim Safe Sports Grounds (UW)	November 2001	15,000



Programme	Completion Date	Grant Awards (£)
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£30,000</b>

**BALLYCLARE COMRADES FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	January 2002	463
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£463</b>

**BALLYMENA UNITED FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	November 2001	200,000
	August 2003	20,000
Interim Safe Sports Grounds (UW)	December 2001	25,000
Stadia Safety Programme	2007	161,636
	<b>Total</b>	<b>£406,636</b>

**BANGOR FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	July 2002	14,807
	April 2004	14,663
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£29,470</b>

**CARRICK RANGERS FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	December 2002	15,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£15,000</b>

**CLIFTONVILLE FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	November 2001	<b>250,000</b>
Interim Safe Sports Grounds (UW)	November 2001	<b>25,000</b>
Stadia Safety Programme	2008	<b>800,000</b>
	<b>Total</b>	<b>£1,075,000</b>

**COLERAINE FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	May 2002	130,000
	June 2004	70,000
Interim Safe Sports Grounds (UW)	January 2002	25,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£225,000</b>

**CRUSADERS FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	September 2001	5,000
	June 2002	77,450
Interim Safe Sports Grounds (UW)	January 2002	23,156
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£105,606</b>

**DERRY CITY FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	December 2002	9,724
Interim Safe Sports Grounds (UW)	February 2002	25,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£34,724</b>

**DONEGAL CELTIC FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	N/A	Nil
Stadia Safety Programme	2008	800,000
	<b>Total</b>	<b>£800,000</b>

**DUNGANNON SWIFTS FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	August 2002	13,233
	January 2003	12,133
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£25,366</b>

**GLENAVON FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	November 2001	235,000
	August 2003	70,000
Interim Safe Sports Grounds (UW)	December 2001	25,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£330,000</b>

**GLENTORAN FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	November 2001	217,000
	December 2002	25,597
Interim Safe Sports Grounds (UW)	December 2002	25,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£267,597</b>

**INSTITUTE FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	September 2002	18,000
	September 2002	12,000
	August 2003	11,900
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£41,900</b>

**LARNE FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	January 2001	15,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£15,000</b>

**LIMAVADY UNITED FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	May 2002	15,000
	September 2002	15,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£30,000</b>

**LINFIELD FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	November 2001	150,000
	August 2003	85,000
Interim Safe Sports Grounds (UW)	December 2001	23,941
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£258,941</b>

**LISBURN DISTILLERY FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	N/A	Nil
Interim Safe Sports Grounds (UW)	February 2002	12,384
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£12,384</b>

**NEWRY CITY FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	September 2002	250,000
	November 2002	27,000
Interim Safe Sports Grounds (UW)	November 2001	25,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£302,000</b>

**OMAGH TOWN FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	October 2002	199,201
Interim Safe Sports Grounds (UW)	December 2001	23,290
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£222,491</b>

**PORTADOWN FOOTBALL CLUB**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	November 2001	5,000
	August 2008	245,256
	June 2003	65,000
Interim Safe Sports Grounds (UW)	December 2001	21,994
Stadia Safety Programme	2008	800,000
	<b>Total</b>	<b>£1,137,250</b>

**Total Awards For Soccer      £5,404,828**



**SUMMARY: INTERIM SAFE SPORTS GROUNDS & STADIA SAFETY FUNDING BY RUGBY CLUB****UB IRISH RUGBY FOOTBALL UNION**

Programme	Completion Date	Grant Awards (£)
Interim Safe Sports Grounds (MW)	November 2002	220,991
	December 2002	10,000
	June 2003	90,000
Interim Safe Sports Grounds (UW)	November 2001	25,000
Stadia Safety Programme	N/A	Nil
	<b>Total</b>	<b>£345,991</b>

**Total Awards For Rugby: £345,991**

**Ulster-Scots and Irish Language**

**Mr F McCann** asked the Minister of Culture, Arts and Leisure how many documents have been drafted by his Department in relation to (i) Ulster-Scots; and (ii) the Irish language, in each of the last 5 years. (AQW 2748/09)

**The Minister of Culture, Arts and Leisure:** In the past five years my Department has drafted nine official publications in relation to Ulster-Scots and the Irish language.

There have been three official publications in relation to Ulster-Scots and six in relation to the Irish language.

**Ulster-Scots and Irish-Language: Correspondence**

**Mr F McCann** asked the Minister of Culture, Arts and Leisure to detail, including dates, the correspondence between his Department and (i) the Northern Ireland Office; and (ii) the Secretary of State, in relation to (a) the Irish language; and (b) Ulster-Scots, in each of the last 5 years. (AQW 2749/09)

**The Minister of Culture, Arts and Leisure:** There was no official correspondence in this period with the Northern Ireland Office with regard to the Irish language or Ulster-Scots.

In August 2004, Angela Smith MP, the then Minister of Culture, Arts and Leisure, wrote to the Secretary of State for Northern Ireland regarding the Ulster-Scots Academy.

**Marching Bands**

**Mr McKay** asked the Minister of Culture, Arts and Leisure to list all the marching bands that have received funding from the Arts Council; and how much each band received, in the last three years. (AQW 2858/09)

**The Minister of Culture, Arts and Leisure:** The attached table lists all the marching bands that have received funding from the Arts Council of Northern Ireland. This is broken down by financial year and includes details of the relevant funding programme. You may wish to note that Musical Instruments for Bands is an exchequer funded programme and Awards for All is a lottery funded programme.

Marching Band	Amount	Year	Type Of Funding
Ardinariff Flute Band	£3,000.00	2006-2007	Musical Instruments for Bands
Augharonan Pipe Band	£5,000.00	2006-2007	Musical Instruments for Bands
Barr Jubilee Pipe Band	£4,673.00	2006-2007	Musical Instruments for Bands
Benburb Pipe Band	£984.00	2006-2007	Awards for All
Blacksessiagh Coronation Accordion Band	£1,520.00	2006-2007	Awards for All
Brookeborough Flute Band	£5,000.00	2006-2007	Musical Instruments for Bands

<b>Marching Band</b>	<b>Amount</b>	<b>Year</b>	<b>Type Of Funding</b>
Cairncastle Flute Band	£5,000.00	2006-2007	Musical Instruments for Bands
Cavanaleck Pipe Band	£4,000.00	2006-2007	Awards for All
Churchill Flute Band	£3,517.00	2006-2007	Musical Instruments for Bands
Churchill Flute Band	£2,203.00	2006-2007	Awards for All
Cooneen Pipe Band	£3,600.00	2006-2007	Awards for All
Cranny Pipe Band	£3,000.00	2006-2007	Musical Instruments for Bands
Crimson Arrow Pipe Band	£2,605.00	2006-2007	Musical Instruments for Bands
Desertmartin Accordion Band	£5,000.00	2006-2007	Musical Instruments for Bands
Donaghmore Accordion Band	£5,000.00	2006-2007	Musical Instruments for Bands
Dungiven Flute Band	£3,750.00	2006-2007	Musical Instruments for Bands
Hillview Flute Band	£4,000.00	2006-2007	Musical Instruments for Bands
Killadeas Pipe Band	£9,264.00	2006-2007	Awards for All
Lisbeg Pipe Band	£5,000.00	2006-2007	Musical Instruments for Bands
Lisburn Young Defenders Flute Band	£2,957.00	2006-2007	Musical Instruments for Bands
Lisnamulligan Pipe Band	£3,773.00	2006-2007	Musical Instruments for Bands
Lower Woodstock Ulster Scots Flute Band	£3,585.00	2006-2007	Musical Instruments for Bands
Magheragall Pipe Band	£3,500.00	2006-2007	Musical Instruments for Bands
Magheraveely Flute Band	£5,000.00	2006-2007	Musical Instruments for Bands
Maguiresbridge Silver band	£4,485.00	2006-2007	Musical Instruments for Bands
McNeillstown Pipe Band	£5,000.00	2006-2007	Musical Instruments for Bands
Mullabrack Accordion Band	£4,594.00	2006-2007	Musical Instruments for Bands
Newbuildings Girls Flute Band	£2,600.00	2006-2007	Awards for All
Newtownards Silver Band	£3,630.00	2006-2007	Musical Instruments for Bands
Newtownbutler Flute Band	£5,000.00	2006-2007	Musical Instruments for Bands
Omagh True Blues	£3,000.00	2006-2007	Musical Instruments for Bands
Pomeroy Accordion Band	£2,465.00	2006-2007	Awards for All
Portrush Sons of Ulster Flute Band	£3,000.00	2006-2007	Musical Instruments for Bands
Pride of the Shore Flute Band	£3,000.00	2006-2007	Musical Instruments for Bands
Rasharkin Pipe Band	£5,000.00	2006-2007	Musical Instruments for Bands
Sergeant Walker Memorial Pipe Band	£3,263.00	2006-2007	Musical Instruments for Bands
Sir George White Memorial Flute band	£5,000.00	2006-2007	Musical Instruments for Bands
South Fermanagh Flute Band	£3,284.00	2006-2007	Awards for All
Star of Down Flute Band	£3,693.00	2006-2007	Musical Instruments for Bands
Strabane Concert Brass	£5,000.00	2006-2007	Musical Instruments for Bands
Stranocum Flute Band	£4,890.00	2006-2007	Musical Instruments for Bands
Tullyhogue Flute Band	£5,000.00	2006-2007	Musical Instruments for Bands
Vow Accordion Band	£5,000.00	2006-2007	Musical Instruments for Bands
<b>2006/07 Total</b>	<b>£171,835.00</b>		
Aghavilly Accordion Band	£500.00	2007-2008	Awards for All

<b>Marching Band</b>	<b>Amount</b>	<b>Year</b>	<b>Type Of Funding</b>
Ardboe Central Youth Band	£5,000.00	2007-2008	Awards for All
Ballycoan Pipe Band	£5,970.00	2007-2008	Awards for All
Ballykeel Loyal Sons of Ulster flute band	£5,000.00	2007-2008	Musical Instruments for Bands
Ballymacall True Blues Flute Band	£4,300.00	2007-2008	Musical Instruments for Bands
Ballymacannelly Sons of Conquerors	£4,525.00	2007-2008	Musical Instruments for Bands
Ballymoughan Flute Band	£2,280.00	2007-2008	Musical Instruments for Bands
Bawn Silver Band	£5,500.00	2007-2008	Awards for All
Blaris Accordion Band	£4,688.00	2007-2008	Musical Instruments for Bands
Burntollet Sons of Ulster	£5,000.00	2007-2008	Musical Instruments for Bands
Carnagh Accordion Band	£2,295.00	2007-2008	Musical Instruments for Bands
Coalisland Jubilee Accordion Band	£4,688.00	2007-2008	Musical Instruments for Bands
Crumlin Young Loyalist Flute Band	£3,963.00	2007-2008	Musical Instruments for Bands
Cullybackey Pipe Band	£5,000.00	2007-2008	Musical Instruments for Bands
Curran Flute Band	£5,000.00	2007-2008	Musical Instruments for Bands
Dromara Highland Pipe Band	£5,000.00	2007-2008	Musical Instruments for Bands
Drumconvis Young Defenders Flute Band	£3,795.00	2007-2008	Musical Instruments for Bands
Drumnaglough Flute Band	£3,775.00	2007-2008	Musical Instruments for Bands
Dyan Pipe Band	£4,594.00	2007-2008	Musical Instruments for Bands
George A Dummigan Accordion Band	£4,000.00	2007-2008	Musical Instruments for Bands
Gilnahirk Pipe Band	£3,438.00	2007-2008	Musical Instruments for Bands
Gortagilly Musical Society	£5,000.00	2007-2008	Musical Instruments for Bands
Grallagh Unionist Flute Band	£5,000.00	2007-2008	Musical Instruments for Bands
Hounds of Ulster	£5,000.00	2007-2008	Musical Instruments for Bands
Killycoogan Accordion Band	£5,000.00	2007-2008	Musical Instruments for Bands
Kilrea Pipe Band	£4,999.00	2007-2008	Musical Instruments for Bands
Knockloughrim Accordion Band	£5,000.00	2007-2008	Musical Instruments for Bands
Letterbreen Silver Band	£5,795.00	2007-2008	Awards for All
Lisnaskea Silver Band	£5,000.00	2007-2008	Musical Instruments for Bands
Maghera Sons of William	£2,730.00	2007-2008	Musical Instruments for Bands
Magheraboy Flute Band	£3,723.00	2007-2008	Musical Instruments for Bands
Magheraboy Flute Band	£3,600.00	2007-2008	Awards for All
Moneyamore Accordion Band	£2,880.00	2007-2008	Awards for All
Muckamore Cultural Music Society	£5,000.00	2007-2008	Musical Instruments for Bands
Newmills Silver Band	£5,000.00	2007-2008	Musical Instruments for Bands
Pride of Ardoyne	£4,605.00	2007-2008	Musical Instruments for Bands
Pride of the Maine	£3,690.00	2007-2008	Musical Instruments for Bands
Pride of The Park Flute Band Armoy	£4,013.00	2007-2008	Musical Instruments for Bands
Saint Patrick's Pipe Band, Drumquin	£4,901.00	2007-2008	Musical Instruments for Bands
St Eugene's Band Omagh	£5,000.00	2007-2008	Musical Instruments for Bands

Marching Band	Amount	Year	Type Of Funding
St John's Independant Accordion Band	£8,320.00	2007-2008	Awards for All
Tullywhisker Pipe Band	£5,000.00	2007-2008	Musical Instruments for Bands
Tyrone Ditches Pipe Band	£5,000.00	2007-2008	Musical Instruments for Bands
Upper Crossgare Pipe Band	£5,000.00	2007-2008	Awards for All
<b>2007/08 Total</b>	<b>£197,567.00</b>		
Ballinacross Accordion Band	£4,995.00	2008-2009	Musical Instruments for Bands
Ballindarragh Accordion Band	£1,850.00	2008-2009	Awards for All
Ballymartin Pipe Band	£4,999.00	2008-2009	Musical Instruments for Bands
Ballymena and Harryville Young Conqueror	£5,000.00	2008-2009	Musical Instruments for Bands
Ballyreagh Silver Band	£4,923.00	2008-2009	Musical Instruments for Bands
Benburb Memorial Pipe Band	£3,472.00	2008-2009	Musical Instruments for Bands
Cappagh Pipe Band	£5,000.00	2008-2009	Musical Instruments for Bands
Castlerock Pipe Band	£5,000.00	2008-2009	Musical Instruments for Bands
Clogher Youth & Music Club	£3,750.00	2008-2009	Musical Instruments for Bands
Coleraine Fife & Drum Band	£4,492.00	2008-2009	Musical Instruments for Bands
Drumaheagles Young Defenders Flute Band	£5,000.00	2008-2009	Musical Instruments for Bands
First Old Boys Association Silver Band	£4,900.00	2008-2009	Musical Instruments for Bands
Killymuck Accordion Band	£5,000.00	2008-2009	Musical Instruments for Bands
Kilnaslee Pipe Band	£3,789.00	2008-2009	Musical Instruments for Bands
Letterbreen Silver Band	£4,000.00	2008-2009	Awards for All
Lisnaskea Accoridian Band	£5,000.00	2008-2009	Musical Instruments for Bands
Montober Flute Band	£4,958.00	2008-2009	Musical Instruments for Bands
Moybrone Pipe Band	£4,657.00	2008-2009	Musical Instruments for Bands
Moygashel Sons of Ulster	£4,183.00	2008-2009	Musical Instruments for Bands
Mullinagoagh Pipe Band	£4,999.00	2008-2009	Musical Instruments for Bands
Mulnagore Coronation Accordion Band	£4,862.00	2008-2009	Musical Instruments for Bands
Murley Concert Band ( Junior band of Murley Silver Band)	£5,000.00	2008-2009	Musical Instruments for Bands
Pomeroy Flute Band	£4,736.00	2008-2009	Musical Instruments for Bands
Pride of the Derg Flute Band	£4,713.00	2008-2009	Musical Instruments for Bands
Raffrey Pipe Band	£4,999.00	2008-2009	Musical Instruments for Bands
Roses Lane Ends Temperance Flute Band	£3,750.00	2008-2009	Musical Instruments for Bands
Sgt White Memorial Flute Band	£4,255.00	2008-2009	Musical Instruments for Bands
Skeogh Flute Band	£5,000.00	2008-2009	Musical Instruments for Bands
Tamlaght Pipe Band	£5,000.00	2008-2009	Musical Instruments for Bands
Tamlaghtmore Flute Band	£4,005.00	2008-2009	Musical Instruments for Bands
Tempo Accordion Band	£4,191.00	2008-2009	Musical Instruments for Bands
The Hamilton Flute Band	£800.00	2008-2009	Awards for All
Trillick Pipe Band	£3650.00	2008-2009	Awards for All
Tubrid Pipe Band	£4,688.00	2008-2009	Musical Instruments for Bands



Marching Band	Amount	Year	Type Of Funding
W.J. Armstrong Memorial Pipe Band	£4,995.00	2008-2009	Musical Instruments for Bands
William Strain William Lightbody Memorial Flute Band	£5,000.00	2008-2009	Musical Instruments for Bands
*2008/09 Total (to date)	*£159,611.00		
<b>Total</b>	<b>£529,013.00</b>		

## EDUCATION

### Priory Integrated College

**Dr Farry** asked the Minister of Education, in light of the current oversubscription of the existing Priory Integrated College, the over-subscription of all nearby post-primary integrated schools and the closure of Donaghadee High School, to detail the reasons for the reduction of the authorised enrolment at the new build Priory Integrated College, Holywood, from 450 to 400. (AQW 2514/09)

**The Minister of Education (Ms C Ruane):** Tógfar an foirgneamh athsholáthar do Priory Integrated College fã choinne rollú fadtéarmach réamh-mheasta de 400 dalta a chumseoidh blianta 8 – 12 amháin.

The replacement building for Priory Integrated College is to be built for a projected long-term enrolment of 400 covering Years 8-12 only. The projection takes account of admission trends over the most recent 5 years from the main contributory primary schools, and the current numbers in those schools. It is not based therefore on the current enrolment at the College.

### Attacks on Teaching Staff

**Mr Simpson** asked the Minister of Education to detail which ten schools recorded the greatest number of attacks on teachers and staff, in each of the last three years. (AQW 2516/09)

**The Minister of Education:**

Ní chruinníonn an Roinn Oideachais an t-eolas mar a iarradh é.

The Department of Education does not collect the information as requested.

I have on previous occasions provided information on the number of incidents of pupil suspensions and expulsions resulting from physical attacks on staff by education and library board area, parliamentary constituency and sector level.

However I do not believe it is appropriate to publish such information at school level as this would pose a significant risk that individual pupils and/or teachers could be identified.

### Attacks on Teaching Staff

**Mr Simpson** asked the Minister of Education to detail the number of attacks on teaching staff, in each of the last three years, broken down by district council area. (AQW 2518/09)

**The Minister of Education:** Taispeánann an tábla thíos líon na bhfionraí a bhain le hionsaithe fisiciúla ar mhúinteoirí faoi chomhairle ceantair, i ngach bliain le trí bliana anuas a raibh figiúirí ar fáil dóibh.

The table below provides the number of suspensions for physical attacks on teachers by district council area, in each of the last three years for which figures are available.

Number of suspensions for physical attack by pupils on teachers from 2004/05 – 2006/07 by district council area.

District Council	2004/05	2005/06	2006/07
Antrim	9	9	*
Ards	*	*	*
Armagh	*	*	*
Ballymena	5	8	10
Ballymoney	6	*	*
Banbridge	8	8	*
Belfast	66	63	70
Carrickfergus	*	*	17
Castlereagh	7	10	*
Coleraine	9	12	13
Cookstown	*	*	*
Craigavon	10	12	11
Derry	33	25	34
Down	7	16	8
Dungannon	*	6	*
Fermanagh	7	8	12
Larne	*	*	*
Limavady	5	7	*
Lisburn	14	15	11
Magherafelt	*	*	*
Moyle	5	5	*
Newry & Mourne	11	12	12
Newtownabbey	13	15	15
North Down	13	14	8
Omagh	8	13	19
Strabane	*	*	*
<b>Total</b>	<b>236</b>	<b>258</b>	<b>240</b>

\* figures suppressed as there are less than five instances.

It should be noted that these figures relate to the number of suspensions not to the number of pupils suspended.

The numbers of expulsions are relatively small and are not disaggregated to district council area due to the risk that a school and/or pupil may be identifiable. There were 7 instances of expulsion in 2004/05, 4 in 2005/06 and 5 in 2006/07 relating to physical assaults on teaching staff.

The suspension and expulsions statistics for 2007/08 school year are currently being analysed by the Department and will be placed on the DE website when this has been completed.

## Sports Strategy

**Mr P Ramsey** asked the Minister of Education to outline the (i) contribution to date; and (ii) planned future contribution, from her Department to the implementation of the Sports Strategy. (AQW 2573/09)

**The Minister of Education:** I think sport and physical activity can make a really positive difference for our young people, both in terms of their health and their confidence, as well as their enjoyment in taking part. I am communicating directly with Gregory Campbell MLA, and previously communicated with Edwin Poots MLA,

as the Minister for the Department of Culture, Arts and Leisure (DCAL) on the content of the draft Strategy for Sport and Physical Recreation 2008- 2018.

Bhí mo chuid oifigeach ag obair i gcomhar lena gcomhghleacaithe in DCAL agus iad ag forbairt na moltaí atá sa dréachtstraitéis. Tá plean gníomhaíochta á fhorbairt ag mo Roinn bunaithe ar an dréachtstraitéis.

My officials worked closely with their colleagues in DCAL as they developed the recommendations which are contained in the draft Strategy. My Department is also in the process of developing an action plan based on the draft Strategy. This will ensure that relevant links are made within school and beyond, and that we all play our part in making sure that our young people benefit from an approach which is joined up and has their interests, and that of society in general, at its core.

### School Closures

**Mr Easton** asked the Minister of Education to list the school closures that she has agreed to, since her time in office. (AQW 2594/09)

**The Minister of Education:** Tá 11 dúnadh scoile agus 2 thogra cónasctha faofa agam ó chuiagh mé i seilbh na hoifige. Tá an t-eolas liostaithe thíos.

I have approved 11 school closures and 2 amalgamation proposals since taking office. The information is listed below.

#### APPROVED SCHOOL CLOSURES FROM 8 MAY 2007

School	Date Of Closure
Minterburn PS, Caledon	31/08/2008
Collone PS, Armagh	31/08/2008
Shanmullagh PS, Ballinamallard	31/08/2008
Trillick PS, Omagh	31/08/2008
Conlig PS, Bangor	31/08/2008
Guinness PS, Ballynahinch	31/08/2008
Kindle Controlled Integrated PS, Ballykinlar	31/08/2008
Down Academy, Downpatrick*	31/08/2008
Donaghadee High School	31/08/2009
St Gabriel's College, Belfast	31/08/2008
Gaelscoil an Damba, Belfast	31/08/2008

\* Associated with the opening of Blackwater Integrated College

#### CLOSURES RESULTING FROM AMALGAMATIONS

Schools	Date Of Amalgamation
Strabane Grammar School and Strabane High School to merge to form new school (to merge initially on the grammar school site)	To be agreed. Discussions on the implementation of the merger are being taken forward by the WELB
St Patrick's PS, Aughercloney and St Joseph's PS, Ahoghill amalgamated to form St Paul's PS, Ahoghill (on St Patrick's site)	1/04/2008

### Attacks on Teaching Staff

**Mr Hilditch** asked the Minister of Education to name the 29 schools in the North Eastern Education and Library board where the physical attacks on teachers took place in 2006/07 and 2007/08. (AQW 2635/09)

**The Minister of Education:** Criedim nach mbeadh sé ceart ná cóir eolas dá leithéid a fhoilsiú ag leibhéal na scoile mar go mbeadh riosca suntasach ann go bhféadfaí daltaí agus/nó múinteoirí aonair a aithint.

I do not believe it is appropriate to publish such information at school level as this would pose a significant risk that individual pupils and/or teachers could be identified.

### School Leavers

**Mr Moutray** asked the Minister of Education to detail the number of pupils in (i) each constituency; and (ii) each council area, who left school with no qualifications, broken down by (a) total; and (b) as a percentage of the total school leavers in each area, for each of the last five years. (AQW 2640/09)

**The Minister of Education:** Tá socraithe agam go gcuirfear an t-eolas a iarradh i Leabharlann an Tionóil.

I have arranged for the information requested to be placed in the Assembly Library.

### Schools Maintenance

**Mr Weir** asked the Minister of Education to detail what schools maintenance is planned for each school, in the North Down constituency, for (i) the rest of 2008/9; and (ii) 2009-10. (AQW 2670/09)

**The Minister of Education:** Is é Bord Oideachais agus Leabharlainne an Oirdheiscirt, a mbíonn freagracht air as cothabháil na scoileanna rialaithe agus na scoileanna faoi chothabháil i dtoghcheantar Dhún Thuaidh, a shocraíonn méid an chistithe a leithdháiltear ar a bhuiséad cothabhála.

The South Eastern Education and Library Board, which has responsibility for the maintenance of controlled and maintained schools in the North Down constituency, determines how much funding it attributes to its maintenance budget. The Board have advised that it currently does not have any specific planned maintenance during the rest of 2008/09 or in 2009/10. Maintenance will be undertaken at schools on a response basis.

### Attacks on Teaching Staff

**Mr McCausland** asked the Minister of Education how many physical attacks on teachers working in the Belfast Education and Library Board area occurred in the (i) 2006-07; and (ii) 2007-08, academic years. (AQW 2684/09)

**The Minister of Education:** In 2006/07 there were 70 instances of pupil suspensions for physical attacks on teachers in schools in the Belfast Education and Library Board area. The count is based on each incidence of suspension not on the number of pupils suspended.

Tá an Roinn ag déanamh anailíse faoi láthair ar na staitisticí maidir leis na daltaí a cuireadh ar fionraí nó ar díbríodh ón scoil iad le linn 2007/2008 agus cuirfear ar láithreán gréasáin na Roinne Oideachais iad nuair a bheas an anailís déanta.

The suspension and expulsions statistics for 2007/08 school year are currently being analysed by the Department and will be placed on the DE website when this has been completed.

### Life Skills Programmes

**Mr Moutray** asked the Minister of Education, for each of the last 3 years, how many children with Down's Syndrome have had access to Life Skills Programmes to facilitate their progressive independence in relation to adult services for (i) employment training; or (ii) further education, broken down by (a) total; and (b) as a percentage of the total number. (AQW 2685/09)

**The Minister of Education:** Ní choinníonn an Roinn Oideachais (DE) ná na Boird Oideachais agus Leabharlainne (ELBanna) an t-eolas san fhormáid a iarradh. Chomh maith leis an oiliúint ar scileanna saoil a sholáthraítear i scoileanna ar bhonn rialta, is féidir liom a chur in iúl duit go bhfuil cláir scileanna saoil soláthartha ag na ELBanna do pháistí a bhfuil réimse riachtanas speisialta oideachais acu trí chistiú a chuir DE ar fáil ón Phacáiste Cistithe do Pháistí agus do Dhaoine Óga.



Neither the Department of Education (DE) nor the Education and Library Boards (ELBs) hold the information in the format requested. I can, however, advise you that in addition to the life skills training delivered routinely in schools, ELBs have successfully delivered life skills programmes to children with a range of special educational needs through funding made available through DE from the Children and Young People Funding Package. Total funding of 200k in 2006/07 and 2007/08 was available to the Education and Library Boards for this purpose.

This funding has enabled over 370 pupils to participate in life skills training programmes to improve self-help and independent living in each of the years funding was available. Programmes include a wide variety of school based life skills programmes for independent living and link courses with the local further education colleges. The school based programmes included practical work skills such as learning to use public transport, preparing for a working day in a unfamiliar place and also communication skills such as making and receiving telephone calls. Other programmes included essential adult literacy and numeracy and learning new life skills in catering and woodwork which has raised pupils self esteem and equipped them with skills which are easily transferred from school to further education to training and work placements.

In addition, I am advised by the Minister of Health, Social Services and Public Safety that, whilst the provision of life skills courses is not a core function for Health and Social Care Trusts, all people with a learning disability who attend day support services have a person centred service plan which may identify life skills training needs. This will be offered on site or in partnership with other agencies such as education, leisure services, community based groups and voluntary organisations.

### **‘Love for Life’: Funding**

**Mr Simpson** asked the Minister of Education to detail the total funding awarded to ‘Love for Life’ by the Southern Education and Library Board, in each of the last 5 years. (AQW 2711/09)

**The Minister of Education:** Tá tugtha le fios ag Bord Oideachais agus Leabharlainne an Deiscirt (SELB) gurb é an cistiú iomlán a thug siad do ‘Love for Life’, i ngach bliain le 5 bliana anuas ná:

The Southern Education and Library Board (SELB) advises that the total funding it awarded to ‘Love for Life’, in each of the last 5 years is:

Year	SELB funding
2004/2005	£33,750
2005/2006	£11,250
2006/2007	£7,500
2007/2008	£10,000
2008/2009	£10,000
<b>Total</b>	<b>£72,500</b>

### **School Crossing Patrol Officers**

**Mr Savage** asked the Minister of Education how many school-crossing persons have been employed in each academic year since 2003. (AQW 2730/09)

**The Minister of Education:** Bhí an teolas seo a leanas tugtha ag na Boird Oideachais agus Leabharlainne faoi líon na n-oifigeach patróil thrasnú scoile a bhí fostaithe i ngach bliain acadúil ó 2003.

The Education and Library Boards have provided the following information on the number of school crossing patrol officers employed in each academic year since 2003:

	Academic Year					
	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
BELB	132	127	121	114	110	110

	Academic Year					
	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
NEELB	156	152	152	150	149	148
SEELB	149	142	166	118	111	106
SELB	220	213	208	155	152	151
WELB	209	202	182	146	140	139
<b>Total</b>	<b>866</b>	<b>836</b>	<b>829</b>	<b>683</b>	<b>662</b>	<b>654</b>

## Road Safety

**Mr Savage** asked the Minister of Education what consideration has been given to making road safety an essential part of the curriculum, especially in primary schools. (AQW 2731/09)

**The Minister of Education:** Is réimse í Sábháilteacht ar Bhóithre ar a mbíonn mo Roinn féin ag obair go géar leis an Roinn Comhshaoil le cinntiú go mbeidh daoine óga feasach ó thaobh na ceisteanna a bhaineann le sábháilteacht ar bhóithre de.

Road Safety is an area where my Department works closely with the Department of Environment to ensure that our young people are made aware of road safety issues.

Within the statutory revised curriculum, road safety education is provided to pupils from an early age, with programmes being provided across all Key Stages, from Foundation Stage to Key Stage 4. In primary schools this includes pupils being required to develop knowledge, understanding and skills in relation to keeping themselves healthy and safe. In addition, the revised curriculum includes a new area of Learning for Life and Work where all young people, up to the age of 16, will be able to develop strategies in relation to preventing accidents on the road and, more generally, strategies for keeping safe and recognising, assessing and managing risk.

DOE, in discharging its statutory duty in relation to road safety, through its Road Safety Officers, provides all schools annually with free road safety teaching materials, and teachers are encouraged and supported to teach road safety on a regular, structured, basis. Road Safety Education Officers provide training and advice to teachers, as necessary, on the best use of materials to meet curricular requirements. The Education and Training Inspectorate maintains close and regular liaison with DOE, the Department of Education and CCEA in relation to road safety education in schools, and in support of provision in the statutory curriculum.

## School Crossing Patrol Officers

**Mr Savage** asked the Minister of Education the total yearly cost of school-crossing patrol persons, per academic year, since 2003. (AQW 2734/09)

**The Minister of Education:** Bhí an teolas seo a leanas tugtha ag na Boird Oideachais agus Leabharlainne agus léiríonn sé na costais a bhaineann le soláthar oifigeach patróil thrasnú scoile amháin i ngach bliain ó 2003.

The Education and Library Boards have provided the following information on the total annual cost of providing school crossing patrol officers in each year since 2003. I should, however, advise that Boards do not hold financial information in the academic year format, therefore, all figures provided are shown in financial year (April to March):

	Financial Year					
	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09*
BELB	£523k	£571k	£561k	£555k	£519k	£557k
NEELB	£693k	£563k	£665k	£674k	£653k	£642k
SEELB	£452k	£698k	£586k	£479k	£434k	£450k
SELB	£1,061k	£1,055k	£1,044k	£828k	£844k	£883k

	Financial Year					
	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09*
WELB	£943k	£967k	£834k	£604k	£578k	£635k
<b>Total</b>	<b>£3,672k</b>	<b>£3,854k</b>	<b>£3,690k</b>	<b>£3,140k</b>	<b>£3,028k</b>	<b>£3,167k</b>

\* Estimated

### School Crossing Patrol Officers

**Mr Savage** asked the Minister of Education to detail the cost of employing one school crossing patrol person for the academic year 2007-08; and the salary comparison for each academic year from 2003/04. (AQW 2737/09)

**The Minister of Education:** Bhí an teolas seo a leanas tugtha ag na Boird Oideachais agus Leabharlainne agus léiríonn sé na costais a bhaineann le soláthar oifigeach patróil thrasnú scoile amháin i ngach bliain ó 2003.

The Education and Library Boards have provided the following information which shows the costs associated with providing one school crossing patrol officer in each year since 2003. I should, however, advise that Boards do not hold financial information in the academic year format, therefore, all figures provided are shown in financial year (April to March):

	Financial Year				
	2003/04	2004/05	2005/06	2006/07	2007/08
BELB	£3,962	£4,496	£4,636	£4,868	£4,718
NEELB	£3,739	£4,380	£4,418	£4,520	£4,801
SEELB	£3,874	£4,868	£3,521	£4,019	£3,913
SELB	£4,469	£4,541	£4,632	£4,722	£4,978
WELB	£3,267	£3,353	£3,456	£3,559	£3,645
Average	£3,862	£4,328	£4,133	£4,338	£4,411

I should also advise that payment for school crossing patrols will vary between each individual officer, dependent on the number of hours that they work and the time that they have served in their current post.

### Capital Building Programmes

**Mr Easton** asked the Minister of Education to outline her Department's major capital building programmes, for the next three years. (AQW 2742/09)

**The Minister of Education:** Is iad seo a leanas sa tábla thíos na príomhthionscadail chaipitiúla a ndéanfar dul chun cinn orthu i rith na trí bliana eile le teacht.

The major capital building projects which are to be progressed over the next three years are shown in the table below.

Project description	Location
<b>Projects currently on Site</b>	
Ashfield Girls HS - New replacement school	Belfast
Ballysillan Youth Club - New replacement accommodation	Belfast
Bangor Academy - New replacement school	Bangor
Boys Model - New replacement school	Belfast
Girls Model - New replacement school	Belfast
Grosvenor Grammar - New replacement school	Belfast

<b>Project description</b>	<b>Location</b>
Holy Cross College - New replacement school	Strabane
Orangefield PS - New replacement school	Belfast
Pond Park P.S. - New replacement school	Lisburn
Towerview P.S. – New replacement school	Bangor
Abbey G.S. – New replacement school	Newry
Assumption G.S. – Extension & Refurbishment	Ballynahinch
Ballinderry P.S. – New replacement school	Lisburn
Ballymacrickett P.S. Glenavy – New replacement school	Crumlin
Brookefield Special School, – New replacement school	Moir
De La Salle College – New replacement school	Belfast
Drumragh Integrated College – New replacement school	Omagh
Mount Lourdes G.S. – Extension & Refurbishment	Enniskillen
St Colman's College – Extension & Refurbishment	Newry
St Dominic's H.S – Extension & Refurbishment	Belfast
St Peter's P.S. Cloughreagh – New replacement school	Newry
St Catherine's College – Extension	Armagh
Templepatrick P.S. – New replacement school	Templepatrick
Banbridge Academy – Extension & Refurbishment	Banbridge
<b>Projects currently in Planning</b>	
Ballymoney HS - New replacement school	Ballymoney
Glendhu Nursery School – New replacement school	Belfast
Glenwood P.S. / Edenderry N.S. – New replacement school	Belfast
Greenwood Assessment Centre – New replacement school	Belfast
Holy Trinity College - New replacement school	Cookstown
Lagan College - Extension & Refurbishment	Belfast
Loreto Grammar - New replacement school	Omagh
Mitchell House Special School – New replacement school	Belfast
Our Lady's & St Patrick's GS - New replacement school	Belfast
Rainey Endowed School - New replacement school	Magherafelt
Ravenscroft Nursery School – New replacement school	Belfast
Springhill P.S. – New replacement school	Belfast
St Cecilia's College - New replacement school	Derry
St Joseph's PS - New replacement school	Carryduff
St Mary's College - New replacement school on new site	Derry
St Mary's PS - New replacement school	Portglenone
St Patrick's GS - New replacement school	Downpatrick
Strand / Sydenham P.S. – New replacement school	Belfast
Strandtown P.S. – New replacement school	Belfast
Taughmonagh PS - New replacement school	Belfast



<b>Project description</b>	<b>Location</b>
Tor Bank Special - New replacement school	Dundonald
Artigarvan P.S. – New replacement school	Strabane
Arvaley / Cranny Special School – New replacement school	Omagh
Ballykelly P.S. – New replacement school	Limavady
Bangor G.S. – New replacement school	Bangor
Belmont Special School – New replacement school	Derry
Coranny & Cornagague P.S. – New replacement school	Roslea
Dean Maguire College – New replacement school	Carrickmore
Devenish College – New replacement school	Enniskillen
Dromore Central P.S. – New replacement school	Dromore
Ebrington P.S. – New replacement school	Derry
Edendork P.S. – New replacement school	Dungannon
Eglinton P.S. – New replacement school	Derry
Enniskillen Model P.S. – New replacement school	Enniskillen
Foyle & Londonderry College – New replacement school	Derry
Glastry College – New replacement school	Ballyhalbert
Holy Family P.S. – New replacement school	Magherafelt
Hollywood P.S. – New replacement school	Hollywood
Knockbreda H.S. – New replacement school	Belfast
Knockevin Special School – New replacement school	Downpatrick
Limegrove / Glasvey Special School – New replacement school	Limavady
Lisbellaw P.S. – New replacement school	Lisbellaw
Lisnagelvin P.S. – New replacement school	Lisnagelvin
Little Flower Girls S.S. – New replacement school	Belfast
Lurgan College - New replacement school	Lurgan
Magherafelt H.S – New replacement school.	Magherafelt
Methodist College – Extension & Refurbishment	Belfast
New Buildings P.S. – New replacement school	Derry
Omagh I.P.S. – New replacement school	Omagh
Parkhall College – New replacement school and Youth Provision	Antrim
Portadown College – New replacement school	Portadown
Priory College – New replacement school	Hollywood
St Bronagh's P.S. – New replacement school and Youth Provision	Rostrevor
St Columbanus College – New replacement school and Youth Provision	Bangor
St Columbkille's P.S. – New replacement school	Carrickmore
St Conor's P.S. – New replacement school	Omagh
St Joseph's Convent P.S. – New replacement school	Newry
St Louis G.S. – New replacement school	Kilkeel
St Mary's P.S. – New replacement school	Banbridge

Project description	Location
St Patrick's & St Brigid's P.S. – New replacement school	Ballycastle
St Patrick's Academy – New replacement school	Dungannon
St Patrick's College, – New replacement school	Banbridge
St Paul's P.S. – New replacement school	Irvinestown
Strathearn G.S. – New replacement school	Belfast
Tannaghmore P.S. – New replacement school	Lurgan
The High School Ballynahinch – New replacement school	Ballynahinch
Carrick P.S. – New replacement school	Warrenpoint
Colaiste Feirste, – Extension & Refurbishment	Belfast
Dromintee P.S. Killeavey – New replacement school	Newry
Magherafelt P.S. – New replacement school	Magherafelt
Scoil Na Fuiseoige, – New replacement school	Belfast
St Clare's Abbey P.S. – New replacement school	Newry
St Colman's P.S. Lambeg – New replacement school	Lisburn
St Columba's P.S. Straw – New replacement school	Draperstown
St Joseph's P.S. Madden – New replacement school	Armagh
St Mary's P.S. – New replacement school	Newcastle
St Oliver Plunkett P.S. – New replacement school	Forkhill
St Patrick's G.S. – Extension & Refurbishment	Armagh
St Teresa's P.S. – New replacement school	Lurgan
Victoria College – Extension & Refurbishment	Belfast
Whitehouse P.S – New replacement school	Newtownabbey

### St Malachy's Youth Centre

**Mr A Maskey** asked the Minister of Education if her Department is in receipt of an economic appraisal for the proposed St Malachy's Youth Centre in the Markets area, South Belfast. (AQW 2769/09)

**The Minister of Education:** Scríobh an tUrramach Anthony Curran chugam ar son Iontaobhaithe St Malachy's Youth Centre ar an 25 Meitheamh 2008 ag iarraidh £990K i leith na gcostas a bhaineann le Club Óige nua a thógáil.

The Rev. Anthony Curran wrote to me on behalf of the Trustees of St Malachy's Youth Centre on the 25 June 2008 requesting £990K towards building a new Youth Club. Father Curran has written to the Department on a number of occasions since December 2001 about the proposed new St Malachy's Youth Centre; however the Department only received an up to date Economic Appraisal for this project on the 25 June 2008. In accordance with standard procedures, the appraisal was sent to both the Department's Economic Advisory Unit and Building Advisory Branch to determine whether the project is viable and whether the business case represents value for money.

Comments on the economic appraisal have been sent back to St Malachy's for action. To date no reply has been received. The Department cannot make any definite commitment at present to this project until the Economic Appraisal is approved and the existing competing demands on its capital budget are also considered.

### St Malachy's Youth Centre: Progress

**Mr A Maskey** asked the Minister of Education what progress has been made in relation to the proposed St Malachy's Youth Centre in the Markets area, South Belfast. (AQW 2770/09)

**The Minister of Education:** Scríobh an tUrramach Anthony Curran chugam ar son Iontaobhaithe St Malachy's Youth Centre ar an 25 Meitheamh 2008 ag iarraidh £990K i leith na gcostas a bhaineann le Club Óige nua a thógáil.

The Rev. Anthony Curran wrote to me on behalf of the Trustees of St Malachy's Youth Centre on the 25 June 2008 requesting £990K towards building a new Youth Club. Father Curran has written to the Department on a number of occasions since December 2001 about the proposed new St Malachy's Youth Centre; however the Department only received an up to date Economic Appraisal for this project on the 25 June 2008. In accordance with standard procedures, the appraisal was sent to both the Department's Economic Advisory Unit and Building Advisory Branch to determine whether the project is viable and whether the business case represents value for money.

Comments on the economic appraisal have been sent back to St Malachy's for action. To date no reply has been received. The Department cannot make any definite commitment at present to this project until the Economic Appraisal is approved and the existing competing demands on its capital budget are also considered.

### Parkhall Community College

**Mr Burnside** asked the Minister of Education what progress has been made on the proposed build programme for Parkhall Community College; and what is the proposed start date for work at the campus. (AQW 2773/09)

**The Minister of Education:** Tá Bord Oideachais agus Leabharlainne an Oirthuaiscirt (NEELB) ag céim chun tosaigh faoi láthair maidir le dearadh foirgnimh nua scoile do Parkhall College chun freastal a dhéanamh ar rollú fadtéarmach (LTE) de 735 dalta.

The North Eastern Education and Library Board (NEELB) is currently at an advanced stage in the design of a new school building for Parkhall College to accommodate a long term enrolment (LTE) 735 pupils. The LTEs for all new build schemes are kept under review. The Department and the NEELB will consider the appropriateness of the LTE as part of the consideration of the recent Development proposal to acquire controlled integrated status. It is estimated that construction work could start on site in summer 2009.

### Parkhall Community College

**Mr Burnside** asked the Minister of Education to detail the anticipated enrolment figures for the proposed Parkhall Integrated College; and if enrolment will be increased by changing the status of the campus.

(AQW 2776/09)

**The Minister of Education:** Tá Bord Oideachais agus Leabharlainne an Oirthuaiscirt (NEELB) ag céim chun tosaigh faoi láthair maidir le dearadh foirgnimh nua scoile do Parkhall College chun freastal a dhéanamh ar rollú fadtéarmach (LTE) de 735 dalta.

The North Eastern Education and Library Board (NEELB) is currently at an advanced stage in the design of a new school building for Parkhall College to accommodate a long term enrolment (LTE) 735 pupils. The LTEs for all new build schemes are kept under review. The Department and the NEELB will consider the appropriateness of the LTE as part of the consideration of the recent Development proposal to acquire controlled integrated status. It is estimated that construction work could start on site in summer 2009.

### Pupil Suspensions and Expulsions

**Mr G Robinson** asked the Minister of Education to give a breakdown of the numbers of pupils (i) expelled; and (ii) suspended, from (a) primary; and (b) post primary, controlled and maintained schools, in each of the last three years. (AQW 2788/09)

**The Minister of Education:** Bailítear eolas ar dhaltá a cuireadh ar fionraí iad agus a caitheadh amach ón scoil iad ar bhonn bliantúil ó na Boird Oideachais agus Leabharlainne agus foisítear an t-eolas seo ar láithreán gréasáin na Roinne nuair a bhíonn próiseas mionanailíse déanta air.

Information on pupil suspensions and expulsions is collected annually from the Education and Library Boards and published on the Department's website following a detailed analysis process. Statistics for the 2007/08 school year are currently undergoing final analysis and will be published in the coming weeks.

The figures requested for the school years 2004/05, 2005/06 and 2006/07 are set out in the table below:

**PUPILS EXPELLED BROKEN DOWN BY SCHOOL AND MANAGEMENT TYPE:**

School Year	School	School Management Type	
		Controlled	Catholic Maintained
2004/05	Primary	*	*
	Post-primary	19	23
2005/06	Primary	*	*
	Post-primary	14	20
2006/07	Primary	*	*
	Post-primary	11	14

**Note:** \* = denotes figure less than five

This data includes controlled and catholic maintained schools only. It does not include expulsions from grant maintained and controlled integrated schools, voluntary grammar schools and other maintained schools, which are included in the 'other' category for statistical purposes during data collection.

Data includes pupils in Key Stages 1-4 only.

Pupils suspended broken down by school and management type:

School Year	School	School Management Type	
		Controlled	Catholic Maintained
2004/05	Primary	186	92
	Post-primary	2,017	1,894
2005/06	Primary	154	88
	Post-primary	2,102	1,878
2006/07	Primary	150	72
	Post-primary	1,850	1,772

Note: This data includes controlled and catholic maintained schools only. It does not include expulsions from grant maintained and controlled integrated schools, voluntary grammar schools and other maintained schools, which are included in the 'other' category for statistical purposes during data collection.

Data includes pupils in Key Stages 1-4 only.

Primary includes primary schools and prep depts.

### Assembly Questions: Irish Translations

**Mr McQuillan** asked the Minister of Education how much it costs her Department to employ someone to translate Assembly questions into Irish. (AQW 2790/09)

**The Minister of Education:** Is cuid thábhachtach í aistriú na gCeisteanna Tionóil de na freagrachtaí éagúlса a bhíonn ar an bheirt Oifigeach Foirne Gaeilge i mo Roinn. Dá dheasca sin, ní dhéantar na costais a thabhaítear i gcomhlíonadh an taise áirithe seo a ríomh ar leithligh.

The translation of Assembly Questions into Irish forms an intrinsic part of the various responsibilities of my Department's two Irish Language Staff Officers. Consequently, the costs incurred in this specific task are not separately calculated.

### Teaching Posts

**Mr Newton** asked the Minister of Education to detail the number of teaching posts currently being filled by substitute/temporary teachers in (i) primary; (ii) secondary; and (iii) grammar, schools. (AQW 2798/09)



**The Minister of Education:**

School Type	Daily Paid Temporary teachers	Hourly Paid Temporary Teachers	Total
Primary	2270	268	2538
Post Primary	1426	91	1517
<b>Total</b>	<b>3696</b>	<b>359</b>	<b>4055</b>

Níl eolas faoi scoileanna ghramadaí dheonacha ar fáil go héasca agus mar sin de bhí costas díréireach ag baint leis.

Information on Voluntary Grammar schools is not readily available and could only be obtained at disproportionate cost.

**Education and Skills Authority**

**Mr Bresland** asked the Minister of Education what impact the establishment of the Education and Skills Authority will have on developing business cases for capital projects. (AQW 2820/09)

**The Minister of Education:** Sa pháipéar comhairliúcháin ar phleanáil bunaithe sa cheantar, sainathnódh go mbeadh an príomhról ag an Údarás um Oideachas agus Scileanna (ESA) chun déileáil leis an phróiseas um phleanáil bunaithe sa cheantar amach anseo.

The consultation paper on area-based planning identified the Education and Skills Authority (ESA) as having the key role in leading the area-based planning process in future. This would include the development of business cases for capital projects in consultation with sectoral representatives within the more strategic context of area plans which assess the educational needs of the area. ESA will be able to bring greater coherence and consistency to our planning processes which will inform the work on business cases.

**Extended Schools Programmes**

**Mr Gardiner** asked the Minister of Education how many schools in the Southern Education and Library Board area operate Extended Schools programmes; and how many have had their funding cut in the past year. (AQW 2839/09)

**The Minister of Education:** Bíonn séirbhísí breisithe lasmuigh den lá scoile tradisiúnta curtha ar fáil ag formhór na scoileanna laistigh de cheantar Bhord Oideachais agus Leabharlainne an Deiscirt, agus is féidir leo seo a dhéanamh trí iarrachtaí deonacha, trí mhaoinithe scoileanna agus trí acmhainní a fuarthas ó eagraíochtaí a bhronann deontais.

Most schools within the SELB area offer extended services beyond the traditional school day and are able to do so through a combination of voluntary effort, school funds and resources raised from grant making organisations.

My Department supports extended activities in the most disadvantaged areas through the Extended Schools programme. As you know I have been highly supportive of this programme and have recently secured an additional £5m from the September monitoring round to restore previous funding levels.

In the current financial year 84 schools in the Southern Education and Library Board were allocated funding from the Extended schools programme.

Of these schools:

- 28 have had funding reduced when compared to 2007/08 allocations. This has been due to either a drop in pupil enrolment figures or because the school concerned decided to withdraw from a clustering arrangement (schools which cluster are entitled to an additional 15% allocation).
- A further 8 schools were allocated reduced funding because the percentage of pupils enrolled who are classified as disadvantaged or lived in disadvantaged areas fell just below the qualifying threshold.

There were 16 schools which were no longer eligible for the programme because the percentage of qualifying pupils enrolled fell short of the qualifying threshold. In those cases I was able to provide funding for the period April-June 2008 to see the schools through to the end of the last school year.

### **Lurgan College: New Senior Technical High School**

**Mr Gardiner** asked the Minister of Education what plans she has to build a new senior technical high school in Lurgan. (AQW 2840/09)

**The Minister of Education:** Fógairíodh scoil athsholáthair do Lurgan Collage ar an suíomh reatha i mí Márta 2006 agus tá dul chun cinn á dhéanamh ar an obair i gcomhar le Bord Oideachais agus Leabharlainne an Deiscirt.

A replacement school for Lurgan College on the existing site was announced in March 2006 and work is being progressed with the Southern Education and Library Board (SELB). A revised economic appraisal was necessary due to proposed changes to the original plans as subsequent to the announcement the SELB felt it was desirable to retain a link with the existing listed building. The revised appraisal is currently with the department for approval.

### **Lurgan College/Portadown College: New School Buildings**

**Mr Gardiner** asked the Minister of Education what plans she has to bring forward the date for completion of the new school buildings at Lurgan College and Portadown College from the present estimate of 2012/2013, to help boost construction industry employment; and what discussions she has had with Executive colleagues on this matter. (AQW 2841/09)

**The Minister of Education:** Tá obair an dá scéime a bhaineann le Lurgan College agus Portadown College ag dul chun cinn le Bord Oideachais agus Leabharlainne an Oirdheiscirt (SELB).

Work on both schemes for Lurgan and Portadown Colleges is being progressed with the Southern Education and Library Board (SELB). Revised economic appraisals were, however, necessary for both due to proposed changes to the original recommended options. Subsequent to the announcement the SELB decided that in respect of Lurgan College it was desirable to retain a link with the existing listed building. In the case of Portadown College the Board requested a major change to the preferred option.

The revised appraisal for Lurgan College is currently with the Department for approval. The SELB has recently submitted a further revision to the appraisal for Portadown College. The Department and the Board are committed to advancing the schemes as soon as possible. The SELB have also confirmed that the estimated length of contract for both projects is three years. I have had no discussions with Executive colleagues on the schemes.

### **Educational Psychologists: SELB Area**

**Mr Gardiner** asked the Minister of Education how many children are waiting to see an educational psychologist in each school in the Southern Education and Library Board area. (AQW 2842/09)

**The Minister of Education:** Tá tugtha le fios ag Príomhfheidhmeannach Bhord Oideachais agus Leabharlainne an Deiscirt dom go mbíonn samhail um roinnt an ama do sholáthar seirbhíse in úsáid ag Seirbhís Siceolaíochta Oideachais an Bhoird agus bíonn scoileanna ag cur a gcuid riachtanas in ord tosaíochta don bhliain faoin tsamhail seo, i rith mhí Mhéan Fómhair, in éineacht leis an siceolaí oideachais (EP) a bhíonn ainmnithe acu.

I have been advised by the Chief Executive of the Southern Education and Library Board that the Board's Educational Psychology Service uses a time allocation model of service delivery under which schools prioritise their needs for the year, during September, together with their named educational psychologist (EP). As such, schools hold their own waiting lists and submit completed referral forms as appropriate throughout the year. Agreed referrals may be sent to the EPs a few days or weeks prior to assessment. As a consequence this data is not held centrally by the Board.

It is therefore not possible to state how many children are waiting to see an educational psychologist in each school.

### **Neighbourhood Renewal**

**Mrs D Kelly** asked the Minister of Education how much money has her Department contributed to the delivery of Neighbourhood Renewal in (i) Lurgan; (ii) Brownlow; and (iii) Portadown, in each of the last three years. (AQW 2855/09)

**The Minister of Education:** Mar is eol daoibh, bíonn príomhfhreagracht ag an Roinn Forbartha Sóisialta as feidhmiú na Straitéise um Athnuachan Comharsanachta.

As you will be aware the Department of Social Development has lead responsibility for the implementation of the Neighbourhood Renewal Strategy.

My Department fully supports the strategic aims of the Neighbourhood Renewal Strategy in tackling poverty and social exclusion in the north and welcomes the work undertaken by the various Neighbourhood Renewal Partnerships. The Strategy sits very comfortably with our general policy and priorities for improved educational outcomes and narrowing differentials. Given the link between education performance and social disadvantage it comes as no surprise that the Neighbourhood Renewal Partnerships in Lurgan, Brownlow and North West Portadown have identified education as a key issue in their Action Plans.

The Extended Schools Programme has allowed eligible schools serving these areas to develop programmes to meet the needs of their pupils, typically through Breakfast Clubs and After School provision. Details of Extended school funding, which is in addition to core funding allocated to the schools in question over the past 3 financial years are as follows:-

Neighbourhood Renewal Area	2006/7	2007/8	2008/9
Lurgan	£203,182	£203,168	£138,609
Brownlow	£188,884	£189,159	£188,584
NW Portadown	£171,613	£173,487	£155,606

I have also asked all Extended Schools to give a priority to engagement with Neighbourhood Renewal Partnerships as part of the process of developing their action plans for the current year.

In addition to this funding, colleagues in the Southern Education and Library Board participate in the work of Neighbourhood Partnerships including Lurgan, Brownlow and North West Portadown. Total cost to the SELB for staff time amounts to £50k over the 2007/08 and 2008/09 years.

### Class Sizes: SELB Area

**Mr Gardiner** asked the Minister of Education what the average (i) P1; (ii) P2; and (iii) P3, class size is in the Southern Education and Library Board area; and to detail the schools that have classes in excess of her Department's maximum guideline of 30 pupils. (AQW 2862/09)

**The Minister of Education:** Tá an t-eolas a iarradh sna táblaí thíos.

The information requested is contained in the tables below.

#### AVERAGE CLASS SIZE FOR YEAR 1, 2 AND 3 CLASSES IN SCHOOLS IN THE SOUTHERN EDUCATION AND LIBRARY BOARD AREA – 2007/08

Year	Average Class Size
1	22
2	24
3	24

#### Primary schools that have Year 1, 2 or 3 classes exceeding 30 pupils in the Southern Education and Library Board area – 2007/08

- Waringstown Ps
- Fair Hill Ps, Dromore
- Drumadonnell Ps
- Mount St Catherine's Ps, Armagh
- St Joseph's Convent Ps, Newry
- St Patrick's Ps, Newry

- St Patrick's Ps, Dungannon
- St Mary's Ps, Dungannon
- St Dallan's Ps, Warrenpoint
- Portadown Integrated Ps

**Source:** Annual school census

**Note:** Figures do not include classes that are composite with any other year group.

### History Curriculum: Holocaust

**Mr Storey** asked the Minister of Education if the Holocaust is still a part of the history curriculum.

(AQW 2900/09)

**The Minister of Education:** Soláthraíonn an curaclam athbhreithnithe réimse deiseanna do scoileanna leis an tUileoscadh agus ceisteanna eile a bhaineann leis a phlé.

The revised curriculum provides a range of opportunities for schools to explore the Holocaust and related issues.

At Key Stage 2 (Years 5 to 7) there are opportunities in the curricular areas, the World Around Us, and Personal Development & Mutual Understanding, for pupils to explore areas such as human rights and social responsibility, how they and others interact in the world, causes of conflict, and appropriate responses.

At Key Stage 3 (Years 8 to 10) the statutory Minimum Content for History requires opportunities to be provided to pupils to investigate the impact of significant events of the 20th century on the world and investigate critical issues in history or historical figures who have behaved ethically or unethically. In addition, Local and Global Citizenship provides opportunities for pupils to explore issues relating to diversity in societies, identify the challenges and opportunities which diversity and inclusion present, in local, national and global contexts; and investigate key human rights principles and local and global scenarios where human rights have been seriously infringed. The Education and Library Boards have provided post-primary schools with a resource to assist them on delivering teaching about the Holocaust.

### Teaching Methods: English, Maths and ICT

**Mr Storey** asked the Minister of Education when her Department last assessed primary school teachers' understanding of teaching methods in (i) English; (ii) Mathematics; and (iii) ICT.

(AQW 2902/09)

**The Minister of Education:** Déanann an Chigireacht Oideachais agus Oiliúna (ETI) measúnú ar cháilíocht theagasc an Bhéarla, an Mhata agus na Teicneolaíochta Faisnéise agus Cumarsáide i ngach uile chigireacht a dhéantar ar bhunscoileanna.

The Education and Training Inspectorate (ETI) assess the quality of teaching in English, Maths and ICT in all inspections of primary schools. Judgements made on quality, include an evaluation of each teacher's knowledge, skills and understanding. In the 2006-2008 period, over 90% of primary schools inspected were providing a satisfactory or better quality of education with around 75% of lessons in English, Maths and ICT being evaluated as good or better.

### Teacher Guidelines: Alternatives to Darwinian Evolution

**Mr Storey** asked the Minister of Education what guidelines are in place for teachers to (i) initiate discussion on; and (ii) respond to pupil requests to discuss in science class, alternatives to Darwinian evolution.

(AQW 2903/09)

**The Minister of Education:** Bíonn m'fhócas fós dírithe ar thacaíocht a thabhairt d'oideachas ár ndaoine óga ar fad thar gach uile chuid den churaclam.

My focus remains on supporting the education of all our young people across all areas of the curriculum. The revised curriculum offers greater opportunities for alternatives to evolution views to be explored. It also provides the flexibility for teachers themselves to determine how to teach, using their professional judgement about the



approaches to be used. The Department of Education does not tell teachers how to teach; that is a matter for their professional judgement.

Regarding the Teachers TV poll, I note that, out of some 1,200 teacher responses to this survey, only 9 were from the north of Ireland, and that the responses received included a wide range of often very different opinions.

Bionn dualgas reachtúil ar Chomhairle Churachlaim Scrúdúcháin agus Mheasúnaithe (CCEA) le comhairle a thabhairt dom faoin churaclam scoile anseo.

The Council for the Curriculum, Examinations and Assessment (CCEA) has a statutory duty to advise me on the school curriculum here. In providing its advice, CCEA takes account of the views of interested parties. Its professional advice is that it is important to distinguish between teaching an evidence based approach to scientific theories and knowledge in science lessons, and exploring other beliefs about how the world came into existence, which could take place in other subjects such as RE. This aligns with professional advice provided to schools by the Association for Science Education (ASE).

### Teacher Guidelines: Alternatives to Darwinian Evolution

**Mr Storey** asked the Minister of Education for her assessment of a recent Teachers TV poll, which stated that (i) almost 50% of respondents believe that excluding alternatives to evolution was counter-productive and would alienate pupils; and (ii) 31% of respondents, including 18% of science teachers, believe that alternative explanations to Darwinian evolution should be given equal status in lessons. (AQW 2904/09)

**The Minister of Education:** Bionn m'fhócas fós dírithe ar thacaíocht a thabhairt d'oidéachas ár ndaoine óga ar fad thar gach uile chuid den churaclam.

My focus remains on supporting the education of all our young people across all areas of the curriculum. The revised curriculum offers greater opportunities for alternatives to evolution views to be explored. It also provides the flexibility for teachers themselves to determine how to teach, using their professional judgement about the approaches to be used. The Department of Education does not tell teachers how to teach; that is a matter for their professional judgement.

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### Student Teachers: Uptake of Full-Time Posts

**Mr Easton** asked the Minister of Education what is the proportion of student teachers, who on finishing their course, took up full-time permanent teaching posts, in each of the last three years. (AQW 2912/09)

**The Minister of Education:** Ní hé an Roinn a bhíonn mar fhostóir na múinteoirí agus ní féidir léi teacht ar an eolas seo go héasca.

The Department does not employ teachers nor does it readily hold this information. However, the Department has analysed the employment patterns of newly qualified teachers during the period 1 July 2007 to 30 June 2008, using information provided by the General Teaching Council (GTC) on those teachers who graduated during registration years 2005/06 to 2007/08 and who are currently registered with the Council. The information is as follows:

	(1) 2005/06	(1) 2006/07	(1) 2007/08
Total number of currently registered graduates	669	708	712
Number employed on a full-time permanent basis during the period 1 July 2007 to 30 June 2008	391	282	157
Proportion of graduates employed on a full-time permanent basis	58.45%	39.83%	22.05%

**Note:**

1. The years stated refer to the GTC Registration Year, i.e. 1 April to 31 March.

### School Leavers: Qualifications

**Mr Storey** asked the Minister of Education how many school leavers left without achieving at least 5 GCSEs at grade C or above, or the equivalent vocational qualifications, in each academic year since 2004-05, broken down by parliamentary constituency; and the percentage of these leavers that went into employment.  
(AQW 2925/09)

**The Minister of Education:** Tá an teolas a iarradh sonraithe sna táblaí thíos:

The information requested is detailed in the tables below:

**NUMBER OF SCHOOL LEAVERS NOT ACHIEVING AT LEAST 5 GCSE'S A\*-C (INC EQUIVALENT) THAT HAD A DESTINATION RECORDED AS EMPLOYMENT BY PARLIAMENTARY CONSTITUENCY 2004/05**

Parliamentary Constituency	Number of school leavers not achieving at least 5 GCSE's A*-C (inc equiv)	Number of school leavers not achieving at least 5 GCSE's A*-C (inc equiv) that had a destination recorded as Employment	Percentage of school leavers not achieving at least 5 GCSE's A*-C (inc equiv) that had a destination recorded as Employment
Belfast East	396	58	14.6
Belfast North	571	115	20.1
Belfast South	295	45	15.3
Belfast West	817	183	22.4
East Antrim	433	72	16.6
East Derry	526	57	10.8
Fermanagh and South Tyrone	485	67	13.8
Foyle	713	94	13.2
Lagan Valley	438	52	11.9
Mid Ulster	576	107	18.6
Newry And Armagh	590	78	13.2
North Antrim	553	93	16.8
North Down	304	41	13.5
South Antrim	469	82	17.5
South Down	633	68	10.7
Strangford	476	72	15.1
Upper Bann	571	61	10.7
West Tyrone	315	38	12.1

Parliamentary Constituency	Number of school leavers not achieving at least 5 GCSE's A*-C (inc equiv)	Number of school leavers not achieving at least 5 GCSE's A*-C (inc equiv) that had a destination recorded as Employment	Percentage of school leavers not achieving at least 5 GCSE's A*-C (inc equiv) that had a destination recorded as Employment
Missing or Invalid Postcodes	201	40	19.9
	9362	1423	15.2

**NUMBER OF SCHOOL LEAVERS NOT ACHIEVING AT LEAST 5 GCSE'S A\*-C (INC EQUIVALENT) THAT HAD A DESTINATION RECORDED AS EMPLOYMENT BY PARLIAMENTARY CONSTITUENCY 2005/06**

Parliamentary Constituency	Number of school leavers not achieving at least 5 GCSE's A*-C (inc equiv)	Number of school leavers not achieving at least 5 GCSE's A*-C (inc equiv) that had a destination recorded as Employment	Percentage of school leavers not achieving at least 5 GCSE's A*-C (inc equiv) that had a destination recorded as Employment
Belfast East	360	99	27.5
Belfast North	586	217	37.0
Belfast South	282	67	23.8
Belfast West	718	346	48.2
East Antrim	432	169	39.1
East Derry	531	121	22.8
Fermanagh and South Tyrone	443	176	39.7
Foyle	646	180	27.9
Lagan Valley	452	153	33.8
Mid Ulster	517	190	36.8
Newry And Armagh	588	96	16.3
North Antrim	569	158	27.8
North Down	309	104	33.7
South Antrim	337	162	48.1
South Down	613	163	26.6
Strangford	461	140	30.4
Upper Bann	595	169	28.4
West Tyrone	501	99	19.8
Missing or Invalid Postcodes	194	67	34.5
	9134	2876	31.5

**NUMBER OF SCHOOL LEAVERS NOT ACHIEVING AT LEAST 5 GCSE'S A\*-C (INC EQUIVALENT) THAT HAD A DESTINATION RECORDED AS EMPLOYMENT BY PARLIAMENTARY CONSTITUENCY 2006/07**

Parliamentary Constituency	Number of school leavers not achieving at least 5 GCSE's A*-C (inc equiv)	Number of school leavers not achieving at least 5 GCSE's A*-C (inc equiv) that had a destination recorded as Employment	Percentage of school leavers not achieving at least 5 GCSE's A*-C (inc equiv) that had a destination recorded as Employment
Belfast East	371	84	22.6
Belfast North	526	118	22.4
Belfast South	294	43	14.6

Parliamentary Constituency	Number of school leavers not achieving at least 5 GCSE's A*-C (inc equiv)	Number of school leavers not achieving at least 5 GCSE's A*-C (inc equiv) that had a destination recorded as Employment	Percentage of school leavers not achieving at least 5 GCSE's A*-C (inc equiv) that had a destination recorded as Employment
Belfast West	666	160	24.0
East Antrim	413	86	20.8
East Derry	501	64	12.8
Fermanagh and South Tyrone	437	96	22.0
Foyle	718	101	14.1
Lagan Valley	420	87	20.7
Mid Ulster	434	97	22.4
Newry And Armagh	512	57	11.1
North Antrim	487	87	17.9
North Down	338	62	18.3
South Antrim	441	95	21.5
South Down	579	74	12.8
Strangford	448	94	21.0
Upper Bann	563	89	15.8
West Tyrone	416	50	12.0
Missing or Invalid Postcodes	190	40	21.7
	8754	1584	18.1

### School Crossing Patrol Officers

**Mr Weir** asked the Minister of Education to detail the number of school crossing patrols in North Down, in each of the last five years. (AQW 2945/09)

**The Minister of Education:** Tá an t-eolas seo a leanas curtha ar fáil ag Bord Oideachais agus Leabharlaine an Oirdheiscirt faoi líon na bpatról trasrianta scoile i gceantar Dhún Thuaidh ón bhliain 2003.

The South-Eastern Education and Library Board has provided the following information on the number of school crossing patrols in the North Down area since 2003:

2003/04	2004/05	2005/06	2006/07	2007/08
30	29	25	24	20

### Disciplinary Procedures: Violent Pupils

**Mr K Robinson** asked the Minister of Education what guidance her Department gives to (i) Education and Library Boards; and (ii) Boards of Governors, on disciplinary procedures involving pupils who have been found to have used violence in schools. (AQW 2948/09)

**The Minister of Education:** Foilsítear gach imlitir agus doiciméad teorach ón Roinn ar láithreán gréasáin na Roinne agus déantar iad a scaipeadh go forleathan fosta.

All Departmental circulars and guidance documents are published on the Department's website and are also widely circulated.



'Pastoral Care in Schools: Promoting Positive Behaviour', published by the Department in June 2001, provides advice on the development of a school's discipline policy. The detail of a school's policy however, is a matter for the school and the Board of Governors, in consultation with pupils and their parents.

The Department, in partnership with the five Education and Library Boards, and the Council for Catholic Maintained Schools, developed a Regional Policy Framework on the 'Use of Reasonable Force/ Safe Handling'. Published in May 2004, this guidance provides schools with a structured framework to enable them to develop a policy on the use of reasonable force/safe handling of pupils.

### Visual Strategy Implementation Group

**Mr Lunn** asked the Minister of Education for the timescale for nomination of a senior Departmental official to the Visual Strategy Implementation Group. (AQW 2955/09)

**The Minister of Education:** Níor tugadh cuireadh don Roinn Oideachais (DE) le hainmniúchán a sholáthar don Ghrúpa Feidhmithe um Stráitéis Amhairc.

The Department of Education (DE) has not been invited to provide a nomination to the Visual Strategy Implementation Group. The Department was made aware of this group in November 2008 by the Chief Executive Designate of the Education and Skills Authority. After establishing the origins and purpose of the group, DE nominated the Head of Special Education Branch to attend a meeting on 13th November 2008.

Following this nomination, the Department was specifically asked not to send any representatives to the meeting until the Director of The Royal National Institute of Blind People would meet with me and the Permanent Secretary. Such a meeting has not been requested but the Department remains willing to provide a nominee as stated in previous communications.

### Pupils Excluded from School

**Dr McDonnell** asked the Minister of Education how many and what percentage of pupils have been temporarily excluded from school in the (i) maintained; and (ii) controlled sectors in each Education and Library Board, in each of the last five years, broken down by gender in both primary and secondary level schools.

(AQW 2957/09)

**The Minister of Education:** Taispeántar sna táblaí thíos líon agus céatadán (bunaithe ar líon iomlán na scoile) na ndaltaí a cuireadh ar fionraí ó scoileanna rialaithe agus scoileanna Caitliceacha faoi chothabháil iad i ngach bliain le cúig bliana anuas:

The number and percentage (based on total school population) of pupils suspended from controlled and catholic maintained schools for each of the last five years is shown in the tables below:

2002/03	Controlled		Catholic Maintained	
ELB Area	No. of pupils suspended	% of total school pop'n	No. of pupils suspended	% of total school pop'n
BELB	484	0.90	405	0.75
NEELB	753	1.12	229	0.34
SEELB	483	0.81	276	0.46
SELB	350	0.52	670	1.00
WELB	177	0.32	557	1.00
<b>Total</b>	<b>2247</b>	<b>0.74</b>	<b>2137</b>	<b>0.71</b>

2003/04	Controlled		Catholic Maintained	
ELB Area	No. of pupils suspended	% of total school pop'n	No. of pupils suspended	% of total school pop'n
BELB	468	0.89	517	0.98
NEELB	752	1.13	313	0.47

<b>2003/04</b>	<b>Controlled</b>		<b>Catholic Maintained</b>	
<b>ELB Area</b>	<b>No. of pupils suspended</b>	<b>% of total school pop'n</b>	<b>No. of pupils suspended</b>	<b>% of total school pop'n</b>
SEELB	533	0.90	267	0.45
SELB	355	0.54	571	0.86
WELB	173	0.32	567	1.04
<b>Total</b>	<b>2281</b>	<b>0.76</b>	<b>2235</b>	<b>0.75</b>

<b>2004/05</b>	<b>Controlled</b>		<b>Catholic Maintained</b>	
<b>ELB Area</b>	<b>No. of pupils suspended</b>	<b>% of total school pop'n</b>	<b>No. of pupils suspended</b>	<b>% of total school pop'n</b>
BELB	390	0.76	528	1.03
NEELB	810	1.23	282	0.43
SEELB	556	0.95	180	0.31
SELB	372	0.57	500	0.76
WELB	201	0.38	506	0.95
<b>Total</b>	<b>2329</b>	<b>0.79</b>	<b>1996</b>	<b>0.68</b>

<b>2005/06</b>	<b>Controlled</b>		<b>Catholic Maintained</b>	
<b>ELB Area</b>	<b>No. of pupils suspended</b>	<b>% of total school pop'n</b>	<b>No. of pupils suspended</b>	<b>% of total school pop'n</b>
BELB	380	0.76	452	0.90
NEELB	792	1.22	230	0.35
SEELB	588	1.02	243	0.42
SELB	410	0.63	533	0.82
WELB	185	0.35	526	1.00
<b>Total</b>	<b>2355</b>	<b>0.81</b>	<b>1984</b>	<b>0.68</b>

<b>2006/07</b>	<b>Controlled</b>		<b>Catholic Maintained</b>	
<b>ELB Area</b>	<b>No. of pupils suspended</b>	<b>% of total school pop'n</b>	<b>No. of pupils suspended</b>	<b>% of total school pop'n</b>
BELB	436	0.89	392	0.80
NEELB	813	1.26	269	0.42
SEELB	318	0.56	149	0.26
SELB	316	0.49	464	0.71
WELB	200	0.39	585	1.13
<b>Total</b>	<b>2083</b>	<b>0.73</b>	<b>1859</b>	<b>0.65</b>

**Notes:**

1. Includes pupils in Key Stage 1– 4 only.
2. Total school population includes pupils in Year 1– 7 attending primary schools, Year 8 – 12 attending post-primary schools and aged 4– 15 years attending special schools.
3. This data includes controlled and catholic maintained schools only. It does not include suspensions from grant maintained and controlled integrated schools, voluntary grammar schools and other maintained schools, which are included in the 'other' category for statistical purposes during data collection.

Statistics on suspensions and expulsions for the 2007/08 school year are undergoing final analysis and will be published in the coming weeks.

## Pupils Excluded from School

**Dr McDonnell** asked the Minister of Education how many and what percentage of pupils have been permanently excluded from school in the (i) maintained; and (ii) controlled sectors in each Education and Library Board, in each of the last five years, broken down by gender in both primary and secondary level schools.  
(AQW 2958/09)

**The Minister of Education:** Taispeántear sna táblaí thíos líon agus céatadán (bunaithe ar líon iomlán na scoile) na ndaltaí a caitheadh amach ó scoileanna Rialaithe agus scoileanna Caitliceacha faoi Chothabháil iad i ngach bliain le cúig bliana anuas.

The number and percentage (based on total school population) of pupils expelled from Controlled and Catholic Maintained schools for each of the last five years is shown in the tables below:

2002/03	Controlled		Catholic Maintained	
ELB Area	No. of pupils expelled	% of total school pop'n	No. of pupils expelled	% of total school pop'n
BELB	*	#	15	0.028
NEELB	9	0.013	*	#
SEELB	6	0.010	*	#
SELB	0	0	7	0.010
WELB	*	#	8	0.014
<b>Total</b>	<b>22</b>	<b>0.007</b>	<b>37</b>	<b>0.012</b>

2003/04	Controlled		Catholic Maintained	
ELB Area	No. of pupils expelled	% of total school pop'n	No. of pupils expelled	% of total school pop'n
BELB	0	0	*	#
NEELB	11	0.017	*	#
SEELB	10	0.017	*	#
SELB	*	#	19	0.029
WELB	*	#	8	0.015
<b>Total</b>	<b>25</b>	<b>0.008</b>	<b>37</b>	<b>0.012</b>

2004/05	Controlled		Catholic Maintained	
ELB Area	No. of pupils expelled	% of total school pop'n	No. of pupils expelled	% of total school pop'n
BELB	*	#	6	0.012
NEELB	10	0.015	7	0.011
SEELB	6	0.010	*	#
SELB	*	#	*	#
WELB	*	#	5	0.009
<b>Total</b>	<b>20</b>	<b>0.007</b>	<b>23</b>	<b>0.008</b>

2005/06	Controlled		Catholic Maintained	
ELB Area	No. of pupils expelled	% of total school pop'n	No. of pupils expelled	% of total school pop'n
BELB	*	#	6	0.012
NEELB	5	0.008	*	#
SEELB	5	0.009	0	0

2005/06	Controlled		Catholic Maintained	
ELB Area	No. of pupils expelled	% of total school pop'n	No. of pupils expelled	% of total school pop'n
SELB	*	#	8	0.012
WELB	0	0	*	#
<b>Total</b>	<b>14</b>	<b>0.005</b>	<b>22</b>	<b>0.008</b>

2006/07	Controlled		Catholic Maintained	
ELB Area	No. of pupils expelled	% of total school pop'n	No. of pupils expelled	% of total school pop'n
BELB	*	#	0	0
NEELB	0	0	*	#
SEELB	8	0.014	*	#
SELB	*	#	*	#
WELB	0	0	7	0.014
<b>Total</b>	<b>12</b>	<b>0.004</b>	<b>14</b>	<b>0.005</b>

**Notes:**

1. Includes pupils in Key Stage 1–4 only.
2. Total school population includes pupils in Year 1–7 attending primary schools, Year 8–12 attending post-primary schools and aged 4–15 years attending special schools.
3. This data includes controlled and catholic maintained schools only. It does not include expulsions from grant maintained and controlled integrated schools, voluntary grammar schools and other maintained schools, which are included in the 'other' category for statistical purposes during data collection.
4. \* denotes figure less than five
5. # denotes a figure which has been treated to prevent disclosure of small numbers elsewhere.

Statistics on suspensions and expulsions for the 2007/08 school year are undergoing final analysis and will be published in the coming weeks.

## Pupils Excluded from School

**Dr McDonnell** asked the Minister of Education how many and what percentage of pupils have had a fixed period exclusion (i) once; (ii) twice; (iii) more than twice; and (iv) more than five times in the (a) maintained; and (b) controlled school sectors, in each Education and Library Boards, in the last five year, broken down by gender in both primary and secondary level schools. (AQW 2959/09)

**The Minister of Education:** Tá socraithe agam go gcuirfear an t-eolas a iarradh i Leabharlann an Tionóil.

I have arranged for the information requested to be placed in the Assembly Library.

## Bullying

**Mr Simpson** asked the Minister of Education, pursuant to her answer to AQW 2313/09, when did her Department published and sent out the guidance to schools. (AQW 2976/09)

**The Minister of Education:** Foilsíodh agus dáilíodh an treorú 'Pastoral Care in Schools: Promoting Positive Behaviour', chuig scoileanna i mí an Mheithimh 2001.

The guidance, 'Pastoral Care in Schools: Promoting Positive Behaviour', was published and distributed to schools in June 2001.



### British and Irish Anti-Bullying Forum

**Mr Simpson** asked the Minister of Education, pursuant to her answer to AQW 2313/09, how much time she spent attending the British and Irish Anti-Bullying Forum in September 2008. (AQW 2977/09)

**The Minister of Education:** D'fhreastail mé ar an gcruinniú seo ar feadh uair a chloig agus 15 noiméad. I attended this meeting for 1 hour and 15 minutes.

### Pupils with Special Needs

**Mr Moutray** asked the Minister of Education to detail the number of pupils registered as having special needs, in each Education and Library Board, in each of the last three years. (AQW 2986/09)

**The Minister of Education:** Tá an t-eolas a iarradh sa tábla seo a leanas.

The information requested is contained in the following table.

**PUPILS REGISTERED AS HAVING SPECIAL NEEDS BY EDUCATION AND LIBRARY BOARD – 2005/06 – 2007/08.**

Year	School type	ELB					Total
		BELB	WELB	NEELB	SEELB	SELB	
2005/06	Nursery	200	124	104	235	78	741
	Primary	5,733	6,545	5,923	6,645	6,708	31,554
	Post primary	4,000	3,608	2,685	3,217	3,295	16,805
	Special	1,248	748	1,010	1,199	394	4,599
	<b>Total</b>	<b>11,181</b>	<b>11,025</b>	<b>9,722</b>	<b>11,296</b>	<b>10,475</b>	<b>53,699</b>
2006/07	Nursery	308	177	192	272	100	1,049
	Primary	6,061	6,563	6,031	6,535	6,685	31,875
	Post primary	5,154	4,204	2,936	3,567	3,897	19,758
	Special	1,245	749	1,016	1,145	402	4,557
	<b>Total</b>	<b>12,768</b>	<b>11,693</b>	<b>10,175</b>	<b>11,519</b>	<b>11,084</b>	<b>57,239</b>
2007/08	Nursery	255	174	238	251	82	1,000
	Primary	6,088	6,307	6,089	6,506	6,677	31,667
	Post primary	5,721	4,354	3,365	3,595	4,021	21,056
	Special	1,275	740	1,012	1,166	418	4,611
	<b>Total</b>	<b>13,339</b>	<b>11,575</b>	<b>10,704</b>	<b>11,518</b>	<b>11,198</b>	<b>58,334</b>

**Source:** Annual school census

**Note:**

Primary includes nursery, reception and year 1 – 7 classes.

A pupil with special needs is defined as any pupil who is registered at Stage 1 – 5 on the Special Educational Needs Code of Practice.

### Employees with Cancer

**Mr G Robinson** asked the Minister of Education to clarify if it is accepted practice in her Department for employees with cancer and undergoing treatment to be issued with a final written warning due to their sick leave record. (AQW 2994/09)

**The Minister of Education:** Ní thugann an Roinn Oideachais rabhaidh scríofa deiridh d' fhostaithe a bhíonn as láthair mar gheall ar thinneas agus iad faoi chóireáil ailse.

The Department of Education never issues final written warnings to employees who are absent due to sickness while undergoing treatment for cancer.

### Full-Time Education: Alternative Arrangements

**Dr McDonnell** asked the Minister of Education to detail the alternative full-time education arrangements that are put in place to ensure that pupils that are (i) temporarily; and (ii) permanently, excluded from (a) primary; and (b) post-primary school, broken down by Education and Library Board area. (AQW 3000/09)

**The Minister of Education:** Bíonn scoileanna freagrach as obair oiriúnach a sholáthar, a chomhlíonfar sa bhaile, do dhaltai atá ar fionraí ionas go mbeidh leanúnachas san oideachas ann agus gur féidir leis an dalta filleadh ar an scoil arís gan deacracht.

Schools are responsible for providing suitable work, for completion at home, by pupils who have been suspended, to ensure continuity of education and that the pupil can re-integrate without difficulty.

Where a continuous period of suspension exceeding 15 days is in place, the relevant Education and Library Board is expected to assist with making appropriate educational provision for the pupil. This may involve attendance at a tutor centre or Further Education College, Pupil Referral Unit or home tuition. The actual provision will be determined by the needs of the pupil and the options available in the area. The Board may also meet with the school and the parents of a pupil to consider the options for longer term arrangements including re-integration.

In the case of pupils who have been expelled from a school, education provision is put in place by the responsible Education and Library Board, which is appropriate to their age, ability and any special educational needs that they may have. The actual provision may include education in another school, attendance at a Further Education College, home tuition, or a placement on an alternative education project.

### Pupils Excluded from School

**Dr McDonnell** asked the Minister of Education if a pupil can be (i) temporarily; or (ii) permanently, excluded from school if they have been statemented. (AQW 3002/09)

**The Minister of Education:** Is féidir daltaí a bhfuil ráiteas ar riachtanais speisialta oideachais (SEN) acu a chur ar fionraí agus/nó a dhíbirt ón scoil.

A pupil with a statement of special educational needs (SEN) can be suspended and/or expelled from school.

Pupils with SEN statements should be expelled only in the most exceptional circumstances and only after every other practicable means of retaining the pupil in school has been fully explored in consultation with the relevant ELB. Schools can ask their Education and Library Board (ELB) to review the pupil's statement, consider additional support or an alternative placement.

## EMPLOYMENT AND LEARNING

### Apprenticeships

**Mr P Ramsey** asked the Minister for Employment and Learning how many people (i) started; and (ii) completed, a formal apprenticeship in each of the last five academic years, broken down by industry sector; and what is the target number that his Department hopes to reach on an annual basis. (AQW 2571/09)

**The Minister for Employment and Learning (Sir Reg Empey):** The information requested is provided in Annex A which has been placed in the library. The data in the Annex A reflects all those who started a Jobskills Modern Apprenticeship programme in the past five years and the number of those particular clients who have gone on to achieve their apprenticeship or who are still on the programme.

It should be noted that a full apprenticeship can take up to four years to complete, therefore data for the Training for Success 2007 and ApprenticeshipsNI cohorts have not been included in this response as there has been insufficient time for completion of training or achievement of related qualifications.

The Department does not set targets for the number of apprentices starting in a particular occupational area. There is an overall target of 10,000 apprentices on programme by 2010. The current occupancy on the Jobskills, Training for Success and ApprenticeshipsNI programmes currently stands at just over 9000.

### Sector Skills Councils

**Mr Newton** asked the Minister for Employment and Learning to confirm the number of Sector Skills Councils (i) that have a Sector Skills agreement approved by his Department; (ii) that have a Sector Skills agreement still to be approved; (iii) that have staff employed in Northern Ireland; and (iv) that operate in Northern Ireland without a locally based staff. (AQW 2822/09)

**The Minister for Employment and Learning:** There are currently 23 Sector Skills Councils which have a Sector Skills Agreement approved by the Northern Ireland Project Board. It is anticipated that the remaining 2 Sector Skills Councils will receive approval for their Sector Skills Agreements by December 2008.

Eighteen Sector Skills Councils employ a Northern Ireland based manager with the remaining seven operating without locally based staff. It is anticipated that 2 of those without a Northern Ireland Manager plan to appoint one in the near future.

### Benefits: Students

**Mr Lunn** asked the Minister for Employment and Learning to compare the benefits available to students (i) in full-time education; and (ii) in apprenticeships. (AQW 2831/09)

**The Minister for Employment and Learning:** In relation to apprenticeships, it is a requirement that all apprentices are in permanent remunerative employment from the first day of the provision, and the Department requires that employers pay them the going rate for the job. Consequently, the Department does not provide any additional benefits to apprentices due to their employed and remunerated status, other than those benefits that are generally available to people in employment such as Child Tax Credit, Working Families' Tax Credit, or Disability Working Allowance. The Department also provides supplementary Support Funding to Training Suppliers which can be used in a variety of ways to assist apprentices who have a disability.

Students from less well off families in full-time education may be eligible for an Education Maintenance Allowance. This is a means tested weekly payment of up to £30 based on attendance. In addition to this, they may also be eligible for performance bonuses of £100 up to three times per year.

The Department provides the Further Education Colleges with funding to provide financial support to FE and HE students through a number of earmarked initiatives; these are available to all students including full time students.

**FE Awards** – The Western Education and Library Board make awards to full time students in respect of courses approved for further education purposes by the Department. These Awards can include for example, Tuition Fees, Maintenance Grant (support for living costs), Childcare and Disability Students' Allowance. Such awards are made subject to the conditions specified in the current Further Education Award Arrangements and also subject to available funding.

**Student Support Funds** - which are discretionary, allow FE colleges to provide financial help to students whose access to, or participation in, further education is inhibited by financial considerations, or who, for whatever reason, including physical or other disabilities, face financial difficulties in meeting their cost of living.

**Additional Support Funds** - allow FE colleges to provide additional support to students with a disability in mainstream FE Provision. This can be in the form of Technical Support (the purchase of specialised enabling equipment such as brailers, specialist software and hearing loops, for example) or Human Support (Specialist Tutor/Lecturer, Interpreter or Classroom Assistant, for example).

**Care to Learn NI Scheme** – FE colleges can provide childcare support for 16 to 20 year-old parents in Further Education provision.

It is, however, difficult to compare apprentices with students in full time education, as apprentices are already in permanent employment are therefore waged employees which gives them a guaranteed income, which is not the case with full-time students.

### Benefits: Apprentices

**Mr Lunn** asked the Minister for Employment and Learning (i) what consideration he is giving to; and (ii) what discussions he has had with other Departments about, bringing into line the benefits available to apprentices with those available to students in full time education. (AQW 2835/09)

**The Minister for Employment and Learning:** I refer to the response that I provided to you in a separate Written Question (AQW 2831/09) in which I compared the benefits that were available to apprentices and students in full-time education.

I would again emphasise that students in full-time education and apprentices are not entirely comparable, as apprentices have permanent, remunerated employment status, whereas students do not.

However, apprentices under the age of 19 are exempted from the National Minimum Wage until they reach their 19th birthday. If they begin an apprenticeship at the age of 19, they are also exempt for the first year.

The Low Pay Commission (LPC) is currently consulting on a review of low pay, including apprenticeships. I have provided information to the LPC as part of this consultation and their report is expected in February 2009. When this report is received, I will consider its findings and will then decide how best to proceed on this issue. Should the exemptions under the National Minimum Wage Regulations remain, then one possible action is to consider a minimum wage rate as a condition of the funding for apprenticeship training.

### Apprentices

**Mr G Robinson** asked the Minister for Employment and Learning what financial assistance is available to apprentices who lose their jobs to enable them to continue the further education element of their apprenticeship. (AQW 2928/09)

**The Minister for Employment and Learning:** In light of the current economic downturn and the subsequent increase in redundancies for apprentices, I made a statement on 11th November 2008 to the Assembly in respect of contingency arrangements that the Department is introducing to allow apprentices who have been made redundant to continue with their training. These arrangements will be introduced initially for apprentices in the areas of construction, motor vehicle industry, and engineering, where the need for such arrangements is greatest.

Under these arrangements, apprentices in these occupational areas will be able to complete the NVQ element of an apprenticeship Framework under the Steps to Work initiative, and the Essential Skills and Technical Certificate separately in FE Colleges. Whilst on Steps to Work, apprentices will be entitled to a benefit-based training allowance (i.e. Jobseeker's Allowance plus a £15.38 weekly top-up) and may qualify for other passported benefits.

### Unemployment Figures

**Ms Ní Chuilín** asked the Minister for Employment and Learning to provide by parliamentary constituency (i) the current unemployment figures; and (ii) the contingencies the Department has in place to deal with perceived risks in relation to unemployment figures. (AQW 2961/09)

**The Minister for Employment and Learning:**

- (i) Information on unemployment by Parliamentary Constituency area, as measured by the number of claimants for Jobseeker's Allowance, is published by the Department of Enterprise, Trade and Investment on their website at the following link <http://www.detini.gov.uk/cgi-bin/downdoc?id=4006>. The most recent data, relating to October 2008, are reproduced in the Table which has been placed in the Library.
- (ii) A comprehensive range of services is available through my Department's network of 35 Jobs and Benefits offices and JobCentres and through contracted Providers to help the unemployed find work. The services include mandatory work-focused interviews; action planning for certain clients and measures designed to improve the job prospects for those who have become unemployed. These services are subject to regular review.



The Department has taken steps to adjust its current programmes in light of changing economic circumstances. For example, contingency measures for apprentices, which I announced on 11 November, have been introduced.

Local office Managers have responded to the increase in unemployment by ensuring that resources are provided to meet the initial needs of those clients. As this increase in unemployment has been sustained a number of contingency measures have been put in place including recruitment of temporary staff, temporary promotions, offering part-time staff an increase in hours, and allowing overtime in exceptional circumstances, including opening offices to the public on Saturday. Longer term measures will include close monitoring of the increase in the register and recruitment of additional staff.

## ENTERPRISE, TRADE AND INVESTMENT

### Ulster-Scots Language and Culture

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment what assistance (i) has been given; and (ii) can be given, by her Department, for promoting the Ulster Scots language and culture to tourists.

(AQW 2583/09)

**The Minister of Enterprise, Trade and Investment (Mrs A Foster):** Both the Northern Ireland Tourist Board and Tourism Ireland are well aware of the number of people, especially in North America, who claim Ulster Scots ancestry and have undertaken a number of targeted promotions to reach that market. In March 2008, the Ulster Scots Agency held their Board meeting in Tourism Ireland's office in Dublin and were given a presentation outlining the considerable amount of marketing activity that had been carried out in the previous year to reach the Ulster Scots sector.

This year a new Ulster Scots initiative was undertaken, targetting American visitors arriving on the cruise ships visiting Belfast. The Belfast Visitor & Convention Bureau, in conjunction with the Ulster Scots Agency, Ulster Scots Heritage Council and Carrickfergus Borough Council, developed a 2-hour Ulster Scots tour which tells the story of the Ulster Scots and the role they played in Ulster and North America. It includes visits to Carrickfergus Castle, the Andrew Jackson Centre and the United States Rangers Centre. Initial feedback has been good and this will help inform the development of a broader Ulster Scots product.

NITB produced 'Uniquely Northern Ireland – Uncover Landscapes & Legends' in September 2008. This consumer publication promotes what is unique about Northern Ireland's culture and heritage and includes sections on Ulster Scots as a cultural experience as well as a genealogical product. The publication has been distributed to Tourism Ireland's overseas offices worldwide and Tourist Information Centres throughout Northern Ireland, and is available as a brochure download on NITB's consumer website [www.discovernorthernireland.com](http://www.discovernorthernireland.com)

In recent years, Tourism Ireland has targeted the Ulster Scots segment in the United States through a comprehensive programme of advertising, direct marketing, publicity and promotions to encourage more of them to visit Northern Ireland. This has included implementing a programme of promotions aimed specifically at the Ulster Scots segment. For instance, each year since 2005, Tourism Ireland has mounted a strong Northern Ireland presence at the annual Stone Mountain Highland Festival. Tourism Ireland has also had a presence at annual events such as the Grandfather Mountain Games (2006), the Fall Homecoming at the Museum of Appalachia (2006), the Americana Conference and Exhibition in Nashville (2007) and Philadelphia Garden Show (2007).

NITB has recently undertaken an audit of the Ulster Scots product within Northern Ireland. This has revealed that while there are some interesting stories to tell, many of the sites connected with the Ulster Scots are not staffed, have poor interpretation and are not open at times convenient to visitors. When the audit is complete in December this year, the focus will turn to identifying where the product can be usefully developed looking in particular at interpretation and access.

Tourism Ireland continues to engage with the Ulster Scots Agency, the Ulster Historical Foundation, the Orange Order, the Northern Ireland Tourist Board, and other agencies and bodies in Northern Ireland, with a view to ensuring that all aspects of Ulster Scots language, culture and heritage in Northern Ireland are reflected strongly in its overseas promotional materials, activities and marketing campaigns.

## Renewable Energy

**Mr Brolly** asked the Minister of Enterprise, Trade and Investment what action her Department is taking to encourage the public to use renewable energy in their homes. (AQO 1422/09)

**The Minister of Enterprise, Trade and Investment:**

To date my Department, through the Reconnect scheme, has supported 4100 household renewable energy installations since July 2006 at a total cost of £10.3 million. It is expected that the final number of installations will be in the region of 4,300 at a cost of £10.8 million, once all claims have been processed.

My Department continues to provide funding for Action Renewables to provide free technical advice to householders on renewable energy technologies and offer a signposting service to the Low Carbon Building Programme, which offers grant support to domestic households for the installation of renewable energy technologies. The programme is set to remain open until 2010 and households in Northern Ireland are eligible to apply.

Additionally there is a reduced rate of VAT at 5% for small scale renewable technologies, and for those technologies generating electricity, Renewable Obligation Certificates are available.

In addition, I understand that the Department for Social Development (DSD) will be co-funding a pilot with Northern Ireland Electricity to test a number of renewable technologies, mostly in hard to treat rural homes. Following the Northern Ireland Audit Office report DSD has also proposed a number of changes to the Warm Homes Scheme which are now subject to public consultation. One of the recommendations is to introduce renewable technologies in hard to treat properties as an alternative to oil.

## Invest NI: Food Showcase Innovations

**Mr McQuillan** asked the Minister of Enterprise, Trade and Investment for an update on the Invest NI's food companies showcase innovations. (AQW 2789/09)

**The Minister of Enterprise, Trade and Investment:** Invest NI in the past 12 months has held its biggest ever promotion of Northern Ireland food companies in external marketplaces with 40 showcase events in GB, the Republic of Ireland, Europe, North America and the Middle East.

This has involved 14 exhibitions and 26 Meet the Buyer events. So far this year the products of over 160 NI companies have been presented to buyers either individually or collectively.

In the past 3 weeks alone the products of 40 companies have been showcased at a Bakery Show in London (OoH Live) and the BBC Good Show in Birmingham.

Early in the new year Invest NI will be publishing a regional food supplement in the Caterer & Hotel Keeper, the UK's premier Catering/Hospitality and Foodservice trade magazine, which will showcase 25 of Northern Ireland's leading food companies to the magazine's 90,000 readership.

## 2012 Olympic and Paralympics Games

**Lord Browne** asked the Minister of Enterprise, Trade and Investment how many businesses have registered on the London 2012 Olympic and Paralympics Games' website, CompeteFor. (AQW 2802/09)

**The Minister of Enterprise, Trade and Investment:** As of Monday 24th November 2008 statistics from the CompeteFor site show 46,678 registrations from businesses across the UK of which 563 are from Northern Ireland businesses.

To date more than 200 of these NI businesses have received direct or indirect support from Invest NI in relation to preparation of tenders and in meeting the business readiness criteria and in particular the Quality Management System requirement.

## 2012 Olympic and Paralympics Games

**Lord Browne** asked the Minister of Enterprise, Trade and Investment how many potential job opportunities could be created as a direct result of the London 2012 Olympic and Paralympics Games. (AQW 2885/09)

**The Minister of Enterprise, Trade and Investment:** Delivery of the 2012 Olympic Games in London offers the prospect of c£9bn in Games related contract opportunities creating job opportunities at different times and for different durations across a diverse range of industries and sectors. Although many of the higher-profile main contracts have already been awarded, a long tail of sub-contracts remains to be let over the next 3 years.

NI businesses are actively seeking work directly through prime contacts and indirectly through sub-contact work but are not obliged, for reasons of commercial confidentiality and sensitivity, to publicly announce any successes.

Based on the limited evidence currently available and applying the working assumption that £1m of business sustains 20 jobs, it is estimated that c500 jobs will be sustained in NI as a result of the 2012 Olympics/Paralympics.

## ENVIRONMENT

### River Pollution

**Mr Burns** asked the Minister of the Environment to detail (i) the rivers in (a) Northern Ireland; and (b) the South Antrim constituency, that are 'polluted beyond acceptable levels', as defined by his Department; (ii) the legislation and criteria used to define a river as polluted; and (iii) the action his Department is taking to clean these rivers. (AQW 2534/09)

**The Minister of the Environment (Mr S Wilson):** The Northern Ireland Environment Agency (NIEA) monitors a significant number of rivers in Northern Ireland against a range of key indicators of pollution.

As a significant amount of work is required in the preparation of a reply my officials will write to you directly when the information has been collated.

### Ulster Farm By-Products

**Mr Burns** asked the Minister of the Environment, pursuant to his answer to AQW 1944/09, what tests his officials have performed in the past year to investigate the cause and nature of the offensive odours emanating from Ulster Farm By-Products; and if any of these incidents of air pollution have resulted in sanctions being imposed on the offending company. (AQW 2536/09)

**The Minister of the Environment:** The tests carried out by both the Company and Northern Ireland Environment Agency in order to investigate odour arising from Ulster Farm By-Products were listed in the answer to your previous question AQW122/09. The tests carried out by NIEA were those undertaken in March 2006.

NIEA has issued two enforcement notices to the Company as a result of breaches in their permit which has given rise to odours off site.

### Official Visits

**Mr Gallagher** asked the Minister of the Environment to detail the number of official visits he has carried out since taking up office, broken down by the number of occasions he used (i) a Ministerial car; (ii) public transport; and (iii) any other form of transport. (AQW 2568/09)

**The Minister of the Environment:** Since taking up office I have carried out 38 official visits using my Ministerial car.

### Noise Nuisance

**Mr Craig** asked the Minister of the Environment how many prosecutions there have been for noise nuisance in the Lagan Valley constituency, over the last five years. (AQW 2589/09)

**The Minister of the Environment:** The Department records the number of noise complaints received by each of the twenty six councils, and publishes this information annually in the form of the Noise Complaint Statistics for Northern Ireland report. The information however is not disaggregated down to Parliamentary Constituency level.

### Water Pollution Monitoring

**Mr Burns** asked the Minister of the Environment to outline what water pollution monitoring arrangements, permanent or otherwise, are in place for the Glenavy River. (AQW 2604/09)

**The Minister of the Environment:** The Northern Ireland Environment Agency (NIEA) monitors river water quality at two locations on the Glenavy River, at Ballydonaghly Bridge and at Leap Bridge. Within the river catchment, there is also a monitoring station on the Stoneyford River at the 'Y' Bridge and on the Rushyhill River at Leathemstown. These monitoring stations are 'permanent' and samples are collected 12 times per year for chemical results and up to twice a year for biological results. The results from these samples are used to assess the quality of the river water under the General Quality Assessment (GQA) scheme, the Freshwater Fish Directive and the Water Framework Directive.

### Sports Strategy

**Mr P Ramsey** asked the Minister of the Environment to outline the (i) contribution to date; and (ii) planned future contribution, from her Department to the implementation of the Sports Strategy. (AQW 2618/09)

**The Minister of the Environment:** Two agencies within my Department, the Environment and Heritage Service (now the Northern Ireland Environment Agency) and the Planning Service, participated in DCAL led focus groups in 2005 and 2006 and considered how a range of issues, including environmental and planning issues, should be reflected in any new sports strategy. My Department subsequently provided comments on early drafts of a new sports strategy. It is envisaged that the Minister for Culture, Arts and Leisure will have lead responsibility for the implementation of the new sports strategy, and that my Department will be represented on a Ministerial led Monitoring Group set up to oversee the implementation of this strategy.

The Northern Ireland Environment Agency (NIEA) will continue to work in partnership with Sport NI and others who are involved in the delivery of the Sports Strategy. NIEA will consider any application for financial support from organisations that are involved in the development and implementation of the Strategy where it relates to access and enjoyment of the countryside.

In Planning Service, the Strategic Projects Team has undertaken to provide planning advice to prospective developers at each stage of the Elite Facilities Programme competition and to carry out detailed pre-application discussions on the successful proposals chosen by Sport NI. Over recent months discussions have taken place with Sport NI and a number of sporting organisations, schools and district council officials regarding the provision of a variety of sporting facilities. Individual meetings with a number of planning consultants and sporting groups who are competing for funding from Sport NI for their various sporting projects have also been facilitated.

Officials from Local Government Policy Division have also, on a number of occasions, met with officials from Sport NI in relation to the linkages between the delivery of the Sports Strategy and the community planning process that will be led by the new councils after 2011. This engagement will continue as work is taken forward in order to develop greater detail on the outworking of both the Sports Strategy and the community planning process.

### Class 2 HGV Driving Licence

**Mr Shannon** asked the Minister of the Environment when he will introduce legislation to reduce the age limit for a class 2 HGV driving licence from 21 to 18 years of age. (AQW 2626/09)

**The Minister of the Environment:** Driving licences, and consequently minimum ages for obtaining them, are set by European legislation. The second EU directive (91/439/EEC) on driving licences set the minimum age for acquiring a large goods vehicle (LGV) licence at 21 years. However, a more recent piece of EU legislation (2003/59/EC) allows drivers to obtain an LGV licence from the age of 18 years subject to their acquiring a certificate of professional competence, in addition to holding the relevant category of driving licence. This directive will apply to all LGV drivers from September 2009.



The Department is currently working on the legislation which will, among other things, reduce the age limit for drivers of LGVs (Category C and associated sub-categories) from 21 to 18 years of age. The circumstances in which the age limit will be reduced are that the driver must be undertaking driving lessons, sitting the driving test, or have already acquired the certificate of professional competence.

The legislation will be introduced early in 2009 and will take effect for drivers of LGVs from September 2009.

There are no plans to reduce the age limit for drivers of LGVs to 17 years of age.

## Class 2 HGV Driving Licence

**Mr Shannon** asked the Minister of the Environment if he intends to reduce the age restriction for a class 2 HGV licence to (i) 17 years; or (ii) 18 years. (AQW 2627/09)

**The Minister of the Environment:** Driving licences, and consequently minimum ages for obtaining them, are set by European legislation. The second EU directive (91/439/EEC) on driving licences set the minimum age for acquiring a large goods vehicle (LGV) licence at 21 years. However, a more recent piece of EU legislation (2003/59/EC) allows drivers to obtain an LGV licence from the age of 18 years subject to their acquiring a certificate of professional competence, in addition to holding the relevant category of driving licence. This directive will apply to all LGV drivers from September 2009.

The Department is currently working on the legislation which will, among other things, reduce the age limit for drivers of LGVs (Category C and associated sub-categories) from 21 to 18 years of age. The circumstances in which the age limit will be reduced are that the driver must be undertaking driving lessons, sitting the driving test, or have already acquired the certificate of professional competence.

The legislation will be introduced early in 2009 and will take effect for drivers of LGVs from September 2009.

There are no plans to reduce the age limit for drivers of LGVs to 17 years of age.

## Equality Legislation

**Mr Simpson** asked the Minister of the Environment to detail the involvement his Department has in assisting local councils to fulfil their obligations under equality legislation. (AQW 2634/09)

**The Minister of the Environment:** Section 75 of the Northern Ireland Act 1998 provides that all public authorities, in carrying out their functions in Northern Ireland, shall have due regard to the need to promote equality of opportunity between certain specified individuals and groups, and have desirability of promoting good relations between persons of different religious belief, political opinion and racial group.

The new duties, which came into operation on 1 January 2000, required all public authorities to submit an equality scheme to the Equality Commission. District councils, as public authorities, have submitted equality schemes and are reporting directly to the Equality Commission on their Section 75 duties. My Department has no involvement in assisting them to fulfil their obligations under equality legislation.

## Ulster Farm By-Products

**Mr Burns** asked the Minister of the Environment if all pipes at Ulster Farm by-products which put discharge into the Glenavy River have been built in accordance with the discharge permits granted by his Department. (AQW 2651/09)

**The Minister of the Environment:** There are 7 discharges into the Glenavy River from the Ulster Farm By-Products site which are all regulated by NIEA's permit under the Pollution Prevention and Control Regulations (NI) 2003.

The company recently introduced a facility to recycle treated effluent for reuse on the site, mainly as wash down water. As part of this modification a new pipe was installed to pass treated effluent to the dam that forms the company's water intake from the Glenavy River and the intake from the river was adjusted. This dam has often overflowed in the past, but in the previous mode of operation, the overflow comprised unused river water returning to the river. However, following introduction of the treated effluent recycle, the dam overflowed over the weekend 15-16 November. The treated effluent which overflowed was compliant with the discharge standards

in the permit for the effluent treatment plant discharge and did not cause pollution, but it was an unauthorised release and NIEA issued an enforcement notice to prevent a recurrence.

### Ulster Farm By-Products

**Mr Burns** asked the Minister of the Environment to detail (i) the number and locations of all pipes at the Ulster Farm by-products site which discharge into the Glenavy River; (ii) how many of these pipes have been built in the last year; and (iii) if the addition of new discharge pipes requires a revision of the permits issued by his Department. (AQW 2652/09)

#### The Minister of the Environment:

- (i) There are seven pipes that discharge into the Glenavy River from the Ulster Farm By-Products site, and they are all regulated under the Company's permit. The process effluent discharge from the site is located at the bottom of a series of steps below the effluent treatment plant. There are two storm water discharges below this and three upstream. The cooling water discharge is also located upstream of the process effluent discharge.
- (ii) A new pipe used to recycle treated effluent, referred to in the answer to AQW 2651/09, was introduced over the last few weeks which discharges to the Company's water intake dam.
- (iii) The addition of a new discharge point from any permitted installation requires a variation to the permit. The discharge which resulted from the installation of the new recycling pipe was not covered by the permit and that is why the Northern Ireland Environment Agency issued an enforcement notice.

### Water Quality Test

**Mr Shannon** asked the Minister of the Environment to detail the beaches that passed the water quality test this year; and whether the results were affected by unseasonably bad weather. (AQW 2655/09)

**The Minister of the Environment:** I am encouraged that despite another wet summer, only one bathing water out of twenty four identified bathing waters in Northern Ireland failed to achieve the mandatory requirements of the EC Bathing Waters Directive.

The twenty three that complied with the requirements included: Magilligan (Benone), Magilligan (Downhill), Castlerock, Portstewart, Portrush (Mill), Portrush (Curran), Portrush (Whiterocks), Portballintrae (Salmon Rock), Ballycastle, Waterfoot, Carnlough, Ballygalley, Brown's Bay, Helen's Bay, Crawfordsburn, Groomsport, Millisle, Ballywalter, Tyrella, Murlough Co. Down, Newcastle, Cranfield (Nicholson's Strand) and Cranfield Bay.

As a result of heavy and sustained rainfall Ballyholme again failed to meet the Directive's requirements.

Heavy and sustained rainfall affects bathing water quality as it increases overflows from sewer networks and run off from agricultural land. Heavy rain can also highlight deficiencies in the sewerage infrastructure and the Northern Ireland Environment Agency continues to press Northern Ireland Water to give a high priority to these.

### Cycling Proficiency Scheme

**Mr Savage** asked the Minister of the Environment what plans he has to expand and upgrade the cycling proficiency scheme. (AQW 2659/09)

**The Minister of the Environment:** The current Cycling Proficiency Scheme is well established, with 596 primary schools participating in 2007 and with almost 8,000 children passing the test. The number of schools involved in the scheme has also been growing.

In considering any new proposals to expand or upgrade the current scheme, my Department must have regard to its statutory duty, which is to promote road safety in order to reduce the number of people killed and seriously injured on Northern Ireland's roads. Resources are therefore targeted primarily at addressing the main causes of road traffic casualties.

Cycling casualties have been falling for a number of years. Figures for the period up to 24 November 2008 show that two pedal cyclists have been killed so far this year compared with two for the same period in 2007

and none in 2006. There have been no child cyclist fatalities since 2005. Over the last three years, on average, 10 children have been seriously injured on bikes. This represents a reduction of over 64% on the average of 28 for the baseline period of 1996-2000. The figures suggest that while there is no room for complacency, and while efforts to drive the figures down even further must continue, the existing strategy is working.

I have no plans, therefore, to expand or upgrade the current scheme at this time.

### Safe Cycling Strategy

**Mr Savage** asked the Minister of the Environment what consideration his Department has given to the development of a 'safe cycling' strategy. (AQW 2660/09)

**The Minister of the Environment:** I have no plans at present to develop a 'safe cycling strategy'. The Northern Ireland Road Safety Strategy 2002-1012 included a wide range of measures to improve safety for all road users, and a number of these were aimed at cyclists. A replacement road safety strategy, for publication in 2010, will consider further measures to continue to improve cyclists' safety.

The Highway Code for Northern Ireland, which I launched in July 2008, includes rules, information and advice for all road users and has numerous inclusions specifically for cyclists.

My Department promotes safe cycling by encouraging teachers to educate and train child cyclists through its long established Cycling Proficiency Scheme. Around 8,000 pupils participate in this scheme every year.

Road Safety Education Officers carry out a programme of visits to all schools promoting cycle training, providing appropriate training and teaching materials, quality assuring training and, in schools participating for the first time, undertaking testing. All schools are encouraged to include on-road instruction wherever possible and approximately ten per cent of participants receive this training.

I should also note that the Department for Regional Development's Roads Service has a cycling strategy, and is responsible for promoting and encouraging cycling activity and for providing appropriate infrastructure and facilities, including cycle lanes.

### Newry Southern Relief Road

**Mr P J Bradley** asked the Minister of the Environment how many enquiries have been made to his Department in relation to the contemplated Newry southern relief road linking the A1 at Cloghoge and the A2 at Ballinacraig. (AQW 2694/09)

**The Minister of the Environment:** The draft Banbridge Newry & Mourne Area Plan 2015, published in August 2006, defined an area of search for a proposed Southern Bypass for Newry City, linking the A1 Dublin Road to the A2 Warrenpoint Road and within which a preferred route will be identified in due course.

As a result of the statutory public consultation that followed publication of the draft Plan two letters in support of this road scheme were received, both of which highlighted the benefit of the Southern Bypass to the trade using the port of Warrenpoint, and the major economic and environment benefits to the entire Newry & Mourne area.

One letter of objection to this road scheme was received. This submission objected to the omission of any reference to the Area of Special Scientific Interest (ASSI) and coastal policy area, which would be affected by the Southern Bypass, and suggested that specific reference should be made to the need to minimise the impacts through mitigation and provision of suitable compensation and enhancement.

Also, in February 2008 the former Environment & Heritage Service received an enquiry from Scott Wilson, consultants appointed by the Department for Regional Development's Roads Service for the scheme, seeking its view on any designated sites or other features of ecological interest within the area covered by the proposal.

It is possible that the issue of the Southern Bypass may have been raised in correspondence in relation to planning applications in or adjacent to the proposed area of search. Such information would however require a manual search of applications and would result in a disproportionate cost.

## Strategic Waste Infrastructure Fund

**Mr Easton** asked the Minister of the Environment to outline his Department's major capital building programmes, for the next three years. (AQW 2744/09)

**The Minister of the Environment:** The Strategic Waste Infrastructure Fund (SWIF) is available to the three Waste Management Groups (arc21, the Southern Waste Management Partnership 2008 & the North West Region Waste Management Group) to assist local government with the significant costs of delivering the new waste infrastructure required to meet the landfill diversion targets in the EU Landfill Directive (1999/31/EC).

SWIF will provide up to £200m or 50% of the cost of the capital investment for Northern Ireland as a whole, whichever is the lower. This will reduce the impact of the cost of providing the new residual waste services on ratepayers.

Capital expenditure for the strategic waste infrastructure for the next 3 years totals £75.2m and can be broken down as follows:-

	2008/9	2009/10	2010/11	2011/12
Estimated Capital Build	-	-	£300,000	£74,900,000

## Licence for Pest Species

**Mr Shannon** asked the Minister of the Environment what discussions the Minister has held with the British Association for Shooting and Conservation and the Countryside Alliance NI on agreeing the birds to be covered by this year's general licence for pest species. (AQW 2751/09)

**The Minister of the Environment:** I had no discussions with either of the named organisations before the 2008 licence was issued.

## Red Kites: Re-Introduction

**Mr Shannon** asked the Minister of the Environment what discussions his Department had with BASC and CINI about the introduction of Red Kites. (AQW 2775/09)

**The Minister of the Environment:** The Department of the Environment has had no discussions with either of the named organisations about the re-introduction of the Red Kite.

## Listed Buildings

**Mr Shannon** asked the Minister of the Environment what consideration he has given to increasing the amount of grants available for refurbishment of homes that are subject to an Northern Ireland Environment Agency (i) B1; or (ii) B2 order. (AQW 2780/09)

**The Minister of the Environment:** The Department of the Environment has reviewed the levels of grants to listed buildings and launched a new grant-aid scheme on the 20 May 2008. Listed buildings grant-aid, administered by the Northern Ireland Environment Agency is now available for all homes which are listed buildings, ie, buildings which are of special architectural or historic interest. The grant-aid is for the maintenance and repair of the original fabric of listed buildings, and has been increased from 20% for B1 listed dwellings, to 35% for all listed dwellings, irrespective of grade. Most B2 grade listed houses were not eligible for any grant-aid assistance prior to 20 May.

In addition, grant-aid is available to fund 75% of the costs of repairs for listed homes with thatched roofs and original roof structures. Related professional fees of appropriately qualified advisors can also be grant aided at 75%. Enhanced grant aid of 90% may be applicable to owners of listed dwellings who are in receipt of income based job seekers allowance, income support or Guaranteed Pension Credit.



## Wind Turbines

**Mr McKay** asked the Minister of the Environment to detail all the (i) wind turbines; and (ii) wind farms in the North Antrim constituency; and list the applications, currently with the Planning Service for wind turbines. (AQW 2795/09)

**The Minister of the Environment:** Since 2002 there have been 68 applications for wind turbines in the North Antrim Constituency Area, 5 of which have yet to be determined.

The wind turbine applications to be determined are D/2008/0390/F, G/2008/0687/F, D/2008/0404/F, E/2008/0128/F and D/2008/0482/F

There have been 5 applications approved for wind farms since 2002 with a total of 33 turbines.

The following wind farm applications have yet to be determined:-

Proposed Applications	Reference	Name	No.of Turbines
	G/2006/0754/F	Elginny Hill	22
	G/2006/0842/F	Rathsherry	16
	D/2006/0599/F	Glenbuck II	5
	D/2008/0404/F	Corkey Ext.	1
<b>Total</b>			<b>44</b>

## Transition Committee

**Mr Weir** asked the Minister of the Environment to confirm that £150,000 per annum, will be made available to each transition committee in the Review of Public Administration process, to cover all costs, including (i) councillor remuneration; and (ii) officers salaries. (AQW 2815/09)

**The Minister of the Environment:** The details of a funding package, to assist each Transition Committee to carry out its change management and programme management duties, will be circulated to district councils shortly. The grant is intended to cover the cost of a supplementary allowance for councillors; the salary of a Change Management Officer; and support costs of the Change Management Team.

## Red Kites: Re-Introduction

**Mr Shannon** asked the Minister of the Environment to reconsider introducing Red Kites to Northern Ireland in light of the evidence from the rest of the UK indicating that they are eating other birds. (AQW 2871/09)

**The Minister of the Environment:** The project to re-introduce the Red Kite to Northern Ireland had been planned for some years and has progressed to the stage where 40 juvenile birds were released in South Down earlier this year.

In developing the project, RSPB followed internationally agreed guidelines for the reintroduction of species, developed by the International Union for the Conservation of Nature. The project was fully considered by the Council for Nature Conservation and the Countryside which recommended to the Department of the Environment that the reintroduction programme should be allowed to progress. On this basis, a licence was issued by the Department to facilitate the release of the birds at a suitable location in South Down.

Many native species of mammal and bird are predatory and will eat other species including birds. The Red Kite is a known scavenger and studies show that from time to time they will take a small number of birds. This level of predation will not have a significant impact on local bird populations.

## Greenhouse Gases

**Mr McKay** asked the Minister of the Environment what he is doing to ensure a 25% reduction in greenhouse gases by 2025. (AQW 2877/09)

**The Minister of the Environment:** Achievement of a 25% reduction in greenhouse gases by 2025 is the collective responsibility of all Northern Ireland Executive Ministers through the Programme for Government.

### Carbon Footprint

**Mr McKay** asked the Minister of the Environment if he has measured his carbon footprint, since taking office. (AQW 2880/09)

**The Minister of the Environment:** I have not measured my carbon footprint since taking office.

### Seat Belts: Enforcement

**Mr P Ramsey** asked the Minister of the Environment who is responsible for the enforcement of the use of seat belts on buses. (AQW 2916/09)

**The Minister of the Environment:** Responsibility for the enforcement of the use of seat belts on buses is a matter for the Police Service of Northern Ireland.

It is also the responsibility of the bus operator to inform passengers aged 14 and above of the legal requirement to wear a seat belt, and failure to inform them is an offence.

### Planning Applications

**Mr Gallagher** asked the Minister of the Environment how many planning applications have been deferred pending the publication of the revised PPS14; and when the new policy will be announced. (AQO 1370/09)

**The Minister of the Environment:** As of November 2008 there are around 2180 applications deferred that relate to refusals under the original draft PPS 14.

Revised rural planning policy is contained in draft PPS 21 which was published for a four month period of public consultation on Tuesday 25 November 2008.

### MOT Test Centres

**Mr T Clarke** asked the Minister of the Environment for his assessment of the length of time it has taken to recruit staff for MOT Test Centres. (AQO 1411/09)

**The Minister of the Environment:** My Department is currently nearing the end of an exercise to recruit 69 vehicle examiners. This exercise is likely to take 22 weeks to complete compared to 52 weeks for the previous recruitment exercise. Given the stringent processes which have to be followed, and the large number of staff being recruited, I consider this to be acceptable.

### Red Grouse Project

**Mr Shannon** asked the Minister of the Environment to outline the cost of the Red Grouse Project and to give his assessment of its value in retaining red grouse on moorlands. (AQO 1385/09)

**The Minister of the Environment:** The combined cost of a survey of Red Grouse in Northern Ireland, a comparative genetic study of Grouse from Ireland and Scotland, and the authorising of the Red Grouse Action Plan totals £69,366 over the past 5 years.

Conservation Action for Red Grouse will be progressed by drawing together partners to take forward the Action Plan. For example the local Director of the British Association for Shooting and Conservation has agreed to chair a Steering Group that has been tasked with arranging a workshop for Red Grouse action early in 2009.

I am satisfied that the scientific research underpinning the Red Grouse Action Plan targets will be complemented by the involvement of the major stakeholders from the sporting, landowning, environmental and

public sectors working together to an agreed work programme and that they will make a positive contribution to the conservation of this iconic moorland bird.

### **Belfast Metropolitan Area Plan**

**Mr Poots** asked the Minister of the Environment when Planning Service expects to receive the findings of the Planning Appeals Commission on the Belfast Metropolitan Area Plan. (AQO 1475/09)

**The Minister of the Environment:** I understand that the preliminary timescale for delivery of the report to the Planning Service is early summer 2010, however, the Planning Appeals Commission would hope to be in a position to announce a firmer timescale later this year.

### **PPS 14**

**Mr McElduff** asked the Minister of the Environment for an update on the revised PPS14. (AQO 1428/09)

**The Minister of the Environment:** Revised rural planning policy is contained in draft PPS 21 which was published for consultation and with immediate effect on Tuesday 25 November 2008.

### **Northern Ireland Environment Agency**

**Mr Brady** asked the Minister of the Environment for an update on co-operation between the Northern Ireland Environment Agency and the Environmental Protection Agency in the Republic of Ireland. (AQO 1432/09)

**The Minister of the Environment:** I can report that there continues to be significant co-operation between the Northern Ireland Environment Agency (NIEA) and the Environmental Protection Agency (EPA). Officers maintain a close working relationship through regular planned meetings and ad hoc exchanges of information.

NIEA and EPA have signed up to the second tranche of The European Union Network for the Implementation and Enforcement of Environmental Law Transfrontier Shipment (IMPEL TFS) enforcement actions, through which they have been maintaining a programme of joint inspections of waste movements, with more planned early 2009. NIEA also maintains regular liaison with EPA with regard to enforcement against illegal cross-border dumping.

NIEA officials meet regularly with EPA colleagues to discuss the implementation of Producer Responsibility Directives such as the Waste Electrical and Electronic Equipment (WEEE) and Batteries Directives. The latest meeting took place in Dublin on 19 November 2008.

NIEA and EPA experts continue to productively collaborate on the delivery of the Water Framework Directive through formal meetings and mutually supportive scientific activities. Considerable time and effort has been saved through the development of single monitoring and classification programmes for crossborder rivers and lakes.

At an operational policy level both agencies are represented on the North-South Water Framework Directive Co-ordination Group, which is jointly chaired by the Department of the Environment and the Department of the Environment, Heritage and Local Government.

### **Causeway Coast and Glens Heritage Trust**

**Mr G Robinson** asked the Minister of the Environment for an update on the work of the Causeway Coast and Glens Heritage Trust. (AQO 1360/09)

**The Minister of the Environment:** I recently had the opportunity to visit Armoy and meet with the Causeway Coast and Glens Heritage Trust to hear at first hand about the wide range of activities that it carries out.

The Trust published a Management Plan for the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB) this year. It is currently working to co-ordinate delivery of this Plan and the Causeway Coast AONB Management Plan. It is also developing a Management Plan for the more recently designated Binevenagh AONB.

## Drink-Driving

**Ms Ní Chuilín** asked the Minister of the Environment what action his Department is taking to discourage drink-driving over the Christmas period. (AQO 1426/09)

**The Minister of the Environment:** The Christmas/New Year anti drink drive campaign 'Just One' commenced on 27 November 2008 and will continue throughout the Christmas and New Year holiday period ending in early January 2009. The campaign will consist of a 60 second TV advertisement, washroom posters and glow boxes displayed in pubs, clubs and restaurants throughout Northern Ireland, and online activity carrying the 'Never Ever Drink & Drive' strapline.

The Christmas/New Year anti drug driving campaign 'Smashed' will commence on 4 December 2008 and continue until early January 2009. The campaign will consist of a 40 second TV advertisement and outdoor activity in partnership with PSNI carrying the "You'll get smashed if you drive on drugs" strapline.

The Coca Cola designated driver initiative, which is supported by my Department, was launched over three days at various venues throughout Northern Ireland from 25 – 27 November. A Departmental spokesperson will be in attendance at various events over the three days. The scheme, which will be operational in 500 venues across Northern Ireland, offers three free soft drinks to designated drivers during the festive season.

## Review of Public Administration

**Mr Moutray** asked the Minister of the Environment what priority he will give to efficiency and value for money when designing service delivery models under the Review of Public Administration. (AQO 1371/09)

**The Minister of the Environment:** I can confirm that efficiency and value for money are important considerations which will be fully taken into account in designing and assessing operating models for the delivery of services by the new councils to be established in 2011. It is proposed that the models will be assessed against the key principles and characteristics which have underpinned the Review of Public Administration process. These include democratic accountability, community responsiveness, partnership working, cross community concerns, equality and human rights, subsidiarity, quality of service, the effective co-ordination and integration of services, innovation and effectiveness and efficiency.

Policy Development C, which is one of three panels established to support the Strategic Leadership Board which I chair, has identified the need to engage consultants to assist in taking forward an assessment of all the local government service delivery options. The assessment will embrace the functions transferring from central government, functions currently delivered by local government on a group basis and corporate support services. The consultancy procurement process has been initiated and it will take several weeks to complete. It is, therefore, likely to be January 2009 before the consultants are appointed.

The consultants will work closely with a team of central and local government officers drawn from the business areas subject of the assessment. They will also consult with the five main political parties.

The assessment is due to be completed in May 2009.

## Planning Policy

**Mr McCarthy** asked the Minister of the Environment how current planning policy complies with EU directives for sustainable development. (AQO 1466/09)

**The Minister of the Environment:** There is no EU Directive on sustainable development.

## Climate Change Bill

**Mr McCartney** asked the Minister of the Environment what discussion he has had with the Minister for Regional Development in relation to targets in the Climate Change Bill; and how his Department will ensure these targets are met. (AQO 1425/09)

**The Minister of the Environment:** I have had no discussions with the Minister of Regional Development on targets in the UK Climate Change Bill. Any discussions on this issue, by Ministers, preceded my term in office.



It is the duty of the Secretary of State for Department of Energy and Climate Change to ensure that the net UK target is met.

### Areas of Special Scientific Interest

**Mr McGlone** asked the Minister of the Environment what plans he has to review the consultation process on the proposed designations of Areas of Special Scientific Interest. (AQO 1389/09)

**The Minister of the Environment:** When declaring Areas of Special Scientific Interest (ASSIs), the Northern Ireland Environment Agency (NIEA) is required by the Environment (Northern Ireland) Order 2002 to consult with parties specified in the Order.

The procedures followed by NIEA in its declaration process go beyond its statutory obligations, and every effort is made to ensure that all interested parties receive due notice of the ASSI declaration, are properly informed about it, and are provided with the opportunity to make representations.

I am satisfied that the consultation process applied by NIEA is fit for purpose and I have, therefore, no plans to review it.

## FINANCE AND PERSONNEL

### Civil Servants: Without a Post

**Mr McNarry** asked the Minister of Finance and Personnel how many civil servants in each Department are, at present, not assigned a post. (AQW 2193/09)

**The Minister of Finance and Personnel (Mr N Dodds):** At present the Northern Ireland Civil Service has one member of staff (in the Department for Social Development) who is not assigned a post.

### Car Pool

**Mr McNarry** asked the Minister of Finance and Personnel if all Ministers in the Executive (i) are provided with official motor vehicles and drivers from a common pool; and (ii) have availed of this service; and if not, what variations have occurred. (AQW 2278/09)

**The Minister of Finance and Personnel:** Not all Ministers within the Northern Ireland Executive are provided with vehicles and drivers from within a common pool.

The Ministers for DFP, DCAL, DOE, DSD, DHSSPS, DEL and DETI use both a vehicle and driver supplied from the Central Transport Unit (CTU) of the Department of Finance and Personnel.

The Deputy First Minister, Junior Minister Kelly and the Ministers for DARD, DE and DRD use a vehicle supplied by CTU. They use drivers supplied by their political party and at no cost to the public purse.

The First Minister and Junior Minister Donaldson use vehicles and drivers supplied by the PSNI.

### Civil Servants: Total Numbers/Salary Costs

**Mr Hamilton** asked the Minister of Finance and Personnel to detail (i) the number of civil servants; (ii) the number of senior civil servants; and (iii) the total salary cost including pension, in each of the last ten years. (AQW 2383/09)

**The Minister of Finance and Personnel:** Table 1 sets out the following information for each of the ten years from 1999 to 2008:-

- (i) the number of Northern Ireland civil servants (permanent and casual) working in the 11 Departments, including their Agencies, at 1 January in each year; and

(ii) the number of senior civil servants (NICS Unified Grade 5 and above) at 1 January in each year.

Table 2 sets out the total salary costs, including pension, to the 11 Departments, including their Agencies, for each of the financial years from 2001/02 to 2007/08. Figures for the previous three financial years are not available since prior to the introduction of Resource Accounting in 2001 salary costs were not separately reported by all Departments.

**TABLE 1: NORTHERN IRELAND CIVIL SERVANTS IN THE 11 DEPARTMENTS, INCLUDING THEIR AGENCIES, AS AT 1 JANUARY IN EACH YEAR.**

Year	(i) Staff Headcount	(ii) Senior Civil Service
1999	23977	207
2000	24215	209
2001	25027	217
2002	26270	227
2003	26948	218
2004	27939	225
2005	28105	237
2006	27977	226
2007	26855	227
2008	24501	209

**Notes:**

Staff on Career break are excluded.

Staff on secondment within the NICS are included within the Departments to which they are seconded.

Both permanent and casual staff are included.

Staff in executive Agencies are included in the figures for their parent Department.

**TABLE 2: TOTAL SALARY COSTS, INCLUDING PENSION, TO THE 11 DEPARTMENTS, INCLUDING THEIR AGENCIES**

Year	Total £000s
2001/02	558,419
2002/03	594,672
2003/04	637,780
2004/05	671,909
2005/06	702,600
2006/07	711,522
2007/08	680,717

**Notes:**

These figures have been collated from those reported in the Departmental Resource Accounts.

### Payment of Invoices to Businesses

**Dr Farry** asked the Minister of Finance and Personnel if he plans to introduce a policy on the prompt payment of invoices to businesses, similar to the ten-day payment pledge announced by Lord Mandelson, on 21 October 2008. (AQW 2435/09)

**The Minister of Finance and Personnel:** Cashflow is a major issue facing many companies at present and the public sector can support local businesses in a practical way by ensuring that invoices are dealt with promptly and

that suppliers are paid without any undue delay. I have therefore asked all Departments to ensure that invoices are paid within 10 days following checking and approval and that their payments systems have been changed to support this objective.

### Permanent Secretaries

**Mr Hamilton** asked the Minister of Finance and Personnel for the total (i) salary; (ii) bonus; and (iii) pension, paid to Permanent Secretaries in each of the last four financial years. (AQW 2474/09)

**The Minister of Finance and Personnel:** The total salary amount paid to NICS Permanent Secretaries, including the Head of the Civil Service, in each of the last four financial years is set out in the table below.

YEAR	2004/05	2005/06	2006/07	2007/08
Total £	1,393,519	1,356,362	1,346,670	1,333,302

The total amount in bonuses paid to NICS Permanent Secretaries, including the Head of the Civil Service, in each of the last four financial years is set out below.

YEAR	2004/05	2005/06	2006/07	2007/08
Total £	54,800	67,000	86,000	111,500

The total pension earned\* by Permanent Secretaries, including the Head of the Civil Service, in the last four financial years is set out below.

YEAR	2004/05	2005/06	2006/07	2007/08
Total £	13,907.78	15,110.69	17,050.92	17,922.80

\* The figures relating to pension represent the total amount of pension earned by the Permanent Secretaries in each financial year and does not include pension payments made to retired Permanent Secretaries. Pension is not paid to current employees.

### Sports Strategy

**Mr P Ramsey** asked the Minister of Finance and Personnel to outline the (i) contribution to date; and (ii) planned future contribution, from his Department to the implementation of the Sports Strategy. (AQW 2574/09)

**The Minister of Finance and Personnel:** The Department of Finance and Personnel has, in the normal course of business, had a role in reviewing the Northern Ireland Sports Strategy. The department will continue to provide advisory services to DCAL and the other departments taking forward the implementation of the Sports Strategy as necessary.

### Procedures for Paying Invoices

**Mr Hilditch** asked the Minister of Finance and Personnel for his assessment of departmental procedures for paying invoices, and the likelihood of businesses completing work but not getting invoices paid promptly, given the current economic climate. (AQW 2644/09)

**The Minister of Finance and Personnel:** Cashflow is a major issue facing many companies at present and the public sector clearly has a role to play by ensuring that invoices are dealt with promptly and that suppliers are paid without any undue delay. I have asked all Departments to ensure that invoices are paid within 10 days following checking and approval and that their payments systems have been changed to support this objective.

By ensuring that bills are paid more quickly the public service can support local businesses in a practical way during this period of economic downturn.

### Annual Reports — DFP Staff

**Mr Simpson** asked the Minister of Finance and Personnel how many staff in his Department did not achieve an acceptable mark in their annual report, in the last reporting year. (AQW 2675/09)

**The Minister of Finance and Personnel:** The number of staff in DFP who did not achieve an acceptable mark for the 07/08 reporting year is 11.

### Capital Investment Infrastructure Projects

**Mr Savage** asked the Minister of Finance and Personnel if his Department is actively working to ensure that local consultancy and construction companies are employed to undertake work on capital investment infrastructure projects. (AQW 2695/09)

**The Minister of Finance and Personnel:** Public Procurement is subject to the EU Treaty which requires freedom of movement, transparency and non-discrimination on the basis of nationality. Public Sector buyers therefore cannot restrict their purchases to specific locations or suppliers.

Consultants and contractors are selected for public sector contracts of up to £5k and £30k respectively from the Constructionline database. Constructionline is the UK's register of local and national construction-related service providers, pre-qualified to work for the public sector.

Projects with values exceeding the £5k and £30k thresholds but below the EU threshold are advertised in the local Press and/or on the website of the relevant Centre of Procurement Expertise (CoPE). Consultants and Contractors registered with Constructionline can then respond to the opportunities advertised.

Opportunities exceeding the EU thresholds (£90k for services and £3.5m for works) are advertised in the Official Journal of the European Union, the local Press and/or the website of the relevant CoPE.

Government recognises the vitally important role played by Small and Medium Sizes Enterprises (SMEs) in the Northern Ireland economy and encourages SMEs to join together to form consortia to bid for contracts and/or to look for opportunities within the supply chains of successful tenderers.

### Central Procurement Directorate

**Mr Savage** asked the Minister of Finance and Personnel to give his assessment of the Central Procurement Directorate, outlining if it is (i) meeting the key performance indicators; and (ii) playing a positive, proactive and assisting role in the tendering process. (AQW 2696/09)

**The Minister of Finance and Personnel:** In 2007-2008 Central Procurement Directorate successfully contributed towards the achievement of 3 of my Department's Public Service Agreement commitments. In addition, Central Procurement Directorate achieved all seven of its key business objectives and made a significant contribution to the successful delivery of the Procurement Board's Strategic Plan 2005-2008.

Central Procurement Directorate plays a key role in assisting the private sector through regular engagement with representative and lead bodies within the construction, goods and service industries and the social economy sector. These engagements provide a forum through which Central Procurement Directorate can engage in supplier education and provide guidance to those, including SMEs and Social Economy Enterprises, wishing to do business with the Northern Ireland Public Sector.

### Central Procurement Directorate

**Mr Savage** asked the Minister of Finance and Personnel to detail (i) how many court proceedings have been brought against the Central Procurement Directorate (CPD); (ii) who brought proceedings against CPD; (iii) the legal costs; and (iv) the compensation costs paid out. (AQW 2699/09)

**The Minister of Finance and Personnel:** In the period from 1 April 2005 to 28 November 2008 CPD awarded some 3200 contracts and legal proceedings against CPD have been taken on four occasions. Details of the proceedings are set out below.



Plaintiff	Legal Costs	Compensation Paid
TSI Ireland (trading as Rainbow Telecoms)	Nil	Nil
Goldblatt McGuigan	£62,419	Nil
Leonard Personnel	£1,469	Nil
McLaughlin & Harvey Ltd	£1,035,000	Nil

### Central Procurement Directorate

**Mr Savage** asked the Minister of Finance and Personnel how many people are employed in the Central Procurement Directorate; and for his assessment of whether this represents value for money. (AQW 2700/09)

**The Minister of Finance and Personnel:** As at 31 March 2008, Central Procurement Directorate (CPD) had 342 permanent staff in post.

The operating cost of CPD for the year ended 31 March 2008 was £14.3m. The Value for Money (VfM) gains made by CPD during the same year amounted to £17.1m. During the three year period to 31 March 2008, CPD generated gross VfM gains of £58.9m, making a substantial contribution to the Northern Ireland Public Sector target of £250m VfM gains from procurement over the period. The achievement of these gains provides clear evidence of the added value of professional procurement practice and the contribution which professional procurement can make to the delivery of better public services.

### Ministerial Engagements

**Mr McNarry** asked the Minister of Finance and Personnel what his engagements were on Monday 24 November 2008. (AQW 2805/09)

**The Minister of Finance and Personnel:** On Monday 24, November I had meetings with officials, Assembly members and Ministerial colleagues at Parliament Buildings.

Further to this, I met with the President of the European Parliament and visited the new site of the Public Records Office at the Titanic Quarter.

### Chancellor's Pre-Budget Statement

**Mr McNarry** asked the Minister of Finance and Personnel for his assessment of the Chancellor's Pre-budget Statement. (AQW 2811/09)

**The Minister of Finance and Personnel:** The Chancellor of the Exchequer, the Rt Hon Alistair Darling MP, delivered his Pre-Budget Statement to Parliament on 24 November 2008.

My assessment of the Pre-Budget Report is set out in the Department of Finance and Personnel (DFP) News Release of 24 November 2008 which is available on the Northern Ireland Executive website.

### Pest Control

**Mr Burns** asked the Minister of Finance and Personnel to outline what pest control measures are in place in (i) Parliament Buildings; and (ii) Stormont Estate. (AQW 2813/09)

**The Minister of Finance and Personnel:** A contract for pest control services is currently in place with Cannon Hygiene Ltd., Unit 5-7 Abbey Business Park, Mill Road, Newtownabbey BT36 7BA.

This is a multi-client contract covering a wide number of properties across both the NICS Estate and the wider public sector. It includes Parliament Buildings and other properties within the Stormont Estate. The contract conditions require the service provider to inspect each property six times per year, to put appropriate pest prevention measures in place and to respond to emergency call-outs.

### Pest Control

**Mr Burns** asked the Minister of Finance and Personnel to detail how much money has been spent on pest control in Parliament Buildings; and Stormont Estate, in each of the last five years. (AQW 2814/09)

**The Minister of Finance and Personnel:** Costs for pest control services for Parliament Buildings and the wider Stormont Estate are shown below for each of the past 5 years:

Location	Year 2004	Year 2005	Year 2006	Year 2007	Year 2008 (YTD)
Parliament Buildings	£300.00	£300.00	£300.00	£300.00	£120.00
Stormont Estate	£1,950.00	£2,525.00	£2,325.00	£2,941.00	£3,240.00

### Capital Programme

**Mr O'Loan** asked the Minister of Finance and Personnel to list for each Department the (i) actual monthly spend so far in this financial year; (ii) anticipated spend for the remainder of the year; and (iii) total amount budgeted, for the capital programme of the Executive for 2008-9. (AQW 2828/09)

**The Minister of Finance and Personnel:** The information requested was made available to the Committee for Finance and Personnel on 26 November 2008.

### Barnett Consequentials

**Mr O'Loan** asked the Minister of Finance and Personnel to (i) state the rules for the further allocation of Barnett consequentials to the NI block, after the initial CSR allocation; and (ii) list all Barnett consequentials received or agreed since January 2008, including those resulting from the pre-budget statement of the Chancellor on 24 November 2008. (AQW 2829/09)

**The Minister of Finance and Personnel:** The funding arrangements for the Devolved Administrations for the period covered by the 2007 Comprehensive Spending Review are set out in the Statement of Funding Policy (October 2007) which is available on the HM Treasury website.

Since January 2008, the NI Executive has received additional Barnett consequentials as part of Budget 2008 in March and the Pre-Budget Report in November 2008. Further details are set out in Table 1 below:

TABLE 1: NI EXECUTIVE BARNETT CONSEQUENTIALS SINCE JANUARY 2008

£ million	2008-09	2009-10	2010-11
<b>Current Expenditure:</b>			
Budget 08	5.5	5.2	10.1
PBR 08	0.1	11.8	11.7
<b>Capital Expenditure:</b>			
Budget 08	0.1	0.1	0.0
PBR 08	11.11	78.41	-128.82

**Notes:**

This includes the option for the NI Executive to accelerate £9.4 million of capital expenditure into 2008-09 and £76.8 million into 2009-10 with a consequential reduction of £86.2 million in 2010-11. The Executive has not yet formally decided to avail of this opportunity.

This includes the £42.7 million negative Barnett allocation as a result of the reduction in the 2010-11 CSR07 allocation for the Department of Health in England. This has been compensated for by additional access to the NI Executive's capital EYF stock in 2010-11 for the same amount.

### Civil Service: Jobs in Craigavon/Banbridge District Council Areas

**Mr Gardiner** asked the Minister of Finance and Personnel to detail the number of civil service jobs in the (i) Craigavon Borough Council; and (ii) Banbridge District Council areas, broken down by office location.

(AQW 2866/09)

**The Minister of Finance and Personnel:** The number of staff in post in the two district council areas, broken down by office location, is detailed in the attached table.

District Council	Dept	Building Address			Staff
Banbridge	DSD	Crown Blds	Castlewellan Road	Banbridge BT32 4AX	31
Banbridge	DRD	Govt. Office	45 Newry Street	Banbridge BT32 3EA	12
Banbridge	DRD	Cobert Dept.	Aughnacloy Road	Banbridge BT32 3RU	21
Banbridge	DEL	18 Castlewellan Road	Banbridge	BT32 4AZ	26
Banbridge	DSD	Banbridge Business Ctr	62 Scarva Road	Banbridge BT32 3QD	14
<b>Total Banbridge</b>					<b>104</b>
Craigavon	DARD	Seagoe Industrial Estate	Craigavon	BT63 5QE	88
Craigavon	DOE	Marlborough House	Central Way	Craigavon BT64 1AD	281
Craigavon	DOE	Oxford Island Inf. Centre	Oxford Island	Craigavon BT66 6NJ	1
Craigavon	DRD	Cairn Industrial Estate	Craigavon	BT63 5RH	92
Craigavon	DSD	Crown Blds	2 Alexander Crescent	Lurgan BT66 6BD	52
Craigavon	DEL	Alexander Crescent	Lurgan	BT66 6BB	35
Craigavon	DSD	Crown Blds	Jervis Street	Portadown BT62 3DA	64
Craigavon	DCAL	Magowan House	27A West Street	Portadown BT62 3PM	9
Craigavon	DFP	16 West Street	Portadown	BT62 3PD	24
Craigavon	DEL	140 Jervis Street	Portadown	BT62 3DA	29
<b>Total Craigavon</b>					<b>675</b>
<b>Total</b>					<b>779</b>

**Notes:**

Data source as at 1 January 2008.

Figures do not include those on career break.

Figures include both permanent and casual staff.

### Civil Servants: Back Pay

**Ms Anderson** asked the Minister of Finance and Personnel when he expects to make an announcement on issuing back pay owed to civil servants. (AQW 2933/09)

**The Minister of Finance and Personnel:** Due to the complexities involved, achieving a negotiated resolution of any equal pay settlement may take some time.

Work is still ongoing to determine the size and scope of the equal pay issue, those staff affected by it, and what options might exist to resolve it. Negotiations have commenced between Departmental officials and Trade Union Side and several meetings have already taken place with a view to addressing this issue as soon as possible. In addition, discussions are continuing at both official and Ministerial level with the Treasury with a view to minimising the impact on public services.

### Classroom Assistants

**Ms Anderson** asked the Minister of Finance and Personnel if he intends to prioritise the Education Minister's bid under December Monitoring for additional funds to implement the job evaluation scheme for classroom assistants in integrated schools. (AQW 2935/09)

**The Minister of Finance and Personnel:** In the first instance it is a matter for the Minister of Education to determine her priorities within her existing budget allocations. I am, however, aware that the Department of Education have made a bid in December Monitoring. The Executive will need to consider this funding proposal against available resources and competing priorities. I expect to be in a position to announce the outcome of December Monitoring on the 15 December.

### In-Year Monitoring Process

**Mr McNarry** asked the Minister of Finance and Personnel to detail the amount surrendered to date, by each Department in the most recent monitoring round. (AQW 2952/09)

**The Minister of Finance and Personnel:** As part of the In-Year Monitoring process it is normal practice for NI departments to consult with their respective Assembly Committees as regards the content of their Monitoring Round submissions.

Departments are required to submit their monitoring round submission to DFP by 4 December 2008, requests for further detail should be referred to specific departments.

I will be making a statement on the December monitoring round in the near future.

### Public Expenditure: Percentage Increases

**Mr Dallat** asked the Minister of Finance and Personnel to list the percentage increases in public expenditure, in each financial year since 1998/99. (AQW 3004/09)

**The Minister of Finance and Personnel:** As a result of changes in budgeting treatment it is not possible to provide public expenditure statistics, as requested, for the period before 2003-04 with an acceptable degree of accuracy. Table 1 below sets out the percentage increase in public expenditure by Northern Ireland Executive departments since 2004-05.

### Public Expenditure: Projected Percentage Increases

**Mr Dallat** asked the Minister of Finance and Personnel to detail the projected percentage increases in public expenditure, in each of the next four years. (AQW 3005/09)

**The Minister of Finance and Personnel:** The Budget 2008-11 document set out the Executive's spending plans for 2008-09 to 2010-11. Over the next two year public expenditure by Northern Ireland departments is planned to increase by 3.8% in 2009-10 and 4.0% in 2010-11.

The Northern Ireland Executive will not receive allocations for the period 2011-12 to 2012-13 until the next national Spending Review. Therefore it is not possible to provide the figures requested in respect of these years.

### Efficiency Savings

**Ms J McCann** asked the Minister of Finance and Personnel what consideration he has given to seeking further efficiency savings from Departments and the assessment he has made of the impact further savings will have on frontline services. (AQW 3120/09)

**The Minister of Finance and Personnel:** There are currently no plans in place to increase the level of savings to be achieved by Northern Ireland departments in the period 2008-09 to 2010-11, over and above the 3% per annum efficiency target currently in place.



However, the increased value for money savings target for UK departments announced in the 2008 Pre-Budget Report will have implications in terms of the level of funding available to the Northern Ireland Executive in 2010-11. Although the impact on the Block Grant will only be confirmed once decisions have been made as regards the nature of the additional savings for Whitehall departments, the Executive will need to consider the most appropriate response in order to maintain delivery against the targets set out in the Programme for Government.

Primary responsibility for the delivery of efficiency savings lies with individual departments although it has been made clear that the impact on the delivery of priority frontline services should be minimised. However, this does not exclude the possibility of savings being achieved through frontline services becoming more efficient in providing the same or a higher level of services for the people of Northern Ireland.

### Central Procurement Directorate

**Ms J McCann** asked the Minister of Finance and Personnel what steps he is recommending to the Central Procurement Directorate to ensure SMEs are supported in the public procurement process. (AQW 3121/09)

**The Minister of Finance and Personnel:** Central Procurement Directorate (CPD) in my Department provides support to both SMEs and Social Economy Enterprises (SEEs) and has regular engagement with representative and lead bodies from both groups. The purpose of this engagement is to help SMEs and SEEs by increasing their understanding of the procurement process including supporting 'meet the buyer' events and supplier education programmes.

In addition to this individual suppliers can request information and clarification on specific tenders from CPD and are routinely offered debriefs on the quality of their tenders following the completion of tender competitions. The purpose of these debriefs is to assist individual SMEs or SEEs to compete more effectively for future opportunities.

CPD has recently introduced an e-sourcingNI platform which has significant benefits for SMEs and SEEs by providing a standardised approach to bidding for Government business. The web based technology allows buyers and suppliers to interact on line via a secure web interface and affords suppliers a common registration portal thereby reducing costs and effort for both SMEs and SEEs and giving them visibility to all government opportunities.

CPD has also published guidance for SMEs and SEEs seeking to do business with the public sector and for buyers on steps to help remove barriers faced by these suppliers. This guidance is available on CPD's website.

### Procurement Process

**Ms J McCann** asked the Minister of Finance and Personnel if he will recommend that social clauses are incorporated into the public procurement process at the tendering stage to encourage social economy enterprises to apply for public procurement contracts. (AQW 3122/09)

**The Minister of Finance and Personnel:** Guidance on integrating Equality of Opportunity and Sustainable Development in Public Sector Procurement was launched on 29 May 2008. The guidance provides practical advice and case studies for policy makers and practitioners to assist them to more effectively integrate equality of opportunity and sustainable development considerations, including social clauses, into public sector procurement.

This guidance recommends that identification of equality of opportunity and sustainable development outputs should be considered at the outset of projects by policy makers and programme providers in Departments. Procurement professionals can then assist Departments in the delivery of these equality and sustainable development outputs, where possible with incorporation at the specification stage.

This guidance was approved by both the Procurement Board and the Northern Ireland Executive. The implementation of the guidance, supported by appropriate training, will support the Executive's approach in delivering its priorities under the Programme for Government.

Public Procurement Regulations and Northern Ireland Procurement Policy provide the scope to take account of social issues where they are relevant to the subject matter or performance of the contract and fit with the detailed rules for specifications, selection and award. It is for individual Departments to determine how best to apply it in their respective business areas.

In line with Public Procurement Policy all contracts awarded by public bodies in Northern Ireland have social clauses relating to equality of opportunity and health and safety considerations.

## Performance and Efficiency Delivery Unit

**Mr Ross** asked the Minister of Finance and Personnel to provide an update on the Performance and Efficiency Delivery Unit. (AQO 1356/09)

**The Minister of Finance and Personnel:** Since its establishment earlier this year, the prime focus of PEDU has been on working with the Planning Service to seek to improve the time taken to process planning applications.

Following a data analysis phase in the summer a joint Delivery Review team was established between PEDU and Planning Service. The team worked under a terms of reference agreed by Ministers and the Delivery Review formally commenced on the 1st October. Using a methodology similar to that employed by the Prime Minister's Delivery Unit the team were asked to conclude the Delivery Review over an eight week period. On the 25th November the review team reported their findings, on schedule, at a meeting of the Environment Minister and myself.

Other areas of work include a short piece of work with Land and Property Services as regards rates collection levels; an assessment of the Delivery Plans proposed by departments to underpin the funding provided for Innovation in the Budget process.

PEDU also continues to lead my Department's work on the establishment of a robust Performance Management and Monitoring system, to drive the delivery of the commitments and targets that Departments signed up to when they secured funding in the budget. An early mechanism has been established that has enabled OFMDFM and DFP officials, including PEDU staff, to examine monitoring returns on performance against those targets.

## Procurement System

**Mr Gallagher** asked the Minister of Finance and Personnel what action he is taking to ensure that the procurement system is fit for purpose, in light of the recent successful court action by businesses in relation to major Government construction projects. (AQO 1387/09)

**The Minister of Finance and Personnel:** The EU procurement regime, described by the Directives and Regulations, is not static. It is subject to change, driven by evolving European and domestic case law, European Commission communications, new and revised Directives and amendments to the existing UK Regulations.

In order to ensure that the procurement system is fit for purpose, the Central Procurement Directorate (CPD) continuously reviews and updates its procedures in line with Office of Government Commerce guidance and the developing field of public procurement law.

The recent court action is not in the long-term interests of the construction industry or Government, particularly given the current downturn within the industry. Through the Construction Industry Forum for Northern Ireland (CIFNI), officials are working with the construction industry to examine how modern methods of construction procurement can be taken forward in Northern Ireland in a way that mitigates the potential for litigation.

## Public Sector Jobs: Location

**Mr Brolly** asked the Minister of Finance and Personnel how he will take forward the recommendations in the Report on the Review of the Location of Public Sector Jobs. (AQO 1420/09)

**The Minister of Finance and Personnel:** This was an independent Review commissioned by the Executive and its recommendations now have to be carefully considered. In a recent Assembly debate on 21 October, a motion was passed that committed the Minister of Finance and Personnel to report to the Assembly and the Executive in a timely manner, having carefully considered the various consequences, including value for money, of the report's recommendations with views on how this matter may be addressed. I have issued a paper to my Executive colleagues to gather their initial opinions. These, together with the views of the Finance Committee and the points raised during the Assembly debate, will be useful in assessing the degree of consensus on the proposals that have been put forward.

When I have considered these I will put a paper to the Executive outlining my views in due course.

### Civil Service: Diversity and Equality

**Mr McQuillan** asked the Minister of Finance and Personnel what is his policy on diversity and equality in the Civil Service. (AQO 1361/09)

**The Minister of Finance and Personnel:** It is NICS policy that all eligible persons shall have equal opportunity for employment, training and advancement in the civil Service on the basis of their ability, qualifications and aptitude for the work. All staff have a right to a good and harmonious working environment and atmosphere, where they can apply their diverse talents and no worker feels under threat of intimidation. And, in order to maintain the confidence of the whole community, the Civil Service is committed to taking steps towards making its workforce more representative of Northern Ireland's diverse society.

My Department has recently published an Employment Equality and Diversity Plan which outlines the steps the Civil Service, as an employer, will take over the next few years to promote equality and diversity.

Copies of this plan have been placed in the Assembly Library and it can also be accessed via the DFP web site.

### Budget for 2009-2010

**Mr Attwood** asked the Minister of Finance and Personnel, in light of the downturn in property values and other issues, if he will bring a Budget for 2009-10 before the Assembly. (AQO 1398/09)

**The Minister of Finance and Personnel:** In January 2008 the Executive agreed and the Assembly approved a set of expenditure plans for Northern Ireland departments for the years 2008-09, 2009-10 and 2010-11, which included the Budget for 2009-10.

In light of the fact that significant additional resources are not expected to become available to Northern Ireland over the next two years the Executive agreed in March 2008 that there would be little merit in conducting a formal Budget exercise this year.

However, a Strategic Stocktake is being conducted to assess the nature of pressures and easements that have emerged since the Budget was agreed, in preparation for next year's in-year monitoring process.

Although there are a number of significant expenditure pressures facing the Executive, the precise scale and timing of these additional costs remain uncertain. Therefore, it would be unwise to take precipitous action at this time when, as we have seen from recent experience, circumstances can change dramatically in a matter of months.

In addition, I am content that there is sufficient scope within the in-year monitoring process for the Executive to address, where appropriate, the pressures that are identified by departments in 2009-10 with input from Assembly Committees into departmental monitoring returns whilst I will continue to make full statements to the Assembly regarding the outcome of each round.

### HM Treasury

**Mr McNarry** asked the Minister of Finance and Personnel to provide details of any recent discussions he has had with HM Treasury. (AQO 1364/09)

**The Minister of Finance and Personnel:** I have had discussions with the Treasury in the context that the Executive was either to proceed with the introduction of water charges from April 2009, or to face reductions to other public services on an unprecedented scale - up to £900 million over this year and next.

The outcome of our discussions means that charges can be deferred for a further year at this most difficult time - representing a most welcome saving for hard pressed households next year, with no impact on wider public services, beyond the direct revenue foregone from the introduction of charges.

### Efficiency Savings

**Mr McCarthy** asked the Minister of Finance and Personnel to report on the monitoring of the delivery of efficiency savings. (AQO 1435/09)

**The Minister of Finance and Personnel:** As part of the Budget 2008-11 process the Executive agreed that Northern Ireland departments should deliver 3% per annum cash savings over the period 2008-09 to 2010-11.

The aim of the 3% target was to drive out inefficiency and use the resources released to improve the public services provided by the Northern Ireland Executive.

Departments have agreed to publish their Efficiency Delivery Plans (EDPs) against which the achievement of the efficiencies will be monitored. Their publication is intended to ensure that Departments are open and transparent about the actions they are taking to achieve the efficiency targets agreed by the Executive.

Although primary responsibility for the delivery of the Executive's 3% efficiency target lies with the individual departments, my officials will monitor the implementation of EDPs as part of their normal engagement with departments on financial matters.

## Fuel Poverty

**Mr Simpson** asked the Minister of Finance and Personnel to provide an update on the ministerial initiative to tackle fuel poverty. (AQO 1348/09)

**The Minister of Finance and Personnel:** The Executive has already taken a number of measures to reduce the cost of living in Northern Ireland through for example the freeze in domestic regional rates whilst a rebate is under consideration for those who carry out energy efficiency improvements to their homes.

In terms of Fuel Poverty, more work needs to be done before the Executive can conclude on the appropriate response to this issue, particularly given the recent decline in the cost of crude oil as well as the emergence of other pressures such as the downturn in the global economy.

I have met with the Minister for Social Development, the Minister for Health, Social Services and Public Safety and the Minister for Enterprise Trade and Investment in taking forward an action plan to develop proposals to combat the effects of rising energy costs with the aim of considering options for a response as part of the December monitoring round.

## Rates Reform

**Mr Moutray** asked the Minister of Finance and Personnel to outline the initiatives he is taking on rate reform. (AQO 1349/09)

**The Minister of Finance and Personnel:** I have recently made a number of announcements on rating, having listened carefully to consultees' views and Finance and Personnel Committee Members.

I intend laying regulations in the new year to reduce the maximum capital from £500,000 to £400,000, ensuring that ratepayers locally will pay no more than the average bill for the highest council tax band in England. I also intend to proceed with the Executive's decision to rate empty homes at 100% from April 2010, providing housing market conditions have improved by then.

In addition to limiting rate bills and improving housing supply I want to ensure that people receive the benefits to which they are entitled. Improved data sharing powers will enable advice to be targeted towards those likely to qualify for rate reliefs.

Legislation allowing a rates deferment scheme for home owning pensioners will be introduced in the new year, for implementation in April 2010, providing a payment option that would remove the worry of rates from their day to day budgeting.

I am also reviewing the relief scheme for those in full time education, training and young people leaving care. Announcements on both this and green rebates will be made shortly.

Many changes have been, and are to be, introduced into the rating system. There have been great strides made by this Executive to make the system more acceptable.

However, following these measures, I think what is badly needed is a period of stability, for ratepayers, local government and last but not least Land and Property Services, who have borne the brunt of the pressures arising from the major reforms that have taken place over the past couple of years.



### Civil Service: Equal Pay Claim

**Mr Storey** asked the Minister of Finance and Personnel what progress is being made on the civil service equal pay claim. (AQO 1347/09)

**The Minister of Finance and Personnel:** Over the summer and early autumn, work has been ongoing to address the Equal Pay pressure faced by the Executive whilst discussions are continuing at both official and Ministerial level with the Treasury with a view to minimising the impact on public services. Engagements have commenced and will continue to take place with the trade union with the aim of resolving this issue.

### Strategic Stocktake Exercise

**Mr Weir** asked the Minister of Finance and Personnel to outline the arrangements for, and purpose of, the strategic stock-take exercise. (AQO 1358/09)

**The Minister of Finance and Personnel:** The Executive agreed in March 2008 to conduct a strategic stocktake of the Budget position for forward years (2009-10 and 2010-11) to allow Ministers and their departments to review progress to date against 3 year plans.

Returns were formally commissioned from departments on 24 September 2008 with responses due by 24 October 2008 registering any significant emerging pressures and easements. The returns are currently being evaluated by my officials.

As I explained to the Assembly on 14 October, the focus of the strategic stocktake is on surveying the landscape at this early stage to inform our strategic approach to managing any pressures through the in year monitoring process. No decisions on adjusting budgets will be taken at this stage and any re-allocations will only be made at future monitoring rounds.

The Assembly will be informed of the outcome of the strategic stocktake once Executive agreement has been reached.

### Land and Property Service

**Dr Farry** asked the Minister of Finance and Personnel to report on measures being taken to improve the performance of the Land and Property Service. (AQO 1430/09)

**The Minister of Finance and Personnel:** Through its Customers and Business Improvement Directorate, Land & Property Services is working on a range of improvements across all business areas, including work with the Performance and Delivery Unit (PEDU). Improvement measures include GeoHub, which is a new technology to better inform policy development and service delivery right across Northern Ireland. Another example of the work ongoing is a data-sharing strategy, which will drive improvements across all areas of work, including improving assurance about losses from vacant properties and reducing the potential for rate evasion.

With regard to rate collection, Land & Property Services has implemented a detailed recovery plan to increase collection levels, reduce the amount of rating debt, and improve service delivery to customers. Progress regarding this was provided to the Finance and Personnel Committee on 22 October 2008. Land and Property Services is also improving liaison with local councils and has set up a Strategic Steering Group to look at data transfer, IT and improving councils' understanding of the Penny Product estimates.

### Rates Relief/Disabled Person's Allowance

**Mr McLaughlin** asked the Minister of Finance and Personnel what action he has taken following the report, 'Access to Benefits on take-up of Rate Relief and Disabled Person's Allowance', produced by A2B and what progress has been made to ensure a better take-up of these benefits. (AQO 1413/09)

**The Minister of Finance and Personnel:** The report was passed to Land and Property Services in order to allow the Agency to carry out an assessment of how best to implement the recommendations and to identify what the resource implications are.

My understanding is that this assessment is nearly completed and that an implementation plan will be available around the end of this month.

Many of the recommendations in the 'A2B' report are beyond the remit of my Department and rating policy. With the support of Margaret Ritchie an inter-departmental working group has been set up to take these recommendations forward.

This group, which will meet at official level, is to be chaired by DSD and will include representatives from Land and Property Services, the Northern Ireland Housing Executive, Her Majesty's Revenue and Customs, as well as the central Anti-Poverty Unit in OFMDFM. The first meeting is due to take place at the end of this month.

### Regional Rates

**Mr Neeson** asked the Minister of Finance and Personnel to report on the projected income from the regional rate for the 2008/09 financial year. (AQO 1431/09)

**The Minister of Finance and Personnel:** In the Budget 2008-11 the projected income from regional rates for 2008-09 was set at £525 million.

Land and Property Services are actively working to reduce the level of arrears and this will result in regional rates income in excess of that planned for in the Budget.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Capital Investment Budget

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail all capital projects he intends to roll out over the next three years. (AQW 2192/09)

**The Minister of Health, Social Services and Public Safety (Mr M McGimpsey):** Having made a bid for £1.1 billion in the CSR my allocated capital investment budget over the next 3 years, 2008/09 to 2010/11, is just under £700m following the outcome of the 2007 Comprehensive Spending Review.

In light of the funding constraints I commissioned on 31 May 2008 a Review of Capital Priorities over the next 10 years. I am currently considering the report, which has already highlighted that some very difficult decisions will need to be taken in order that the limited funding available to me will be allocated to areas of highest need across all Programmes of Care, and optimise the benefits for the entire population of Northern Ireland.

To date I have announced that I intend to roll out the following projects, which are planned to commence in the next 3 years:

Trust	Project
Belfast	Shankill, Beechall and Castlereagh Health & Care Centres
	Royal Victoria Hospital - Critical Care Block, Phase 2a IT and Commencement of enabling works for the new Women's and Children's Hospitals
	Redevelopment of mental health and learning disability facilities at Muckamore Abbey Hospital
	Replacement of Conicar ward, Muckamore at Iveagh
	Regional Mental Health Facility for Adolescents & Children & Families at Forster Green
	New Mental Health Community facility in North Belfast
Northern	Carnview Children's Home
	Ballymena, Larne and Carrick Health & Care Centres
	Redevelopment of facilities at Antrim Area Hospital and Whiteabbey Hospital

Trust	Project
South Eastern	Ulster Hospital Redevelopment Phase A and Phase B
	Downe Enhanced Local Hospital
	Lisburn Assessment Resource Centre (LARC)
	Redevelopment of a range of key services at Lagan Valley Hospital
	Dunmurry Health & Care Centre
Southern	Interim upgrade works at Daisy Hill (Renal Unit & car park)
	Portadown Health & Care Centre
	Trauma & Orthopaedics and Theatre 5, Craigavon Area Hospital
	Newry Social Education Centre (SEC)
Western	Altnagelvin Redevelopment
	New South West Acute Hospital (inc enabling works, ICT and equipment)
	Gransha Mental Health Unit
NIFRS	Investment in the NI Fire & Rescue Services
NIAS	Investment in NI Ambulance Services
ICT	Investment in supporting information technology across the health and social care sector

I have further decisions to make and will be making announcements on these in due course.

All Capital Projects are subject to Business Case approval.

### Royal Victoria Hospital

**Mr G Robinson** asked the Minister of Health, Social Services and Public Safety if he can give the figures for (i) surgical site infections since 1 January 2008, on Ward 4F in the Royal Victoria Hospital; and (ii) how many patients were treated on Ward 4F during the same period. (AQW 2256/09)

**The Minister of Health, Social Services and Public Safety:**

- (i) Surgical site infection surveillance in neurosurgery is not mandatory but as good practice the Trust has established a voluntary surveillance programme. Validated data for surgical site infection surveillance for neurosurgery for 2008 will be available in early 2009.
- (ii) 440 patients have been treated in Ward 4F in the Royal Victoria Hospital for the period 1 January to 30 September 2008.

### Cataract Operations

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many cataract operations have been carried out in each of the last 3 years. (AQW 2560/09)

**The Minister of Health, Social Services and Public Safety:** The number of cataract operations carried out in Health and Social Care Hospitals in Northern Ireland in each of the past three years is detailed below:

Year	2004/2005	2005/2006	2006/2007
Cataract Operations	8,391	9,441	8,718

**Source:** Hospital Inpatient System

These figures do not relate to individuals, as a person may have more than one cataract procedure carried out in a year.

### Cataract Operations

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many people are on the waiting list for a cataract operation. (AQW 2561/09)

**The Minister of Health, Social Services and Public Safety:** The inpatient waiting time position, for cataract surgery, at 30th June 2008, the most recent quarter for which official data are available, is outlined in the table below.

	Time Waiting in Weeks			
	0 - 6	> 6 - 13	> 13 - 21	> 21
No. of people waiting for admission to hospital in NI for cataract surgery	1075	1194	416	0

**Source:** DHSSPS Inpatient Waiting Times Dataset.

### Abortions

**Mr Hamilton** asked the Minister of Health, Social Services and Public Safety how many abortions were performed legally in Northern Ireland in each of the last 5 years. (AQW 2577/09)

**The Minister of Health, Social Services and Public Safety:** The number of abortions carried out in Health and Social Care Hospitals in Northern Ireland in each of the last 5 years is shown below:

Year	2003	2004	2005	2006	2007*
Number of Abortions	73	59	82	69	99

**Source:** Hospital Inpatient System

\*Figures shown for 2007 are provisional and as such may be subject to change

### Health Provision: Mid-Ulster

**Mr I McCrea** asked the Minister of Health, Social Services and Public Safety to detail his Department's plans for increasing investment in health provision, in the Mid-Ulster constituency. (AQW 2579/09)

**The Minister of Health, Social Services and Public Safety:** Under the Investment Strategy for NI my Department received some £3.3 billion over the next 10 years. This funding is to address an indentified investment need within health and social care of £7.8 billion.

There will be capital investment in the CSR period in regional facilities which the population of Mid-Ulster will be able to access. However, in light of the funding constraints I commissioned on 31 May 2008 a Review of Capital Priorities over the next 10 years. I am currently considering the report, which has already highlighted that some very difficult decisions will need to be taken in order that the limited funding available to me will be allocated to areas of highest need across the health service.

It is not possible to provide information on the increased investment in health provision on a parliamentary constituency basis. The four Area Boards are responsible for the allocation of resources at a local level. Investments made in one constituency may have benefits to those in neighbouring constituency or even at a regional level and it is therefore impossible to quantify the extent and subsequent effect of investments at constituency level.

### Abortions

**Mr Hamilton** asked the Minister of Health, Social Services and Public Safety how many women are estimated to have travelled to Great Britain for an abortion, in each of the last 5 years. (AQW 2590/09)

**The Minister of Health, Social Services and Public Safety:** The numbers of abortions carried out in England and Wales, where the woman gave an address in Northern Ireland in each of the last five years is shown below:



Year	2003	2004	2005	2006	2007*
Number of Abortions	1318	1280	1164	1295	1343

**Source:** Department of Health England and Wales

In each of the last five years, there were less than five abortions carried out in Scotland where the woman gave an address in Northern Ireland.

**Source:** Department of Health Scotland

### Agenda for Change

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many former members of staff in the Health Service are waiting to receive back pay under Agenda for Change. (AQW 2593/09)

**The Minister of Health, Social Services and Public Safety:** Over 88% of all Health Service staff, including staff who have left the service since October 2004, have now received back pay due to them under Agenda for Change. Details of the actual number of staff who have left the service and are still waiting to receive their arrears is not held centrally and can only be obtained at disproportionate costs.

### Autism: Staff

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many of the staff are working with people with autism, in the South Eastern Health and Social Care Trust area. (AQW 2610/09)

**The Minister of Health, Social Services and Public Safety:** Across the South Eastern Health and Social Care Trust the following staff are dedicated to autism spectrum disorder services:

- 0.2 wte Consultant Paediatrician sessions
- 2.60 wte Speech and Language Therapists
- 1.53 wte Clinical Psychologists.
- 1 Psychological therapist

A further psychological therapist will be appointed in the next 3 months. In addition a range of professionals across the Trust provide services to individuals with autism within their total resources, along with addressing other conditions, eg, developmental delay and complex health needs.

### Autism: Diagnosis Waiting Time

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what the current waiting time is for children awaiting a diagnosis of autism, in the South Eastern Health and Social Care Trust area. (AQW 2611/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not collected centrally, and could only be provided at disproportionate cost.

### Autism: Diagnosis Waiting List

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many children are currently on a waiting list for diagnosis of autism in the South Eastern Health and Social Care Trust. (AQW 2612/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not collected centrally, and could only be provided at disproportionate cost.

### Autism: Lack of Service Provision

**Mr Weir** asked the Minister of Health, Social Services and Public Safety to outline what steps his Department is taking to address the lack of service provision for children with autism, in the South Eastern Health and Social Care Trust area. (AQW 2613/09)

**The Minister of Health, Social Services and Public Safety:** The South Eastern Health and Social Care Trust have advised me that they are working to full capacity within dedicated autism resources and have in place a comprehensive training and development plan in relation to ASD. They have advised me that diagnostic services are available for all those referred to them with possible Autistic Spectrum Disorders (ASD), including Asperger's Syndrome. All clinics are staffed by specialists who are trained and experienced in assessment and diagnosis of ASD. Specialist practitioners work in a variety of locations across the Trust area and within a variety of professions, to include Clinical Psychology, Speech and Language Therapy and Paediatric Medicine.

### Foster Care

**Lord Morrow** asked the Minister of Health, Social Services and Public Safety to provide the number of (i) registered foster carers; and (ii) children currently in foster care. (AQW 2614/09)

**The Minister of Health, Social Services and Public Safety:** From the latest information available;

(i) At 31 October 2008, there were 1,776 registered foster carers in Northern Ireland.

(ii) At 31 March 2008, there were 1,376 children in foster care in Northern Ireland.

### General Practitioner Centres

**Mr Gallagher** asked the Minister of Health, Social Services and Public Safety to detail the cost of operating General Practitioner out-of-hours centres, broken down by Health and Social Care Trust, for 2007-08. (AQW 2615/09)

**The Minister of Health, Social Services and Public Safety:** The table below details the cost of operating out of hours centres, broken down by Health and Social Care Trusts in 2007-08.

Trust	Operating Costs 2007-08
Northern	£4,864,000
South Eastern	£4,044,179
Southern	£3,847,407
Belfast	£3,173,088
Western	£5,400,000
<b>Total</b>	<b>£21,328,674</b>

### Sports Strategy

**Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety to outline (i) the contribution from his Department; and (ii) the planned contribution, to the implementation of a sports strategy. (AQW 2619/09)

**The Minister of Health, Social Services and Public Safety:** In November 2007 I stated my intention to support the Sports Strategy for Northern Ireland which is currently being considered by the Executive. My Department's strategic interest in this strategy arises from the cross-governmental population health strategy "Investing for Health", which recognises the role of sport in tackling a range of health issues, including obesity and mental health and wellbeing.

To date the contribution of my Department is as follows;

- representation on a Minister-led Steering Group set up in 2005, by the Department of Culture, Arts and Leisure (DCAL), to oversee the development of a planned new sports strategy,
- participation in a DCAL led focus group which considered how health issues should be reflected in a new strategy, and;
- provided comments on early drafts of a new sports strategy that was submitted to us for consideration.

My Department will also be represented on a Monitoring Group set up to oversee the implementation of this strategy. I confirm I intend to continue my support of this strategy which I believe will contribute to improvements in physical activity and lead to overall health benefits.

### Wi-Fi: Male Fertility

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if Wi-Fi uses a similar signal to mobile phones and if exposure to it for more than a few hours a day causes a significant loss of male fertility; and, if so, what evidence supports this. (AQW 2629/09)

**The Minister of Health, Social Services and Public Safety:** The radio signals from Wi-Fi computer technology are of a similar type and magnitude to those from mobile phones, however, mobile phones are generally used much closer to the body so exposures are usually much greater from phones.

There is no evidence that emissions from WiFi could affect male fertility (the heating thus produced is too small).

### Children with Special Needs

**Mr Hilditch** asked the Minister of Health, Social Services and Public Safety to outline what steps he is taking to address the lack of clubs/societies and voluntary organisations that are available for children with special needs, outside school hours. (AQW 2638/09)

**The Minister of Health, Social Services and Public Safety:** The most effective and sustainable means of promoting independent organisations of this type is to make various types of funding available to underpin the services they provide. Examples of this type of funding include contracts with voluntary and community sector organisations for after school activities and non-recurring refunding aimed at children and adolescents with learning disabilities. Local Health and Social Care Trusts provide this type of funding.

### Hospital Car Parking

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail the amount paid by staff for car parking at hospitals, across all Health and Social Care Trusts. (AQW 2641/09)

**The Minister of Health, Social Services and Public Safety:** The amount paid by staff for car parking at HSC hospitals is as follows:

Trust	Hospital	Amount 2007/08
Belfast Trust	Royal Group (1)	387,910
	Belfast City	154,310
	Mater	34,891
South Eastern	Ulster	186,000
<b>Note (1):</b> This amount is received by the PFI contractor, not the Belfast Trust		
<b>Total</b>		<b>763,111</b>

### Nursing Pay Bands

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to give a detailed list of pay bands for all nursing grades. (AQW 2642/09)

**The Minister of Health, Social Services and Public Safety:** Nurses are paid on one of a range of Agenda for Change pay bands depending on the responsibilities of the job that they are doing. These pay bands range from band 4 (salary range £17,316 to £20,818), band 5 (salary range £20,225 to £26,123) band 6 (salary range £24,103 to £32,653) band 7 (salary range £29,091 to £38,352), band 8(a) (salary range £37,106 to £44,527), band 8(b) (salary range £43,221 to £53,432) or band 8(c) (salary range £52,007 to £64,118).

## Capital Budget

**Mr Easton** asked the Minister of Health, Social Services and Public Safety to detail his capital budget for the next three years. (AQW 2643/09)

**The Minister of Health, Social Services and Public Safety:** The DHSSPS capital allocation for the Budget period 2008-2011 was approved at £728m. This figure included assumed income from the sale of surplus land of £95m. However, the recent severe downturn in the NI property market has meant that planned receipts have had to be reduced from the £95m originally planned to approximately £55m. The available capital budget for DHSSPS for 2008-2011 is therefore £688m.

## Ravara Residential Home

**Mr Easton** asked the Minister of Health, Social Services and Public Safety if the South Eastern Health and Social Care Trust has put in a proposal to close Ravara Residential Home, Bangor. (AQW 2645/09)

**The Minister of Health, Social Services and Public Safety:** The South Eastern Health and Social Care Trust is in the process of reforming and modernising its statutory residential care services in order to best serve the needs of older people throughout the Trust area. A proposal to close three statutory homes, including Ravara House, Bangor was presented at the Trust's Board on 19 November 2008. This proposal is now out for public consultation from 20 November 2008 to 12 February 2009.

## Neonatal Nurses

**Mrs Hanna** asked the Minister of Health, Social Services and Public Safety what action is being taken to (i) tackle the shortage of qualified nurses in neonatal specialty; (ii) assess the risk that the shortage of neonatal nurses represents to patients; and (iii) provide additional investment to tackle the shortage of neonatal nurses; and, what assessment has the Department made of the training and recruitment process that will be necessary to boost the number of neonatal nurses. (AQW 2661/09)

**The Minister of Health, Social Services and Public Safety:** A 2006 report on specialist neonatal services, commissioned by the Chief Medical Officer, made a number of recommendations to strengthen specialist neo-natal services including measures to increase the complement of appropriately trained neonatal nurses. In 2007/08, an additional £800k was allocated for neonatal and paediatric intensive care services, which facilitated the introduction of a further neonatal intensive care cot in the Ulster Hospital and supporting nursing staff, as well as allowing for additional nurse staffing in Antrim Area Hospital. In 2008/09 £430k recurrent funding was allocated to the Royal Jubilee Maternity Hospital, funding additional nursing staff.

Maintaining appropriate neo-natal nurse staffing levels will clearly help manage risk to this patient group. The Department, as part of its workforce planning arrangements, will continue to review the supply and demand of appropriately trained staff to meet service needs. The workforce planning cycle comprises a major review approximately every 3 years, with interim update reviews. A review of the nursing and midwifery workforce has recently been initiated. This will identify any potential recruitment difficulties and indicate where any special initiatives might be necessary.

## Tuberculosis

**Mr Easton** asked the Minister of Health, Social Services and Public Safety if there have been any cases of tuberculosis, over the last three years. (AQW 2664/09)

**The Minister of Health, Social Services and Public Safety:** The number of cases of tuberculosis up to 21 October are as follows:

Year	Pulmonary TB	Non-pulmonary TB	Total
2005	44	31	75
2006	43	18	61



Year	Pulmonary TB	Non-pulmonary TB	Total
2007*	40	24	64
2008*	29	22	51

\* Data for 2007 and 2008 are provisional.

### Parkinson's Disease

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many people suffer from Parkinson's Disease. (AQW 2665/09)

**The Minister of Health, Social Services and Public Safety:**

Information is not available on the number of people who suffer from Parkinson's Disease.

### Osteoporosis

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many people suffer from osteoporosis. (AQW 2666/09)

**The Minister of Health, Social Services and Public Safety:** The number of people suffering from osteoporosis is not available.

### Multiple Sclerosis

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many people suffer from multiple sclerosis. (AQW 2667/09)

**The Minister of Health, Social Services and Public Safety:** The number of people suffering with multiple sclerosis in Northern Ireland is not available.

### Kidney Dialysis

**Mr Easton** asked the Minister of Health, Social Services and Public Safety how many people are receiving kidney dialysis. (AQW 2668/09)

**The Minister of Health, Social Services and Public Safety:** The estimated number of people receiving kidney dialysis treatment during 2006/07, at Health and Social Care Hospitals in Northern Ireland is 1107.

### Public Liability Claims

**Mr Moutray** asked the Minister of Health, Social Services and Public Safety how many public liability claims have been successful (i) in total; and (ii) broken down by Health and Social Care Trust; and, what was the amount paid out (a) in total; and (b) broken down by Health and Social Care Trust, in each of the last three years. (AQW 2682/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is set out in the table below, which details the total number of public liability claims and total amount paid out in damages, broken down by Trust for the years 2005-06, 2006-07 and 2007-08.

#### PUBLIC LIABILITY CLAIMS – TOTAL NUMBER AND AMOUNTS PAID OUT PER TRUST (£)

	2005/2006		2006/2007		2007/2008	
	No.	Amount	No.	Amount	No.	Amount
Northern	5	45,500	5	33,250	10	68,138

	2005/2006		2006/2007		2007/2008	
	No.	Amount	No.	Amount	No.	Amount
Western	14	22,724	22	22,078	16	37,470
South Eastern	12	9,328	20	85,500	7	11,000
Southern	2	7,334	8	25,474	2	52,850
Belfast	13	10,750	17	30,351	17	81,166
NI Ambulance	0	0	2	308,400	0	0
<b>Totals</b>	<b>46</b>	<b>95,636</b>	<b>74</b>	<b>505,053</b>	<b>52</b>	<b>250,624</b>

### Sexual-Health Promotion

**Dr Farry** asked the Minister of Health, Social Services and Public Safety to explain why there is no funding for a sexual health promotion worker targeting gay and bisexual men. (AQW 2690/09)

**The Minister of Health, Social Services and Public Safety:** There are procedures in place for the provision of Departmental funding. Applications for funding must be in line with the Department's aims and objectives and must satisfy eligibility and assessment criteria. A voluntary organisation was unsuccessful in its application submitted in November 2007 for a sexual health promotion project targeting gay and bisexual men.

### Sexual-Health Strategy

**Dr Farry** asked the Minister of Health, Social Services and Public Safety why the Health Promotion Agency has failed to meet with the Rainbow Project ahead of the launch of the Sexual Health Strategy. (AQW 2691/09)

**The Minister of Health, Social Services and Public Safety:** I have been advised that the Health Promotion Agency for Northern Ireland has not been approached to meet with The Rainbow Project.

### Myalgic Encephalomyelitis

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what action he is taking to increase funding for sufferers of Myalgic Encephalomyelitis (ME). (AQW 2702/09)

**The Minister of Health, Social Services and Public Safety:** It is the responsibility of the Health and Social Services Boards to plan and allocate resources to meet the needs of their local population, including those with Myalgic Encephalomyelitis. In determining their priorities for funding, Boards will take into account local circumstances, the strategic objectives established for the HSC and competing demands and pressures for a wide range of health and social care services generally. To date, Boards have not identified resource pressures in this area and consequently, my Department has not made any bids for additional funding specifically for Myalgic Encephalomyelitis.

### Promoting Mental-Health Strategy

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what steps his Department is taking to raise awareness of mental health issues within (i) the media; (ii) health clinics; (iii) hospitals; and the (iv) workplace. (AQW 2703/09)

**The Minister of Health, Social Services and Public Safety:** The Promoting Mental Health Strategy contains 20 actions to improve mental health and emotional well being, including action on addressing work-related stress. My Department has allocated £750,000 to Health and Social Care and the Health Promotion Agency to implement the actions which include raising public awareness of mental health issues, promotion of coping skills, and improving knowledge and skills of health professionals.

In conjunction with the Health and Safety Executive, my Department supports physical and mental health promotion programmes which have a particular focus on health service and workplace settings. These include “A Healthy Service - Supporting Health in Hospital” and the “Workwell” initiative which provides training on creating a healthy environment and, through which, a healthy workplace guide has been developed. In addition, the Health Promotion Agency, in partnership with the University of Central Lancashire, has offered in Northern Ireland a new accredited course “Healthy Settings: theory, policy and practice”. This course is being offered again in the New Year.

I have met local newspaper editors to emphasise the need for responsible reporting of mental health issues. The Health Promotion Agency also works closely with the media and has participated in the development of agreed guidelines for sensitive reporting of suicide.

### Myalgic Encephalomyelitis

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many people have been admitted to hospital with Myalgic Encephalomyelitis (ME), broken down, if available, by age group.

(AQW 2704/09)

**The Minister of Health, Social Services and Public Safety:** The number of admissions to Health and Social Care Hospitals in Northern Ireland in 2006/07 where a diagnosis of Myalgic Encephalomyelitis was recorded, is given in the table below;

Age	Admissions
<20	3
20-29	7
30-39	19
40-49	6
50-59	7
60+	8
<b>Total</b>	<b>50</b>

**Source:** Hospital Inpatient System

Deaths and discharges are used as an approximation of admissions. These figures do not denote individuals as a person may be admitted to hospital more than once in a year.

### Myalgic Encephalomyelitis

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if he would consider a specialised clinic for those diagnosed with Myalgic Encephalomyelitis.

(AQW 2706/09)

**The Minister of Health, Social Services and Public Safety:** It is the responsibility of the Health and Social Services Boards to plan and allocate resources to meet the needs of their local population, including those with myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS). In determining their priorities for service development, Boards will take into account local circumstances, the strategic objectives established for the HSC and competing demands and pressures for a wide range of health and social care services generally.

There is a specialist ME/CFS clinic at the Belfast City Hospital which provides a service within the Belfast Trust area. Health and Social Services Boards have not to date identified a need for additional specialist clinics to support people with this syndrome.

### ‘Love for Life’

**Mr Simpson** asked the Minister of Health, Social Services and Public Safety to detail the total funding awarded to ‘Love for Life’ by (i) the Southern Health and Social Services Board; and (ii) the Southern Health and Social Care Trust, in each of the last 5 years. (AQW 2710/09)

**The Minister of Health, Social Services and Public Safety:** Funding to Love for Life has been awarded by

- (i) the Southern Health and Social Services Board; and
- (ii) the Southern Health and Social Care Trust for each of the last 5 years as follows:

	2004/05	2005/06	2006/07	2007/08	2008/09
(i) SHSSB	Nil	£20,550	£30,450	£16,552	Nil to date
(ii) SHSCT	N/A	N/A	N/A	N/A	£30,000

### Ravara House/Loch Cuan House/Northfield House: Closures

**Mr Weir** asked the Minister of Health, Social Services and Public Safety if his Department plans to intervene to prevent the closure of (i) Ravara House; (ii) Loch Cuan House; and (iii) Northfield House. (AQW 2750/09)

**The Minister of Health, Social Services and Public Safety:** The Trust’s proposals, which do not include Northfield House, are now the subject of a planning process, the current stage of which is full public consultation, which will run from November 20th 2008 to February 12th 2009. No decision will be taken by the Trust until such times as it has given full and proper consideration to the response to the consultation. If at that point the Trust decides to pursue the closure of one or more of the facilities, its decision will be subject to endorsement by the Eastern Health and Social Services Board. The process provides discretion for the Board to refer the proposals to me for a final decision if it considers them to be major and controversial in nature. Given, therefore, the ongoing nature of this process, and the fact that I may be involved at a later stage, it would not be appropriate for me, or my Department, to intervene at this time. Similarly, at this early stage of the process no dates have been set for closure, and no preparations have been made to transfer residents from those homes included in the proposal.

### Ravara House/Loch Cuan House/Northfield House: Future plans

**Mr Weir** asked the Minister of Health, Social Services and Public Safety to detail the discussions his Department has had with the South Eastern Health and Social Care trust on the future of (i) Ravara House, Bangor; (ii) Loch Cuan House, Newtownards; and (iii) Northfield House, Donaghadee. (AQW 2754/09)

**The Minister of Health, Social Services and Public Safety:** The Trust’s proposals, which do not include Northfield House, are now the subject of a planning process, the current stage of which is full public consultation, which will run from November 20th 2008 to February 12th 2009. No decision will be taken by the Trust until such times as it has given full and proper consideration to the response to the consultation. If at that point the Trust decides to pursue the closure of one or more of the facilities, its decision will be subject to endorsement by the Eastern Health and Social Services Board. The process provides discretion for the Board to refer the proposals to me for a final decision if it considers them to be major and controversial in nature. Given, therefore, the ongoing nature of this process, and the fact that I may be involved at a later stage, it would not be appropriate for me, or my Department, to intervene at this time. Similarly, at this early stage of the process no dates have been set for closure, and no preparations have been made to transfer residents from those homes included in the proposal.

### Ravara House/Loch Cuan House/Northfield House: Closure Dates

**Mr Weir** asked the Minister of Health, Social Services and Public Safety to detail the closure dates for (i) Ravara House, Bangor; (ii) Loch Cuan House, Newtownards; and (iii) Northfield House, Donaghadee. (AQW 2755/09)

**The Minister of Health, Social Services and Public Safety:** The Trust’s proposals, which do not include Northfield House, are now the subject of a planning process, the current stage of which is full public consultation,



which will run from November 20th 2008 to February 12th 2009. No decision will be taken by the Trust until such times as it has given full and proper consideration to the response to the consultation. If at that point the Trust decides to pursue the closure of one or more of the facilities, its decision will be subject to endorsement by the Eastern Health and Social Services Board. The process provides discretion for the Board to refer the proposals to me for a final decision if it considers them to be major and controversial in nature. Given, therefore, the ongoing nature of this process, and the fact that I may be involved at a later stage, it would not be appropriate for me, or my Department, to intervene at this time. Similarly, at this early stage of the process no dates have been set for closure, and no preparations have been made to transfer residents from those homes included in the proposal.

### **Ravara House/Loch Cuan House/Northfield House: Relocation of Residents**

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what provision has been planned for the relocation of residents of (i) Ravara House, Bangor; (ii) Loch Cuan House, Newtownards; and (iii) Grove House, Ballynahinch. (AQW 2816/09)

**The Minister of Health, Social Services and Public Safety:** The Trust's proposals, which do not include Northfield House, are now the subject of a planning process, the current stage of which is full public consultation, which will run from November 20th 2008 to February 12th 2009. No decision will be taken by the Trust until such times as it has given full and proper consideration to the response to the consultation. If at that point the Trust decides to pursue the closure of one or more of the facilities, its decision will be subject to endorsement by the Eastern Health and Social Services Board. The process provides discretion for the Board to refer the proposals to me for a final decision if it considers them to be major and controversial in nature. Given, therefore, the ongoing nature of this process, and the fact that I may be involved at a later stage, it would not be appropriate for me, or my Department, to intervene at this time. Similarly, at this early stage of the process no dates have been set for closure, and no preparations have been made to transfer residents from those homes included in the proposal.

### **Grove House, Ballynahinch: Closure**

**Mr Weir** asked the Minister of Health, Social Services and Public Safety if his Department plans to intervene to prevent the closure of Grove House in Ballynahinch. (AQW 2817/09)

**The Minister of Health, Social Services and Public Safety:** The Trust's proposals, which do not include Northfield House, are now the subject of a planning process, the current stage of which is full public consultation, which will run from November 20th 2008 to February 12th 2009. No decision will be taken by the Trust until such times as it has given full and proper consideration to the response to the consultation. If at that point the Trust decides to pursue the closure of one or more of the facilities, its decision will be subject to endorsement by the Eastern Health and Social Services Board. The process provides discretion for the Board to refer the proposals to me for a final decision if it considers them to be major and controversial in nature. Given, therefore, the ongoing nature of this process, and the fact that I may be involved at a later stage, it would not be appropriate for me, or my Department, to intervene at this time. Similarly, at this early stage of the process no dates have been set for closure, and no preparations have been made to transfer residents from those homes included in the proposal.

### **Grove House, Ballynahinch: Future Plans**

**Mr Weir** asked the Minister of Health, Social Services and Public Safety to detail the discussions his Department has had concerning the future of Grove House in Ballynahinch. (AQW 2818/09)

**The Minister of Health, Social Services and Public Safety:** The Trust's proposals, which do not include Northfield House, are now the subject of a planning process, the current stage of which is full public consultation, which will run from November 20th 2008 to February 12th 2009. No decision will be taken by the Trust until such times as it has given full and proper consideration to the response to the consultation. If at that point the Trust decides to pursue the closure of one or more of the facilities, its decision will be subject to endorsement by the Eastern Health and Social Services Board. The process provides discretion for the Board to refer the proposals to me for a final decision if it considers them to be major and controversial in nature. Given, therefore, the ongoing nature of this process, and the fact that I may be involved at a later stage, it would not be appropriate for me, or my Department, to intervene at this time. Similarly, at this early stage of the process no dates have been set for closure, and no preparations have been made to transfer residents from those homes included in the proposal.

### Grove House, Ballynahinch: Respite Care Beds

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many (i) residents; and (ii) respite care beds are in Grove House in Ballynahinch. (AQW 2819/09)

**The Minister of Health, Social Services and Public Safety:** The South Eastern Health and Social Care Trust have indicated that Grove House in Ballynahinch has

- (i) 10 residents and
- (ii) 14 respite care beds.

### At Risk Register

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety how many (i) children are on the At Risk Register; and (ii) At Risk cases are unallocated, in each Health and Social Care Trust area. (AQW 2845/09)

**The Minister of Health, Social Services and Public Safety:** The table below shows the latest available information held centrally on the number of children on the Child Protection Register as at 31 March 2008 within each Health and Social Care Trust.

HSC Trust	Total
Belfast	603
Northern	331
South Eastern	417
Southern	314
Western	406

Health and Social Care Trusts continue to report that there are currently no unallocated cases of a child protection nature.

### At Risk Register

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety what steps are being taken to (i) reduce the number of unallocated Children At Risk cases; and (ii) to assess and prioritise unallocated Children At Risk cases, in the Western Health and Social Care Trust area. (AQW 2847/09)

**The Minister of Health, Social Services and Public Safety:** All referrals to the Western HSC Trust are screened on the day of receipt by a senior social worker to identify if any cases are of a child protection nature. Such cases are allocated to social work staff and dealt with as a matter of priority. A front-line Gateway Service has been established which includes experienced senior practitioners. A number of expert principal practitioner posts have also been created to support less experienced staff within the Trust. A single assessment tool has been developed to assess the needs of children and help improve identification of child protection issues. This tool will ensure a more consistent approach to contributing and capturing relevant information on children, analysis of the information, and identification of risks to children. Common supervision standards have been issued to all Trusts and a caseload weighting system for social services staff is being introduced. A substantial and ongoing multi-disciplinary child protection training programme is underway for Trust staff.

### Capital Investments

**Mr D Bradley** asked the Minister of Health, Social Services and Public Safety to detail the capital investments made in (i) Lurgan Hospital; (ii) Craigavon Area Hospital; (iii) Saint Luke's Hospital, Armagh; (iv) Longstone Hospital, Armagh; (v) Mullinure Hospital, Armagh; (vi) South Tyrone Hospital; and (vii) Armagh Community Hospital, since 1995. (AQW 2886/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not available and could only be provided at disproportionate cost.

### Capital Investments

**Mr D Bradley** asked the Minister of Health, Social Services and Public Safety to detail business cases that were submitted to his Department seeking approval for capital programmes for (i) Lurgan Hospital; (ii) Craigavon Area Hospital; (iii) Saint Luke's Hospital, Armagh; (iv) Longstone Hospital, Armagh; (v) Mullinure Hospital, Armagh; (vi) South Tyrone Hospital; and (vii) Armagh Community Hospital, in (a) 2004; (b) 2005; (c) 2006; and (d) 2007. (AQW 2887/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not available and could only be provided at disproportionate cost.

### Capital Investments

**Mr D Bradley** asked the Minister of Health, Social Services and Public Safety to detail the business cases currently with his Department seeking approval for capital programmes for (i) Lurgan Hospital; (ii) Craigavon Area Hospital; (iii) Saint Luke's Hospital, Armagh; (iv) Longstone Hospital, Armagh; (v) Mullinure Hospital, Armagh; (vi) South Tyrone Hospital; and (vii) Armagh Community Hospital. (AQW 2888/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not available and could only be provided at disproportionate cost.

### Capital Investments

**Mr D Bradley** asked the Minister of Health, Social Services and Public Safety to detail the business cases submitted to his Department for capital investment by the (i) Armagh and Dungannon Health and Social Care Trust; (ii) Newry and Mourne Health and Social Care Trust; and (iii) Craigavon and Banbridge Health and Social Care Trust, in each of the last four years of their existence. (AQW 2890/09)

**The Minister of Health, Social Services and Public Safety:** The information requested is not available and could only be provided at disproportionate cost.

### Southern Health and Social Care Trust: Savings

**Mr D Bradley** asked the Minister of Health, Social Services and Public Safety how much was saved by his Department with the creation of the Southern Health and Social Care Trust following the merger of Armagh and Dungannon; Newry and Mourne; and Craigavon and Banbridge Health and Social Care Trusts. (AQW 2891/09)

**The Minister of Health, Social Services and Public Safety:** Plans for organisational restructuring and rationalisation as a result of the Review of Public Administration (RPA) will result in savings of £53m per annum across the entire HSC system by 2010/11. The Southern Health and Social Care Trust have been advised that its savings target over the three year Comprehensive Spending Review period is as follows:

	2008/09 £'m	2009/10 £'m	2010/11 £'m
Savings target	2.7	5.4	5.5

### South Eastern Health and Social Care Trust: Annual Budget

**Mr Weir** asked the Minister of Health, Social Services and Public Safety to detail the proposed annual budget for the South Eastern Health and Social Care Trust for (i) 2006-7; (ii) 2007-8; (iii) 2008-9; (iv) 2009-10. (AQW 2895/09)

**The Minister of Health, Social Services and Public Safety:** The South Eastern Health and Social Care Trust came into operation in April 2007. The actual income of the Trust for 2007-8 and the proposed budgets for 2008-09 and 2009-10 are as follows:

Financial Year	2007-08	2008-09	2009-10
Actual/Budget (£m)	417.4	423.4	428.0

### Toner Report Recommendations

**Mr Durkan** asked the Minister of Health, Social Services and Public Safety for his assessment of the progress made on the implementation of the Toner Report recommendations. (AQW 2896/09)

**The Minister of Health, Social Services and Public Safety:** The Toner Report was published in July 2008 and contained 63 recommendations. Of the 55 recommendations directed towards the Western HSC Trust/Western HSS Board, 50% had already been fully implemented by the end of October and significant progress has been made against the others. By end December 2008, approximately 85% of these recommendations will have been fully implemented. All Trust/Board recommendations should be fully implemented by end March 2009. Of the 8 remaining recommendations, 4 fall to the Department of Health, Social Services and Public Safety; 1 to the Regulation and Quality Improvement Authority; 1 to the Northern Ireland Social Care Council; and 2 to the Police Service of Northern Ireland. Of the 4 recommendations directed to DHSSPS, 1 has been completed and work on 3 is underway. Work is underway on the two recommendations directed to RQIA and NISCC.

Officials continue to monitor progress on implementation of the Toner Report recommendations and will be meeting again with Western HSC Trust and Western HSS Board representatives within the next few weeks to review their progress.

### Home-Help Services

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many hours of home-help were provided by each of the Health and Social Care Trusts, in each of the last three years. (AQW 2897/09)

**The Minister of Health, Social Services and Public Safety:** The information is not available in the format requested.

### Home-Help Services

**Mr Weir** asked the Minister of Health, Social Services and Public Safety for the total amount spent on home help provision provided by each of the health and social care trusts, in each of the last three years. (AQW 2898/09)

**The Minister of Health, Social Services and Public Safety:** The table below details resources allocated to trusts for home-help services over the last 3 years.

#### TOTAL DOMICILIARY CARE FUNDING 2006/07 TO 2008/09

Trusts	2006/07 £'000	2007/08 £'000	2008/09 £'000
BHSST	34,994	36,239	36,388
NHSST	29,011	31,829	34,808
SEHSST	24,854	26,460	27,121
SHSST	26,310	27,979	28,964
WHSST	20,220	21,946	22,425
<b>Total</b>	<b>135,389</b>	<b>144,453</b>	<b>149,706</b>



### Home-Help Services

**Mr Weir** asked the Minister of Health, Social Services and Public Safety how many people in each of the health and social care trust areas have been receiving home help, in each of the last three years. (AQW 2899/09)

**The Minister of Health, Social Services and Public Safety:** The number of people in receipt of home help services on 31 March in 2006, 2007 and 2008 in each of the health and social care trust areas is shown in the table below.

#### PERSONS RECEIVING A HOME HELP SERVICE ON 31 MARCH

Health and Social Care Trust	2008	2007	2006
Belfast HSC Trust	6,491	6,986	6753
Northern HSC Trust	4,032	4,232	4,355
South Eastern HSC Trust	3,528	3,786	3,865
Southern HSC Trust	4,208	4,430	5,019
Western HSC Trust	4,340	4,479	4,874
Northern Ireland	22,599	23,913	24,866

Home Help is one of a number of services designed to support people in their own homes, including day care, meals services and domiciliary care which has increased by 18.5% since 31 March 2006, from 8,110 at 31 March 2006 to 9,608 at 30 June 2007.

### Home-Help Services

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what cutbacks have been made during 2008 in home help provision in (i) the South Eastern Health and Social Care Trust; and (ii) Northern Ireland as a whole. (AQW 2901/09)

**The Minister of Health, Social Services and Public Safety:** (i) The South Eastern HSC Trust has advised that there have been an overall increase in the provision of domiciliary care packages (which includes Home Help) in 2008.

(ii) Figures for the whole of Northern Ireland are not available.

### Health Service Pension Department

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety to provide an assurance that the terms and conditions of Civil Service staff currently employed within the Health Service Pension Department will not be altered as part of proposals to create a new Regional Shared Services Organisation. (AQW 2930/09)

**The Minister of Health, Social Services and Public Safety:** The necessary provisions of the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006, along with appropriate arrangements to protect Occupational Pensions, have been incorporated in the Health and Social Care (Reform) Bill.

An assurance can be given that arrangements are in place to safeguard the interests of staff who transfer to the new HSC organizations as a result of the Review of Public Administration (RPA). All contractual terms contained within the NICS Staff Handbook will be protected in accordance with TUPE Regulations and will transfer with staff to their new employment.

I understand that the DFP Minister will be seeking the agreement of the Executive that some Civil Servants may have the option of temporary transfer to the new RPA bodies in which case they will also retain all their NICS terms and conditions of service.

## Health Service Pension Department

**Ms Anderson** asked the Minister of Health, Social Services and Public Safety to provide an assurance that Civil Service staff currently employed within the Health Service Pension department at Waterside House in Londonderry/Derry will not be relocated as part of proposals to create a new Regional Shared Services Organisation. (AQW 2932/09)

**The Minister of Health, Social Services and Public Safety:** There is no intention to relocate these staff as part of the establishment of the new Regional Business Services Organisation (RBSO) on 1st April 2009.

The location of services managed by the RBSO as 'shared' services for Health & Social Care will be the subject of public consultation in due course. Decisions on long-term location will follow consideration of the responses to that consultation.

## REGIONAL DEVELOPMENT

### Translink Buses: Accidents

**Mr Burns** asked the Minister for Regional Development to detail, for each of the last five years, (i) the number of accidents involving Translink buses and (a) pedestrians; and (b) other vehicles; (ii) the number of accidents where Translink was (a) held liable; (b) not held liable; and (c) settled out of court; and how much compensation was paid by Translink to injured parties. (AQW 2469/09)

**The Minister for Regional Development (Mr C Murphy):** The following table gives the requested information.

Year	Pedestrian Accidents	Other vehicle Accidents	Liable	Not Liable	Settled Out Of Court	Compensation Paid
03/04	41	1292	n/a	n/a	739	£330,157.00
04/05	47	1325	n/a	n/a	789	£363,830.00
05/06	37	1313	945	405	786	£506,396.00
06/07	45	1547	1114	478	793	£224,387.00
07/08	56	1489	1066	479	623	£116,107.00
<b>Total</b>	<b>226</b>	<b>6966</b>	<b>3125</b>	<b>1362</b>	<b>3730</b>	<b>£1,540,877.00</b>

### Translink: Investment

**Mr Savage** asked the Minister for Regional Development to detail how much Translink has invested in (i) bus services; and (ii) other areas, in the past five years. (AQW 2475/09)

#### The Minister for Regional Development:

I have been informed by Translink that the capital investment in bus and other services in the last five years is as follows:-

	Capital Investment Bus Purchases	Capital Investment Bus Stations	Capital Investment Other*
	£'000	£'000	£'000
2003/04	13,636	89	27,570
2004/05	9,658	3,264	47,940
2005/06	22,848	755	37,597
2006/07	20,393	962	11,051

	Capital Investment Bus Purchases	Capital Investment Bus Stations	Capital Investment Other*
	£'000	£'000	£'000
2007/08	50,085	2,023	27,167
<b>Total</b>	<b>116,620</b>	<b>7,093</b>	<b>151,325</b>

\* This figure includes capital investment on rail services.

### Public Transport: Concessionary Fares

**Mr Durkan** asked the Minister for Regional Development to make a statement on the provision of concessionary fares on all public transport, to people under 18 years of age, who are in full time education.

(AQW 2564/09)

**The Minister for Regional Development:** As part of the Comprehensive Spending Review I bid for resources to provide free travel for all children under the age of 18. Unfortunately this bid was unsuccessful and it was decided to provide free travel for all persons aged 60 to 64. I have no plans at present to extend the scheme to older children.

### A29: Roads Service Expenditure

**Mr I McCrea** asked the Minister for Regional Development to detail the total amount of money spent by the Road Service on the A29, in the last ten years.

(AQW 2578/09)

**The Minister for Regional Development:** My Department's Roads Service does not record details of the total annual expenditure on individual roads. I am, therefore, unable to provide the requested information.

### Investment Plans: Lagan Valley

**Mr Craig** asked the Minister for Regional Development to detail (i) his Department's investment plans; and (ii) the projects scheduled to be delivered, including the dates for completion, for the Lagan Valley constituency, for the next five years.

(AQW 2588/09)

**The Minister for Regional Development:** The Investment Strategy, agreed by the Executive in January 2008, sets out firm capital allocations for the 3 years to 2010-11 and indicative capital allocations for the 7 years thereafter.

My Department's Roads Service investment plans for Lagan Valley are contained within the Investment Delivery Plan (IDP) for Roads as part of the Investment Strategy for Northern Ireland. The focus of the proposed IDP is the strategic road network, but it does include provision for smaller schemes.

Those projects involving improvements to the strategic road network within the Lagan Valley constituency are:

- A1 Belfast to Dublin dual carriageway - junction improvements at Hillsborough and Dromore are currently being implemented as part of Package 2 of Roads Service's Design Build Finance and Operate programme. The contractor's current programme indicates that the new flyover at Dromore Road, Hillsborough, will be available for use by December 2009 and the new underpass at Banbridge Road, Dromore by January 2010.
- M1/A1 Sprucefield Bypass - 4 kilometres of new dual carriageway from the M1 motorway to A1 at Hillsborough, bypassing Sprucefield Retail centre. The date for completion is between 2013/14 to 2017/18, outside the 5 year period questioned.
- M1 between junctions at Saintfield Road, Lisburn and Blacks Road, Belfast – replacement of 4km of central median safety barrier. Provisional date for completion is end of August 2009. This scheme is not contained within the IDP.

While the IDP does make provision for Non Strategic Major Improvements, Local Road Improvements and Road Safety Schemes, Street Lighting Improvements and Other Capital Requirements, it should be noted that any road scheme proposed will be subject to the availability of the necessary lands and finance and must compete for priority with all other minor works proposals. Therefore, it is not possible at this stage to be more specific about a

work programme, or to outline a five year plan for potential schemes across the whole of Lagan Valley. However, I understand the Lagan Valley constituency covers areas from both Lisburn and Banbridge Council districts. Roads Service presents their programme of work to Councils in the Spring of each year. These provide details of indicative Minor Works and Traffic Calming programmes of work for a three year period and other activities, such as resurfacing, on an annual basis.

The relevant Council Reports for these areas can be accessed from the Roads Service internet site at the following web address:

[www.roadsni.gov.uk/index/publications/publications-council\\_reports.htm](http://www.roadsni.gov.uk/index/publications/publications-council_reports.htm)

If required, a hard copy of these reports can be made available upon request from Roads Service. For the Lisburn Council Report the relevant Roads Service official to contact is Mr Tom McCourt, Divisional Roads Manager, Eastern Division, Tel. 028 9025 3004. For the Banbridge Council Report, the Roads Service contact is Mr Bertie Ellison, Acting Divisional Roads Manager, Southern Division, Tel. 028 3832 0250.

My Department also plans to invest in public transportation projects in the Lagan Valley constituency over the next 5 years. A major project to complete a track relay of the rail line between Knockmore and Lurgan is currently being planned. Subject to an Economic Appraisal and the availability of funding and other budget decisions, the project is likely to be completed in 2014 with costs estimated at £55m.

A project to upgrade the pedestrian crossing at the railway crossings at Meeting House Lane and Glebe Road in Dunmurry has been approved. The project is scheduled to be completed in February 2010 at an estimated costs of £2.5m.

Work on improving the rail stations on the Portadown line, to comply with the Disability Discrimination Act and Northern Ireland Rail's New Rail Vision, is nearing completion. The cost relating to stations in the Lagan Valley area £1.7m.

Northern Ireland Rail will be seeking approval from my Department to provide additional Park & Ride facilities at Lisburn Station. If all goes to plan, this will be in place by December 2011 at a cost of £3m. There are also plans to provide additional Park & Ride facilities in Moira by January 2011, at a cost of £675,000.

As part of the project to purchase 20 new trains, several of which will be deployed to increase frequency and capacity on the line between Belfast and Portadown, some of the platforms on the railways network will have to be extended. For the Lagan Valley area this will involve work at:

- Dunmurry - £115,000
- Derriaghy - £243,000
- Lambeg - £154,000
- Hilden - £191,000

In addition to the recent opening of the new Lisburn Bus Centre, work is planned to improve Dromore Bus Depot. This will be at a cost of £900,000 and is due for completion in July 2011. Work is also planned for improvements to the Boundary Wall at Lisburn Depot, which will improve its security. Completion is expected by November 2012 at a cost of £220,000.

### **Marguerite Park: Flooding**

**Mr Spratt** asked the Minister for Regional Development what measures his Department will take to alleviate the threat of flooding in Marguerite Park, Upper Lisburn Road, Belfast. (AQW 2600/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water (NIW) that the flooding problems experienced at Marguerite Park are caused by hydraulic incapacity in the Upper Lisburn Road sewer which forces flows to back-up into Marguerite Park during heavy rainfall. NIW proposes to alleviate the problem by upgrading around 100 metres of sewer in the Upper Lisburn Road to increase capacity, and diverting some of the flow to an upgraded sewer in Balmoral Park. This solution is an integral part of the £12 million Boucher Road scheme which will include the provision of a large hydraulic upgrade sewer designed to reduce the discharge frequency of 11 Combined Sewer Overflows (CSOs) and also to alleviate flooding problems in Upper Lisburn Road and Balmoral Park.

NIW recognises that providing a solution to the on-going flooding problem in Marguerite Park is a priority. However, in terms of phasing and environmental impact, implementation of the scheme can only take place



after the Boucher Road elements of the scheme are completed in order to avoid creating pollution to local watercourses. At present, NIW has a construction start date of Autumn 2010.

### Sports Strategy

**Mr P Ramsey** asked the Minister for Regional Development to outline (i) the contribution from his Department; and (ii) the planned contribution, to the implementation of a sports strategy. (AQW 2616/09)

**The Minister for Regional Development:** My Department's Roads Service supports the Department for Culture Arts and Leisure's proposal for a Strategy for Sport and Physical Recreation in the North. The uptake of sport and physical recreation is likely to contribute to a healthier population, who are consequently more likely to walk or cycle as an alternative for journeys often now undertaken by car, thereby reducing our carbon footprint.

Roads Service provides and promotes the use of facilities for walking and cycling on the public road network through:

- The Regional Transportation Strategy and Transport Plans, which contributes to improvements for walking and cycling, making it easier for the population to walk and cycle throughout the North;
- The Safer Routes to Schools Project by promoting initiatives designed to support healthier and more sustainable transport options for children, parents and school staff; and
- Travelwise N.I. which promotes the use of sustainable transport options, such as, walking and cycling for commuters and employers.

### Traffic Flows: Lurgan and Moira

**Mr Moutray** asked the Minister for Regional Development to detail the average daily traffic flows between Lurgan and Moira. (AQW 2648/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that it collects data from approx 300 automatic traffic counting sites located throughout the North's road network. Roads Service has advised that there is one automatic traffic counting site located on the A3 between Lurgan and Moira at Magheralin. The annual average daily traffic volume recorded at this site during 2008 is 13,778 vehicles.

### Road Improvements: Upper Bann

**Mr Moutray** asked the Minister for Regional Development what plans his Department has for road improvements in Upper Bann, in the next 3 years. (AQW 2649/09)

**The Minister for Regional Development:** My Department's Roads Service presents their programme of work to Councils in the Spring of each year, with a follow up progress meeting held during the Autumn. While it is normal to provide details of our indicative Minor Works and Traffic Calming programmes of work for a three year period, it is only possible to provide details of the other activities, such as carriageway resurfacing, on an annual basis.

I understand the Upper Bann constituency covers areas from both Craigavon and Banbridge Council districts. The relevant Council Reports for these areas can be accessed from the Roads Service internet site at the following web address:

[www.roadsni.gov.uk/index/publications/publications-council\\_reports.htm](http://www.roadsni.gov.uk/index/publications/publications-council_reports.htm)

If required, a hard copy of these reports can be made available upon request from Roads Service. The relevant Roads Service official to address such a request is Mr Bertie Ellison, Acting Divisional Roads Manager, Roads Service, Southern Division. Mr Ellison can be contacted at Marlborough House, Central Way, Craigavon, (Tel. 028 3832 0250).

### Water Main Replacement Works: Limavady

**Mr G Robinson** asked the Minister for Regional Development, pursuant to his answer to AQW 2187/08, to provide a timescale, including start date for and duration of, the water main replacement works in Limavady town centre. (AQW 2662/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that work on the Watermain Rehabilitation Project for Limavady town centre and the surrounding area will commence during January 2009 and is expected to continue for around 9 months.

### Traffic Situation in Newry

**Mr D Bradley** asked the Minister for Regional Development for his assessment of the traffic situation in Newry; and what action his Department is taking to address it. (AQW 2723/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the current traffic problems in Newry have been aggravated by the current large influx of shoppers from the South. Most of these shoppers travel on the main North/South route through Newry, from the Dublin Road to Abbey Way, and as a result they must pass through five sets of traffic signals and a pedestrian crossing.

When the added activity generated by Christmas shopping is taken into account, the volumes of traffic far exceed the capacity of these junctions, which are operating at maximum efficiency. While traffic light timings could be altered to give extra time to the main route, this would be to the detriment of the side roads, including the shopping centre entrance and exits, as well as the main Warrenpoint Road, which could exacerbate congestion in the vicinity.

There are plans to introduce a new traffic control system linking all of the signals, but this will not be introduced until the new Newry By-Pass has been completed and is operational.

In the meantime, attention will be given to local measures, such as concentrating on illegal parking, at strategic points, and the blocking of yellow box junctions.

### Carrickfergus Railway Station

**Mr K Robinson** asked the Minister for Regional Development if his Department will release the land on which the Carrickfergus Road Service Depot stands, to facilitate the provision of a further extension to the park and ride facility at Carrickfergus Railway Station. (AQW 2725/09)

**The Minister for Regional Development:** My Department's Roads Service has been in discussions with Northern Ireland Transport Holding Company (NITHC) on this matter. Roads Service has no objection, in principle, to releasing the land upon which the Roads Service Depot is currently sited.

However, as the Roads Service Depot provides a base for work essential to the roads infrastructure in the Carrickfergus area, no move can be considered until an alternate site, which meets Roads Service's needs, is provided. As a result of the ongoing discussions, NITHC are investigating potential sites and are to report back alternatives to Roads Service for consideration.

### Northern Ireland Water: Property Damage Claims

**Mr Savage** asked the Minister for Regional Development (i) how much has been paid out to; and (ii) how many claims have been made by (a) residential; and (b) business, consumers in claims for property damage against Northern Ireland Water since its inception. (AQW 2876/09)

**The Minister for Regional Development:** I have been advised by Northern Ireland Water that since its inception in April 2007 the company has received 555 property damage claims and to date has paid out a total of £133,098. The records held by the company do not differentiate between residential and business claimants.

### Deceleration Lanes: B52/B18

**Mr T Clarke** asked the Minister for Regional Development to detail the cost of providing the deceleration lanes on the B52 Randalstown to Portglenone Road at its junction with the B18 Roguery Road and Whitesides Road. (AQW 2998/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that the works on the B52 Randalstown to Portglenone Road, at its junction with the B18 Roguery Road and Whitesides Road, were implemented as part of a collision remedial scheme. The works were completed on 25 November 2008 at an estimated cost of £33,000. The contractor's final account for the works is awaited, therefore, the final cost will not be available until this is received and certified by Roads Service.

### George Best Belfast City Airport

**Mr McCallister** asked the Minister for Regional Development what implications the proposed extension to the runway of the George Best Belfast City airport will have on the Good Practice Guide to the Assessment and Management of Aircraft Noise Disturbance in airports. (AQO 1461/09)

**The Minister for Regional Development:** The Guide, produced by my Department, gives advice on good practice in the assessment and management of aircraft noise disturbance around existing airport facilities. It does not apply to forecasting the noise impact of proposed airport facilities.

The noise impact of the proposed extension to the runway of George Best Belfast City Airport will be considered by the Department of the Environment within the planning process, in accordance with guidance on Environmental Impact Assessment.

Should the Planning Service approve the runway extension, I would expect the airport to follow the Good Practice Guide in its management of the noise impacts.

### Train Arrival Times: Derry/Londonderry

**Mr P Ramsey** asked the Minister for Regional Development when it is expected that trains will start to arrive in Derry/Londonderry before 9am. (AQO 1453/09)

**The Minister for Regional Development:** Plans are progressing to complete a full relay of the track between Coleraine and Derry and this will include the construction of a passing loop. This work is scheduled to be completed by 2013 and is planned to coincide with the introduction to passenger service of two additional trains on the Belfast to Derry line.

In the meantime a £12m project to extend the track life of the line between Ballymena and Coleraine has just started and is expected to be completed by 2010.

The completion of these projects should allow faster and more frequent train services between Belfast and Derry with a commuter service reaching Derry before 9am for the first time.

### Major Infrastructure Projects: A5/A8

**Mr Boylan** asked the Minister for Regional Development for a progress report on the major infrastructure projects on the A5 and A8. (AQO 1451/09)

**The Minister for Regional Development:** My Department's Roads Service has advised that significant progress has been made on the development of the A5 and A8 projects. On 7 November 2008, I was pleased to announce the preferred corridors for the proposed dual carriageway upgrades of the A5, running from Derry to Aughnacloy, and the A8, between Belfast and Larne.

This first key milestone for each project was achieved ahead of target. Work is continuing towards realisation of the second key milestone, to identify a preferred route option within the corridors, by mid-2009.

A public consultation event, for the A8 scheme, was held on 11 and 12 November 2008, and further consultation is planned, for the A5, early in 2009.

### George Best Belfast City Airport

**Mr Beggs** asked the Minister for Regional Development for his assessment of whether the proposed extension of the runway at George Best Belfast City airport will improve competitiveness in the all Ireland aviation market. (AQO 1459/09)

**The Minister for Regional Development:** I have made no such assessment. Civil aviation is a reserved matter. The extent of competitiveness within the aviation market is a matter for the competition authorities.

### Railway Line between Ballymena and Ballymoney

**Mr Storey** asked the Minister for Regional Development for an update on work to upgrade the railway line between Ballymena and Ballymoney. (AQO 1350/09)

**The Minister for Regional Development:** The work required to repair the wet spot problem on the line has been extended because additional wet spots have been identified. However, this element of the project will be completed before Christmas.

The contract for the main works has now been signed and work on site has commenced. The work will continue through 2009 and will involve the closure of the line between Ballymena and Coleraine from the end of March 2009 for 14 weeks. A replacement bus service will be provided during this period. The project is expected to be fully completed by mid 2010.

### Central Procurement Directorate

**Ms Anderson** asked the Minister for Regional Development how he is implementing guidance published by the Central Procurement Directorate and the Equality Commission, on how to integrate equality into the delivery of Department policy and operational activity, as outlined in the Programme for Government. (AQO 1456/09)

**The Minister for Regional Development:** In line with the Public Procurement Policy that procurement should be directed through Centres of Procurement Expertise (COPEs), in excess of 95% of procurement by my Department and its Arms Length Bodies (ALBs) is channelled through the following established COPEs:-

- NIW (for all NIW procurement)
- Roads Service (for all Roads Service capital procurement)
- Translink (for all Translink procurement)
- CPD (for all procurement of goods and supplies by DRD Core Business Areas and Roads Service).

The joint CPD/Equality Commission guidance on "Equality of Opportunity and Sustainable Development in Public Sector Procurement" was circulated to the above COPEs and to procurement officers within the Department and its ALBs in June 2008. Officers responsible for procurement are aware of the equality and sustainability requirements set out in the Guidance.

In line with the joint guidance, the Department considers how equality of opportunity and all three pillars of sustainable development (encompassing social, economic and environmental goals) can be incorporated, as appropriate, into each stage of the procurement process.

My Department has worked in partnership with CPD in achieving its targets for sustainability through a range of supplies contracts.

In my Department's 2008/09 annual procurement plan, contracts have been highlighted as providing opportunities for social gains. These include contracts for road schemes that will present road safety and better access to services and amenities. Additionally, contracts that are let by Roads Service, NIW and NITHC / Translink are required to include a declaration for contractors to comply with the application of fair employment, equality of treatment and anti-discrimination legislation.

In furtherance of the objective of complying with the CPD guidance, all COPEs are currently preparing Sustainable Procurement Action Plans. These Plans, which will underpin the CPD Sustainable Procurement Action Plan for NI, will assist in the delivery of the Programme for Government's commitment to support equality of opportunity and sustainable development principles when procuring goods, services and supplies by the Department and its ALBs.



## Bus Stops

**Mr Attwood** asked the Minister for Regional Development what steps he is taking to upgrade bus stops to ensure the safety of passengers and other road users. (AQO 1458/09)

**The Minister for Regional Development:** My Department's Road Service is aware of the need to ensure safety at bus stops and is continually seeking to improve this aspect of the public transport infrastructure.

In October 2005, Roads Service and Translink published the "Bus Stop Design Guide" which sets out best practice in relation to accessibility at bus stops. This guidance is intended for use by all types of professionals involved in the planning, design and provision of bus stop infrastructure, so that good practice can be applied consistently across the North.

A number of measures have been taken to date, including: -

- the provision of almost 1200 bus shelters, which include seating and lighting for waiting passengers;
- an on-going programme of highlighting the bus stops on all main arterial routes, which will clearly prohibit parking in the vicinity. This will enable buses to stop closer to the kerb, ensuring that passengers do not have to walk on the carriageway, whilst boarding a bus; and
- hard stands at bus stops, where there is no footway, to allow passengers to wait off the carriageway.

In addition to these measures, Roads Service and the PSNI advise Translink on any road safety issues associated with all proposed new bus stop locations.

## Flooding: East Belfast

**Mrs Long** asked the Minister for Regional Development what action he has taken following the flooding in East Belfast last year. (AQO 1442/09)

**The Minister for Regional Development:** Firstly, it is important to highlight that the flooding which occurred in June 2007 and August 2008, in East Belfast, resulted from the abnormal rainfall which occurred within a short timeframe. The road gullies, storm and foul drains, and watercourses, were simply overwhelmed by the deluge of water, and the consequent flooding was not caused by the failure to maintain the operational effectiveness of the road gullies or other infrastructure.

Roads Service already has a robust regime in place for the maintenance of road gullies and aims to inspect, and clean where necessary, all gullies in urban areas twice each year. This policy ensures that a reasonable level of maintenance is carried out to the drainage system, whilst taking account of the Department's finite funding and staff resource levels. There have been no underlying reasons identified within Roads Service's scheduled maintenance operation, which would have contributed to the flooding incident last year.

Following the flooding on 12 June 2007, all reported locations within East Belfast were investigated by Roads Service and specific remedial works undertaken, such as the cleaning of drains, replacing gullies, raising kerbs and the reshaping of footways.

During the year, Roads Service has also been liaising with the other relevant Agencies, in order to examine flooding issues in East Belfast.

Rivers Agency is currently taking forward the Loop River Flood Alleviation Scheme, which will reduce the risk of flooding from watercourses.

NIW's Drainage Area Study for the East Belfast region, is due to be completed by April 2009. The needs and options from this study will be assessed and any schemes arising from the study will be incorporated into NIW's Capital Works Programme. As with all proposed works, the delivery of any schemes will be subject to available finances and competing priorities.

NIW has advised that it has been possible to accelerate parts of the East Belfast Drainage Area Study, including work required in the Cregagh Road and Castlereagh Road sub catchment. This work is scheduled for completion by December 2008. Some remedial work has also commenced which will improve the operation of the sewerage system in the Montgomery, Alanbrook and Merok areas of East Belfast.

In addition, NIW has upgraded the sewers in Burren Way and this will reduce the risk of future out-of-sewer flooding in this area.

## Ports Policy Review

**Mr W Clarke** asked the Minister for Regional Development for an update on the ports policy review.  
(AQO 1452/09)

**The Minister for Regional Development:** On 29 February 2008 I announced my intention to develop legislation that would have the effect of taking the trust ports out of the public expenditure system and giving them greater commercial freedom.

Draft legislation has been prepared. However, a final decision whether to consult is dependent on assurances, ultimately from the Office for National Statistics, that the proposed legislative changes will have the required effect of removing the trust ports from public corporation status. This is still awaited.

## Varney Report

**Mr A Maginness** asked the Minister for Regional Development what consideration he has given to the recommendation in the Varney Report that ports should be privatised; and to outline his policy in relation to this recommendation.  
(AQO 1460/09)

**The Minister for Regional Development:** I refer the Member to my answer to AQO 3737/08 on 2 June 2008.

## School Buses: Safety Features

**Mr Burns** asked the Minister for Regional Development to detail the revised plans in place to allocate £3.4 million to Translink to enhance safety features on school buses.  
(AQO 1462/09)

**The Minister for Regional Development:** My Department was allocated £3.4m to enable Translink to introduce signage and lighting on school buses in 2007/08 on the understanding that new legislation for signage and lighting on buses would be in place. However, the regulations, which fall within the remit of the Department of Environment, have not yet been introduced. In accordance with guidelines the money was surrendered to DFP for reallocation. My Department has rebid for the funds required in 2009/10 when the regulations are expected to come into effect.

## Ballyquinton and Quarter Roads, Ards Peninsula

**Mr Shannon** asked the Minister for Regional Development what monies have been spent on the Ballyquinton and Quarter Roads, Ards peninsula, over the last three years.  
(AQO 1388/09)

**The Minister for Regional Development:** I should explain that my Department's Roads Service does not record expenditure against individual roads or classes of roads. However, local officials have been able to provide estimated expenditure figures for these two roads, based on a range of maintenance measures, including bitmac patching, surface dressing, drainage, grass cutting, gully emptying, sweeping and other routine maintenance.

Approximately £13,000 has been spent on the Ballyquinton Road, and approximately £9,000 on the Quarter Road, Ards Peninsula, over the past three years.

## SOCIAL DEVELOPMENT

### Community Centres: Funding

**Mr Easton** asked the Minister for Social Development what funding is available for community centres.  
(AQW 2592/09)

**The Minister for Social Development (Ms M Ritchie):** Under the Local Government Act (Northern Ireland) 1972 Chapter 9 the responsibility for the provision of council community centres rests with District Councils, not the Department for Social Development. However my Department does play a supporting role

to Councils through the Community Support Programme. In addition to District Council provision, there is a range of community owned and/or managed facilities, some of which have attracted modest support through my Department's Local Community Fund. The Neighbourhood Renewal Investment Fund (NR) has provided funding for community houses in Neighbourhood Renewal Areas. This includes the capital costs of providing the facility and associated running costs. NR can be used for part funding for refurbishment of community centres and support costs for projects delivered in Community Centres. Where possible, NR funding is made through the District Council as part of their community development remit.

### Sports Strategy

**Mr P Ramsey** asked the Minister for Social Development to outline (i) the contribution from her Department; and (ii) the planned contribution, to the implementation of a sports strategy. (AQW 2617/09)

**The Minister for Social Development:** My Department has (i) contributed to the formulation of a sports strategy by participating in a Ministerial led Steering Group set up in 2005, by the Department of Culture, Arts and Leisure (DCAL), to oversee the development of a planned new sports strategy. In addition, DSD participated in a DCAL led focus group with Government Departments on the development of the strategy. DSD also provided comments on early drafts of a new sports strategy that were submitted to it for consideration. It is envisaged that DSD will (ii) contribute to the implementation of a sports strategy through representation on the Ministerial led Monitoring Group set up to oversee its implementation.

My Department makes a significant ongoing contribution to the promotion of sports by supporting facilities and programmes in Neighbourhood Renewal Areas and voluntary and community associations whose services include sport related activities.

### Homeless People: Omagh/Strabane

**Mr Bresland** asked the Minister for Social Development how many homeless people there are in the (i) Omagh; and (ii) Strabane District Council areas. (AQW 2719/09)

**The Minister for Social Development:** At 30 September 2008 there were 31 and 45 homeless applicants on the social housing waiting list for Omagh and Strabane District Council area respectively.

### Capital Building Programmes

**Mr Easton** asked the Minister for Social Development to outline her Department's major capital building programmes, for the next three years. (AQW 2741/09)

**The Minister for Social Development:** The Department is implementing a major capital building programme to complete the rollout of the final ten Jobs & Benefits offices representing investment potentially in excess of £60m. It is, however, anticipated that the programme will extend beyond 2011.

### Environmental Improvement Scheme: Markets, South Belfast

**Mr A Maskey** asked the Minister for Social Development what recommendations were made by the Housing Executive Board in relation to the proposed Environmental Improvement Scheme Phase III for the Markets area, South Belfast. (AQW 2766/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive has identified that the Markets Area of South Belfast should be the focus of a Programme of Environmental Improvements, to be implemented in 4 separate phases over a number of years.

The Northern Ireland Housing Executive commissioned an Economic Appraisal to identify the various options for delivering Phase 3. In their Economic Appraisal the consultants recommended that in their opinion an option to deliver a programme of Environmental Improvements should include selected demolition.

This Economic Appraisal was subsequently endorsed by the Northern Ireland Housing Executive and submitted to the Department for approval.

### Environmental Improvement Scheme: Markets, South Belfast

**Mr A Maskey** asked the Minister for Social Development what advice her Department received which resulted in 8 housing units not being demolished as part of Environmental Improvement Scheme Phase III in the Markets area, South Belfast. (AQW 2767/09)

**The Minister for Social Development:** The Northern Ireland Housing Executive commissioned an Economic Appraisal to identify the various options for delivering Phase 3 of these Environmental Improvements. This was subsequently submitted to the Department for approval.

Whilst the Economic Appraisal recommended that Phase 3 Environmental Improvements should be delivered following selected demolition of 8 flats, the Department on detailed consideration of the Economic Appraisal could find no justification in demolishing these units in an area of high housing need and did not support that course of action.

The Economic Appraisal identified little difference in the 'weighting' between options to deliver these improvements with or without demolition. Given the high demand for housing in the area, the Department was of the view that demolition of 8 units in good structural repair could not be justified and recommended that the option to pursue Environmental Improvements without demolition be pursued.

### Houses in Multiple Occupancy

**Mr A Maskey** asked the Minister for Social Development for an update on the status of the Houses of Multiple Occupancy registration process. (AQW 2768/09)

**The Minister for Social Development:** At the end of November 2008 the Northern Ireland Housing Executive had registered 1775 Houses In Multiple Occupation.

### Social Housing: North Antrim

**Mr McKay** asked the Minister for Social Development to list all the schemes her Department plans to put in place to provide new social housing in the North Antrim constituency, over the next three years. (AQW 2791/09)

**The Minister for Social Development:** The Social Housing Development Programme published by the Northern Ireland Housing Executive includes the following schemes for North Antrim Constituency over the next three years:-

#### 2009/10

Scheme Name	Dwellings
Tobar Park, Cullybackey	18
24 Main Street, Ahoghill	5
Ramoan Road, Ballycastle	10
Shields Court, Ballymoney	10
Church Road, Rasharkin	10
Tower House, Warden Street, Ballymena	13

#### 2010/2011

Scheme Name	Dwellings
Adair/Demense 1	25
Bendooragh, Ballymoney	8
Broughshane	25
Cushendall 1	15



Scheme Name	Dwellings
Harryville, Ballymena	15
Martinstown/Glenravel	6
Station Road, Phase 1, Dunloy	6
Clooney Road, Ahoghill	6
Leyland Road, Phase 1, Ballycastle	10
Leyland Road, Phase 2, Ballycastle	10

**2011/2012**

Scheme Name	Dwellings
Charles Street, Ballymoney	6
Milltown Avenue, Ballymoney	13
Adair/Demense 2, Ballymena	25
Ahoghill	8
Ballycastle Town 1	10
Ballyconnelly, Portglenone	6
Broughshane 2	26
Cloughmills	6
Cushendall 2	10
Cushendun	10
Dunaghy, Ballymoney	6
Church Road Phase 2, Rasharkin	9
Garvaghy Avenue Portglenone, Ph 2	13
Seymour Drive, Gate End, Ballymoney	10
Station Road, Phase 2, Dunloy	6
Ballymena Learning Disabilities	6
Ballymoney Physical Disabilities	4
Market Street Phase 2, Ballymoney	3

**Public-Sector Homes**

**Mr Newton** asked the Minister for Social Development to detail the number of housing units purchased from the private sector and allocated as public sector homes, by her Department for the years (i) 2005-6; (ii) 2006-7; (iii) 2007-8; and (iv) 2008-9 to date. (AQW 2797/09)

**The Minister for Social Development:** The table below details the number of social housing units purchased from 2005/2006 to 31 October 2008.

	2005/06	2006/07	2007/08	2008/09 (to 31/10/08)
Housing Units Purchased	228	229	613	174

### Population Growth: Crumlin

**Mr McLaughlin** asked the Minister for Social Development if she is aware of the population growth in Crumlin; and, if so, does she have any plans to invest in its social infrastructure. (AQW 2804/09)

**The Minister for Social Development:** I am aware of the growth of population in Crumlin. However, it is not currently defined as urban by DFP's NI Statistics and Research Agency and therefore cannot avail of the urban programmes of my Department. However, it does benefit from a range of my Department's community development programmes – most notably the Community Support Programme delivered in partnership with the local council.

### Social Housing: North Down

**Mr Easton** asked the Minister for Social Development to outline the areas of North Down in which her Department plans to build the 148 dwellings for social housing, over the next three years. (AQW 2807/09)

**The Minister for Social Development:** The Social Housing Development Programme, which is managed by the Northern Ireland Housing Executive, sets out plans for 148 dwellings for social housing in North Down over the next 3 years as follows:-

#### NORTH DOWN BOROUGH COUNCIL - SOCIAL HOUSING DEVELOPMENT PROGRAMME

##### 2009/2010

Location	Dwellings
267-271 Old Belfast Road, Bangor	40
South Circular Road, Bangor	25
34-36 Bangor Road, Holywood	8
Gibson's Lane, Bangor	19
Strand Avenue, Millisle	6
Strand Avenue, Holywood	23
<b>Total</b>	<b>121</b>

##### 2010/2011

Location	Dwellings
Chester Avenue, Bangor	7
Clandeboyne Road, Bangor	20
<b>Total</b>	<b>27</b>

### Urban Renewal Schemes: North Belfast

**Ms Ní Chuilín** asked the Minister for Social Development to detail the status of urban renewal schemes awaiting decision for North Belfast. (AQW 2848/09)

**The Minister for Social Development:** There are 3 economic appraisals with the Department currently under consideration.

They are:

- Urban Renewal Area status for Fortwilliam/Queen Victoria Gardens
- Urban Renewal Area status for the Parkside area; and
- Redevelopment status for the Upper New Lodge.

Each of these was returned to the Department from the Northern Ireland Housing Executive within the last week and are all being urgently processed.

### Mortgage Rescue Scheme

**Ms Ní Chuilín** asked the Minister for Social Development to confirm when the not-for-profit mortgage-rescue scheme will be presented to the Assembly. (AQW 2849/09)

**The Minister for Social Development:** An eight week consultation on my proposals for a not-for-profit Mortgage Rescue Scheme for Northern Ireland closed on 21 November 2008. My officials are currently analysing consultee responses. It is my intention to make known the outcome of the consultation early in the New Year, with a view to introducing the scheme by the end of March 2009.

### Neighbourhood Renewal

**Ms Ní Chuilín** asked the Minister for Social Development to detail the parts of her budget that she intends to transfer to local councils to fund Neighbourhood Renewal projects and action plans. (AQW 2850/09)

**The Minister for Social Development:** Operational responsibility for Neighbourhood Renewal will transfer to local councils in 2011 as part of the Review of Public Administration. In principle the related Department for Social Development budget should transfer with this function. The model for achieving this is still under consideration by the Department of Finance and Personnel.

### Monitoring Rounds

**Ms Ní Chuilín** asked the Minister for Social Development to detail the internal re-organisation to her budget in the (i) September; and (ii) December monitoring rounds; and where the re-allocation occurs. (AQW 2851/09)

**The Minister for Social Development:** The information requested is in the table below regarding the September re-allocations. Pending the official announcement to the Assembly expected later this month, information in respect of any December monitoring re-allocations is not yet available.

Amount £m	Expenditure Type	Movement	
0.080	Capital	From Social Security Agency	To Child Maintenance & Enforcement Division
15.499	Capital / Capital Grant	From Urban Regeneration & Community Development Group	To Housing
0.032	Resource/Capital Grant	From Urban Regeneration & Community Development Group	To Housing

### Craigavon Industrial Development Organisation

**Mrs D Kelly** asked the Minister for Social Development (i) to detail the events leading up to the closure of the unit at Craigavon Industrial Development Organisation (CIDO); (ii) if the equipment bought can be used for the development of the young people of Lurgan; and (iii) to detail the location of this equipment. (AQW 2924/09)

**The Minister for Social Development:** The Shankill and Wakehurst community base at the Craigavon Industrial Development Organisation was closed following a number of resignations within the community group which left it in a position that it no longer had the capacity to operate the facility effectively: The portable equipment bought has been recovered by the Department and following completion of the necessary Portable Appliance Testing is being held in the Department's premises in Banbridge for future distribution to any group within a neighbourhood renewal area that can demonstrate a need for such equipment.

### Community Workers: Rathgill Estate, Bangor

**Mr Easton** asked the Minister for Social Development if her Department will continue to fund community workers in the Rathgill Estate, Bangor, under the Small Pockets of Deprivation scheme, for the 2009-10 period. (AQW 2937/09)

**The Minister for Social Development:** The SPOD programme was established for a period of three years and is currently due to end at the end of March 2009. An evaluation of the programme is due to be carried out before any decision is made regarding any future funding including that relating to the costs of community workers in the Rathgill Estate.

### Rainbow Project

**Ms Ní Chuilín** asked the Minister for Social Development to outline what funding her Department has given to (i) the Rainbow Project; and (ii) the Lesbian, Gay, Bisexual and Transgender Community, and how much funding is allocated for future work. (AQW 2962/09)

**The Minister for Social Development:** My Department has funded five projects between 2003 and 2008, totaling £148,672 in relation to the Lesbian, Gay, Bisexual & Transgender Community, two of which relate specifically to the Rainbow Project. These relate to small grants in respect of the Community Volunteering Scheme and the Community Support Programme and a more substantial grant awarded to the Rainbow Project under the Community Volunteering Scheme in respect of The Gay and Bisexual Men's Empowerment Programme. There are currently no schemes or further funding allocated to this area of work..

### Social Security Administration Staff

**Mr Brady** asked the Minister for Social Development how much she has spent on overtime for Social Security Administration staff since the rise in unemployment figures. (AQW 2963/09)

**The Minister for Social Development:** The Social Security Agency uses overtime for a variety of reasons to support its business and deliver services to its customers. This includes planned exercises, the implementation of new initiatives and systems (such as the introduction of Employment and Support Allowance, Pensions Transformation, etc) and to cover staff vacancies. As such, the Agency does not directly link its overtime expenditure to increasing benefit registers however; from April 08 to October 08 the Agency spent a total of £1.93m on overtime.

The rise in unemployment has been ongoing over a number of months and is expected to continue and the Agency will continue to monitor the impact of this on its business.

### Unemployment Figures

**Ms Ní Chuilín** asked the Minister for Social Development what contingencies the Department has in place to deal with perceived risks in relation to unemployment figures, broken down by parliamentary constituency. (AQW 2968/09)

**The Minister for Social Development:** The information cannot be provided in the form requested. As a result of the increase in claims to Jobseekers Allowance in recent months, the Social Security Agency has introduced a range of measures within the network of Jobs & Benefits Offices/Social Security Offices to meet this demand. This includes the temporary use of overtime working, reprioritisation of staff resources within offices and movement of work between offices. The Agency is also liaising closely with the Department for Employment and Learning to ensure that the overall service to individuals who become unemployed is maintained.

### Girdwood Army Base: Crumlin Road Jail

**Mr Newton** asked the Minister for Social Development to detail her Department's plans for the former Girdwood Army Base site and the former Crumlin Road jail. (AQW 3008/09)



**The Minister for Social Development:** The Girdwood Army base and Crumlin Road Gaol will be developed as a site of international significance bringing maximum economic and social benefits to the local and wider communities throughout the region.

The site is located in one of our most difficult interface areas but has the potential to address some of our community relations problems and connect North Belfast to the rest of the city to become part of our growing tourism product.

A draft masterplan has been developed outlining some of the potential uses for the site including tourist facilities, education, leisure, retail, business units and hotel accommodation. There has been considerable debate about the potential of the site to accommodate social housing to address the levels of housing stress that exists in that part of Belfast. We must also address the need to improve community relations in the area and I am conscious of government's commitment to a shared future. It is my hope that within that strategic context this site will be developed to benefit all our communities.

A draft Equality Impact Assessment is currently out for consultation and I would encourage all interested parties to examine this and provide feedback to my officials.

### Social Security Agency

**Mr Doherty** asked the Minister for Social Development to detail the number of Social Security Agency staff employed at each Jobs and Benefits Office and Social Security Office, broken down by grade. (AQW 3024/09)

**The Minister for Social Development:** The tables below detail the Social Security Agency staff employed by district, grade and office.

Belfast West & Lisburn	Andersonstown	Falls Road	Lisburn	Shaftesbury Square
G7	0	1	0	0
DP	0	1	0	0
SO	1	3	1	1
EO1	3	9	4	2
EO2/SSO1	44	23	19	18
AO/SSO2	62	33	26	42
AA	5	2	2	2
TAA	5	3	1	0
SGB2	3	4	2	2
CSGB2	2	0	1	0
Typist	0	1	0	0
<b>Total</b>	<b>125</b>	<b>80</b>	<b>56</b>	<b>67</b>

Belfast North & East Antrim	Carrickfergus	Corporation Street	Larne	Newtownabbey	Shankill
DP	0	1	0	0	0
SO	1	4	1	1	0
EO1	1	10	2	2	3
EO2/SSO1	6	64	8	14	11
AO/SSO2	11	76	17	19	22
AA	2	13	4	3	2
TAA	1	10	1	2	1
SGB2	1	3	3	1	1
CSGB2	1	2	0	2	2
Typist	0	1	0	0	0
<b>Total</b>	<b>24</b>	<b>184</b>	<b>36</b>	<b>44</b>	<b>42</b>

East Down	Ballynahinch	Bangor	Downpatrick	Holywood	Kilkeel	Knockbreda	Newcastle	Newtownards
DP	0	0	0	0	0	1	0	0
SO	0	1	1	2	0	2	1	0
EO1	1	1	2	4	1	6	1	2
EO2/SSO1	6	15	15	30	4	19	7	15
AO/SSO2	6	23	14	39	9	19	16	17
AA	0	2	1	6	2	2	2	3
TAA	3	1	3	2	1	2	2	0
SGB2	2	2	2	2	2	1	1	2
CSGB2	0	1	0	2	0	2	1	0
Typist	0	0	1	0	0	0	0	1
<b>Total</b>	<b>18</b>	<b>46</b>	<b>39</b>	<b>87</b>	<b>19</b>	<b>54</b>	<b>31</b>	<b>40</b>

North	Antrim	Ballymena	Ballymoney	Coleraine	Cookstown	Limavady	Magherafelt
G7	1	0	0	0	0	0	0
DP	0	0	0	1	0	0	0
SO	2	1	1	2	1	1	2
EO1	6	2	2	6	0	1	3
EO2/SSO1	17	16	13	18	9	6	15
AO/SSO2	31	22	15	31	16	13	20
AA	4	2	2	4	3	2	2
TAA	2	1	1	2	0	1	1
SGB2	3	1	1	2	0	3	1
CSGB2	1	1	2	1	1	0	2
<b>Total</b>	<b>67</b>	<b>46</b>	<b>37</b>	<b>67</b>	<b>30</b>	<b>27</b>	<b>46</b>

South	Dungannon	Newry	Armagh	Banbridge	Lurgan	Portadown
G7	1	0	0	0	0	0
DP	1	0	0	0	0	0
SO	2	1	1	1	1	1
EO1	6	4	1	4	1	3
EO2/SSO1	13	22	26	8	14	11
AO/SSO2	29	39	35	14	25	26
AA	3	5	6	4	3	1
TAA	1	3	6	0	2	1
SGB2	1	2	3	0	1	0
CSGB2	1	3	1	3	1	2
Typist	1	1	0	0	0	0
<b>Total</b>	<b>59</b>	<b>80</b>	<b>79</b>	<b>34</b>	<b>48</b>	<b>45</b>

West	Lisnagelvin	Strabane	Foyle	Omagh	Enniskillen
DP	0	0	1	0	0
SO	1	1	1	1	2
EO1	2	5	8	7	2
EO2/SSO1	20	16	36	23	20
AO/SSO2	31	21	65	32	31

West	Lisnagelvin	Strabane	Foyle	Omagh	Enniskillen
AA	1	1	7	6	4
TAA	6	2	14	9	3
SGB2	2	1	8	2	3
CSGB2	1	1	2	1	1
SEC GUARD	0	0	2	0	0
Typist	0	0	1	0	0
<b>Total</b>	<b>64</b>	<b>48</b>	<b>145</b>	<b>81</b>	<b>66</b>

## Strategic Business Review

**Mr Doherty** asked the Minister for Social Development what account is being taken of the considerable section of the adult population that have literacy difficulties, particularly when it comes to form filling, in the proposed organisational changes arising from the Strategic Business Review. (AQW 3032/09)

**The Minister for Social Development:** We are aware that a number of our customers have literacy and other difficulties. Under the proposed changes arising from the Strategic Business Review a face-to-face service, including assistance with form-filling, will continue to be available to those customers who need this. The Strategic Business Review is about enhancing accessibility options for customers and, as set out in the consultation documents, proposes a multi-channel package of additional measures which will complement the existing face-to-face service. The Agency will take account of and respond to any issues raised as part of its public consultation and subsequent Equality Impact Assessment.

## ASSEMBLY COMMISSION

### Assembly Committees

**Mr McKay** asked the Assembly Commission if live audio internet streaming of Assembly Committees is currently available; and, if not, what consideration it has given to making this available. (AQW 2533/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** All public Committee meetings held in the Senate Chamber are currently streamed live (audio and video). Live audio internet streaming of Committee meetings is also possible, however as the Assembly only has access to a single live stream; it is only possible to stream Committee meetings when a plenary session is not taking place, as plenary business takes precedence. As part of the project to replace the existing website, the specification will include the requirement to stream multiple channels (audio and video) and also to provide an archive of previous meetings. This project is scheduled for completion in June 2010.

### Turning Circle

**Mr Shannon** asked the Assembly Commission what consideration it has given to providing a turning circle to make access easier for taxis at the gate and security hut leading up to Parliament Buildings. (AQW 2628/09)

**The Representative of the Assembly Commission (Rev Dr R Coulter):** In order to fulfill one of the recommendations of the review of security, the Assembly Commission agreed to introduce a facility for searching visitors to Parliament Buildings externally.

Planning permission was sought for a temporary facility to be located at the Glen East entrance to Parliament Buildings.

Consideration was given to traffic management at the design stage and it was agreed to provide a 'drop off' point for visitors at the mini-roundabout in order to try to avoid traffic congestion.

Alternatively, after dropping passengers at the East Search Facility, cars are allowed to drive to the upper car parks either to turn or to exit via Glen West.

It would not be possible to create a turning circle outside the vehicular gate due to the lack of available space and health and safety risks associated with the movement of pedestrians from the Lower East Car Park through the External Search facility.

For the reasons outlined above, the Assembly Commission currently has no plans to provide a turning circle at the gate/security hut.



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