



Northern Ireland
Assembly

OFFICIAL REPORT

(Hansard)

Volume 59

(13 December 2010 to 16 January 2011)

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Poots, Edwin (Lagan Valley)
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Minister for Regional Development	Mr Conor Murphy
Minister for Social Development	Mr Alex Attwood
Minister of Agriculture and Rural Development.....	Ms Michelle Gildernew
Minister of Culture, Arts and Leisure.....	Mr Nelson McCausland
Minister of Education.....	Ms Caitríona Ruane
Minister of Enterprise, Trade and Investment.....	Mrs Arlene Foster
Minister of the Environment	Mr Edwin Poots
Minister of Finance and Personnel.....	Mr Sammy Wilson
Minister of Health, Social Services and Public Safety.....	Mr Michael McGimpsey
Minister of Justice.....	Mr David Ford

Junior Ministers

Office of the First Minister and deputy First Minister	Mr Gerry Kelly
	Mr Robin Newton

Assembly Sittings

Northern Ireland Assembly

Monday 13 December 2010

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

Members observed two minutes' silence.

Assembly Business

Petition of Concern: Victims and Survivors (Disqualification) Bill: Second Stage

Mr Speaker: I give the House advance notice that a valid petition of concern was presented in relation to the last item of business today, the Second Stage of the Victims and Survivors (Disqualification) Bill. The vote, which will be taken on a cross-community basis, cannot be held until at least one day has passed. Therefore, the vote will be the first item of business tomorrow morning.

Extension of Sitting

Mr Speaker: I have been given notice by Mr Weir and Lord Morrow of a motion to extend the sitting past 7.00 pm under Standing Order 10(3A). The question on the motion will be put without debate.

Motion made:

That, in accordance with Standing Order 10(3A), the sitting on Monday 13 December 2010 be extended to 10.00 pm. — [Lord Morrow.]

Ministerial Statement

North/South Ministerial Council: Trade and Business Development Sectoral Format

Mr Speaker: I have received notice from the Minister of Enterprise, Trade and Investment that she wishes to make a statement.

The Minister of Enterprise, Trade and Investment (Mrs Foster): I apologise to the House for being unable to deliver this statement last week due to ill health. With your permission, Mr Speaker, I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998 regarding a meeting of the North/South Ministerial Council (NSMC) in trade and business development sectoral format. The meeting was held in the offices of the North/South Ministerial Council in Armagh on Friday 12 November 2010.

I chaired the meeting and represented the Executive in my capacity as Minister of Enterprise, Trade and Investment along with Minister Conor Murphy MP MLA, the Minister for Regional Development. The Irish Government were represented by Mr Batt O'Keeffe TD, the Minister for Enterprise, Trade and Innovation. Máire Geoghegan-Quinn, the EU Commissioner for Research, Innovation and Science, also attended the meeting. Danny Kennedy MLA, the Minister for Employment and Learning, attended the meeting for the discussion on innovation. This statement has been agreed with Minister Murphy, and I am making it on behalf of us both.

The main focus of the meeting was a discussion on co-operation on innovation. Following a presentation by InterTradeIreland, Commissioner Geoghegan-Quinn outlined future EU plans on innovation and research. Ministers welcomed the commissioner, thanked her for her attendance at the meeting and said that they

looked forward to her continuing support for the innovation agenda.

Ministers welcomed the continued success and development of the US-Ireland research and development partnership and cross-border collaborative projects through the EU FP7 framework programme. They noted that seven successful partnerships projects have been created through the US-Ireland research and development partnership, which have a combined value of €15 million. Thirty three successful cross-border collaborative projects have been established through the FP7 programme.

The higher success rate of cross-border collaborative projects was noted, and the Council discussed how to increase collaboration to capitalise on the opportunities provided by the EU framework programme. It was noted that InterTradelreland will dedicate resources specifically towards increasing collaborative participation and developing an early alert system for potential FP7 proposals, working closely with Invest NI, Ireland's national support network for FP7, business and academia.

John Fitzgerald, vice-chairperson of InterTradelreland, and Liam Nellis, InterTradelreland's chief executive officer, presented a progress report on InterTradelreland's performance and business activities in 2010 to date. They reported that 1,370 companies have accessed InterTradelreland cross-border business information and advice services and 151 companies have initiated InterTradelreland trade or innovation projects. InterTradelreland's average return on investment across its portfolio of trade and innovation programmes is on target for 2010. Ninety four new jobs have been reported in 2010 by companies participating in InterTradelreland's programmes.

The Council agreed to meet again in trade and business development sectoral format in spring 2011. I commend this statement to the House.

The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness):

I thank the Minister for her short but succinct report, which contains some interesting news on developments between North and South and throughout the European Union and in the United States. Can any additional work be done through the North/South Ministerial Council on the framework programme that would increase

Northern Ireland's uptake of the substantial funding that is available, particularly for research and development?

The Minister of Enterprise, Trade and Investment:

I thought that it was an excellent meeting with Máire Geoghegan-Quinn. She engaged with all the Ministers present and had a very down-to-earth attitude to applying for more money for innovation. For our part, we pointed out that we felt that there were barriers for small businesses in accessing the money that is available through FP7. Commissioner Geoghegan-Quinn acknowledged that as an issue and said that it had come up across the European Union. I think that it is more of an issue for Northern Ireland than it is, perhaps, in other areas. We had a very good discussion with the commissioner, which was followed by a visit to the Northern Ireland Science Park and to Bombardier Shorts, to let her see the innovation that is going on in one of our biggest and best companies.

We should not underestimate the capacity for Europe to help us in this area. Huge amounts of European money are available to us, but the difficulty is, as the Chairperson rightly says, in gaining access to it. As I said in my statement, Invest Northern Ireland and its counterparts in the Republic of Ireland will be working very closely with business and, most importantly, with academia. Academia seems to be best able to pull down resources from Europe.

That being the case, we want to learn from them. We are obviously at a disadvantage in so far as there are only two universities in Northern Ireland compared with many more in other regions of the UK. However, as I have always said, that smallness should allow us the flexibility to work proactively with those universities. That is the key to our moving forward.

Mr Frew: In my experience and from what I have been told, Northern Ireland companies are being penalised by the protectionist policies that have been adopted by the Republic of Ireland. What is InterTradelreland doing to stop the Republic of Ireland campaign against Northern Ireland businesses?

The Minister of Enterprise, Trade and Investment:

Those protectionist policies against our food are hugely disappointing, and I know that the Minister of Agriculture and Rural Development shares that view. A differentiation has been made between Northern Ireland food and Republic of Ireland food. That campaign has been led by the

Irish Farmers' Association, ably assisted by the 'Irish Farmers Journal', and is very foolish for a number of reasons. The Republic of Ireland says that it wants to increase the number of exports into the United Kingdom, particularly into GB, yet it has put up barriers to the sale of Northern Ireland food in the Republic of Ireland. I cannot understand why that government-backed scheme is gaining that sort of primacy because, if the shoe is on the other foot and the UK decides to do the same in the United Kingdom, the Republic of Ireland will not benefit.

Some of our processors, such as Vion in Cookstown, process many pigs from the Republic of Ireland. If we took the attitude not to allow any Republic of Ireland pork to come to that factory in Cookstown, it would have a really big impact on food processing in the Republic of Ireland. I call on that Government and on all those who support the campaign to think again. If they do not think again, I will have to look at what I can do through my position to help processors in Northern Ireland. I will not stand by and allow the Republic of Ireland to get an unfair advantage over our world-class goods. I will not allow that to stand.

Ms J McCann: Go raibh maith agat, a Cheann Comhairle. The Minister spoke earlier about the opportunities to access European funding for innovation, research and development, and she also mentioned barriers. In light of that, does she feel that the absence of an all-island policy on energy is creating a barrier to drawing down money from Europe and thwarting opportunities to develop the renewable energy sector and to grow the economy, particularly through wind and wave power?

The Minister of Enterprise, Trade and

Investment: No; I do not agree. In Northern Ireland, we will have our own energy policies. We will work in co-operation with the Republic of Ireland when it benefits the citizens of Northern Ireland and only when it benefits the citizens of Northern Ireland.

Mr Cree: I thank the Minister for her statement. Indeed, the Northern Ireland Assembly and Business Trust visited Brussels a couple of weeks ago with 24 businessmen to discuss the same theme. Therefore, the statement is particularly helpful. The Minister referred to the US-Ireland R&D partnership and the seven successful projects. What is the flavour of those projects?

The Minister of Enterprise, Trade and

Investment: The US-Ireland research and development partnership is an alliance of academic and research institutes in the United States, Northern Ireland and the Republic of Ireland. Its aim is to promote collaborative and innovative projects among researchers across the three jurisdictions. We have focused on four areas, namely, healthcare; economic development in priority areas such as diabetes and cystic fibrosis; nanotechnology; and sensor technologies.

12.15 pm

Dr Farry: I thank the Minister for her statement. I note that the meeting occurred before the worst of the financial crisis struck the Republic of Ireland. In light of the challenging financial and economic situation in both parts of the island of Ireland, does the Minister see circumstances in which another meeting may take place before April next year, particularly to see whether there are opportunities to co-ordinate how money is best spent in both Budgets and to see whether there are ways of mitigating the adverse effect on cross-border purchases of the withdrawal of spending power?

The Minister of Enterprise, Trade and

Investment: I thank the Member for his question. The next meeting is scheduled to be in spring of 2011, so it may well take place before then. Not to put too fine a point on it, our focus has been on how we can gain the maximum amount of money to help us to get through the difficulties that we face. I am sure that that is the same for the Republic of Ireland Government. We believe that we can leverage in money from Europe that will help us in Northern Ireland to move forward in innovation. The Member may be aware that, recently, I announced the figures for spend last year on innovation and R&D in Northern Ireland. From memory, we are up by around 40%, which is a significant increase. I make no apology for that, because that is where the future lies for this economy, and, if we can use that money to try to get in more European funding, it will make a difference to the Northern Ireland economy.

Mr Givan: I am sure that the Minister will agree that Northern Ireland has a rich heritage of innovation, not least in my constituency, which is the home place of the late Harry Ferguson. Innovation is a core area into which we need to put our energies to take us out of the economic

downturn. Can she assure the House that the accessing of those funds will be a priority for her Department?

The Minister of Enterprise, Trade and

Investment: Absolutely, and I hope that the Member will acknowledge from my statement and my answers, particularly the previous answer on innovation, that I put a lot of my Department's emphasis on that. Last Thursday night, I was privileged to attend an event with the Propel candidates, who are people who have entered and worked with Invest Northern Ireland on innovative ideas. I met 18 or so companies that have been through that programme and which are already exporting, some of them globally and some to the home countries. That is tremendous, and that is only from last year to this year. Innovation and research and development are key elements of the Northern Ireland economy as we move forward, and, therefore, I will continue to give them primacy.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. Given the unprecedented cuts that have been introduced recently by the Dublin Government and, indeed, the IMF's introduction to the Dublin economy, has the Minister had an opportunity to assess the impact of both of those factors on cross-border trade and investment?

The Minister of Enterprise, Trade and

Investment: As the Member probably knows, I indicated to the House that I was very concerned about the state of the Republic of Ireland's economy, given that a wide number of our smaller businesses export for the first time to the Republic of Ireland. Therefore, there are difficulties ahead for some of those small companies, and that is one of the reasons why cash flow is a key issue for a lot of them and one of the reasons why I talk continually about access to finance.

If people are in difficulties with their export market in the Republic of Ireland, they need understanding from their financiers. Indeed, I asked the North/South Ministerial Council to look at that issue in its business monitor. It reported back recently, and it makes for some interesting reading. The fact that 88% of the Northern Ireland businesses surveyed have not even applied for a loan or overdraft because they know what the answer will be indicates that there is very low confidence in dealing with banks and other financiers. That continues to

be an issue, and we must encourage the banks — as the Member knows, we do not have any control over them — to help us to lift up the economy.

Mr Ross: I will follow on from Mr O'Dowd's question. We know the difficulties that businesses in the Irish Republic and in Northern Ireland are having in gaining access to finance. Is the Minister aware of any specific work that InterTradelreland has done in helping small and medium-sized enterprises in particular to gain access to finance?

The Minister of Enterprise, Trade and

Investment: As I said, the recent business monitor survey shows clearly that there is a big difference in attitudes and confidence between large businesses and small and medium-sized businesses, which are, of course, the key element of the economy in Northern Ireland.

The key statistics are that 88% of Northern Ireland businesses do not even apply for a loan or overdraft, and, of the businesses that have applied, only 62% have been successful. However, we must bear in mind that 88% of people surveyed did not apply at all. Therefore, it is 62% of 12%, if you know what I mean, Mr Speaker.

There is a real issue around access to finance. I am pleased that the NSMC carried out this work, which we now need to build on. As I understand it, the UK Government are looking at the issue from a European-wide perspective, and we will see the outworking of that.

Dr McDonnell: I thank the Minister for her statement and for her answers so far. However, I want to double back to framework programme 7 and the European Commissioner. To my knowledge, this is the single biggest opportunity for business here in these difficult times. However, a number of questions are running through my head. How do we mobilise Northern business to access European funds? How do we remove the barriers that are there? Could Invest Northern Ireland better steer local companies towards those funds? Dare I ask the Minister whether she would be prepared to lead a team of Ulster business organisations and the universities to Brussels to tap into those funds?

The Minister of Enterprise, Trade and

Investment: I thank the Member for his questions. One key element is that the Commissioner has given her assurance that

she will work with the teams in Northern Ireland and in the Republic of Ireland. As well as that, I have recognised the importance of European funding. It is something that I often mention at the Executive, and I am delighted to see that our new office was opened last week by the First Minister and deputy First Minister.

We need to be in Europe at the start of policy formulations to make sure that we can then benefit from them. We have now appointed an R&D liaison service in Brussels, which is staffed by Farha Brahmi — I hope that I have got her name right — who has been making connections with the Commission and who has joined the European Regions Research and Innovation Network.

We have learned much from our time and experience in the aerospace sector and with Bombardier. One reason that the Commissioner visited Bombardier was the success that it has had in accessing funding. We want to see other sectors across Northern Ireland obtain that same level of traction.

I want to ensure that we get the maximum out of FP7, as the Member was absolutely right to say. However, I hope that the Member agrees that it is important that we are in at the start of the formulation of FP8 to make sure that we know what is coming down the line and that it is something that we can work with. I very much hope that small businesses will be to the fore of that discussion moving forward.

Mr Callaghan: I wish to pick up on Ms McCann's earlier question. This is a very welcome example of North and South working together in partnership with the European Commission on matters of mutual interest. There is clearly a lot of concern in the business community about energy security of supply. Can the Minister tell us whether she would consider discussing energy security of supply at NSMC level and European level? If not, what is her plan if Russia shuts off the valve on business energy this winter?

The Minister of Enterprise, Trade and

Investment: I am sure that the Member is aware that one key reason behind the strategic energy framework relates to security of supply. Security of supply is one reason that we have set our renewable target so high moving forward — at 40% — and is something that I discuss on an ongoing basis with Eamon Ryan, my counterpart in the Republic of Ireland. I do not see any need to discuss it at a North/South Ministerial

Council meeting on trade and business. However, I do see a need to discuss it with my counterpart in the Republic of Ireland, because it has an impact on the citizens of Northern Ireland. Therefore, I will continue to have those discussions.

The Member should be aware that this is not just about co-operation between Northern Ireland and the Republic of Ireland. It is about co-operation across, as I think it is called, the north-west region of Europe.

So, we are talking about the interconnectivity with GB and the connectivity between France and GB and France and the Republic of Ireland. It is about a regional marketplace, and we must participate in it if we are to get the competitiveness and the economies of scale that we need to get prices down, because, although the Member asked about security of supply, price is another key issue. That is the way forward, and it is one of the reasons why I welcome the ongoing work in the energy work stream of the British-Irish Council.

Mr Speaker: That ends questions on the ministerial statement. I ask the House to take its ease for a few moments while we prepare for the next item of business.

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

Executive Committee Business

Energy Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of Enterprise, Trade and Investment, Mrs Arlene Foster, to move the Consideration Stage of the Energy Bill.

Moved. — [The Minister of Enterprise, Trade and Investment (Mrs Foster).]

Mr Deputy 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 two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 3, 4 and 5, which deal with the damage of gas equipment used for conveying, storing or supplying gas. The second debate will be on amendment Nos 6 and 7, which deal with minor changes to terms in the Bill. Once the debate on each group is completed, any further 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 9. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

Clauses 1 to 9 ordered to stand part of the Bill.

Clause 10 (Damage to gas plant)

Mr Deputy Speaker: We now come to the first group of amendments for debate, which deal with the damage of gas equipment used for conveying, storing or supplying gas. With amendment No 1, it will be convenient to debate amendment Nos 2, 3, 4 and 5. Amendment Nos 1 and 2 are mutually exclusive. Therefore, if amendment No 1 is agreed to, I will not call amendment No 2.

The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness): I beg to move amendment No 1: In page 6, line 40, leave out “or by culpable negligence”.

The following amendments stood on the Marshalled List:

No 2: In page 6, line 40, leave out “by culpable negligence” and insert “recklessly”. — [The Minister of Enterprise, Trade and Investment (Mrs Foster).]

No 3: In page 6, line 41, after “conveyor” insert

“(b) alters the index to any meter used for measuring the quantity of gas conveyed or supplied by a gas conveyor or gas supplier; or

(c) prevents any such meter from duly registering the quantity of gas conveyed or supplied.”. — [The Minister of Enterprise, Trade and Investment (Mrs Foster).]

No 4: In page 7, line 3, leave out “subsection (1)” and insert “subsection (1)(a)”. — [The Minister of Enterprise, Trade and Investment (Mrs Foster).]

No 5: In page 7, line 14, leave out “or disposal” and insert “, disposal or repair”. — [The Minister of Enterprise, Trade and Investment (Mrs Foster).]

The Chairperson of the Committee for Enterprise, Trade and Investment:

I welcome the Minister back and wish her well. It is good to see that she has recovered from her brief illness. In speaking on amendment No 1, I will also note the Committee’s scrutiny of amendment Nos 2 to 5 on the Marshalled List.

12.30 pm

Amendment No 1 arose as a result of Committee members’ concerns that the definition of the term “culpable negligence” may be too broad to be included in the Bill. It was thought that the term might imply that a person could be found guilty of an offence if they did not take action to stop another person damaging their gas meter and would, therefore, be considered negligent as a result of another person’s action. I remind the House that clause 10 establishes a criminal offence in respect of persons who intentionally or negligently damage gas equipment. It is, therefore, of a serious nature.

On a number of occasions, both in writing and during oral evidence sessions, the Committee asked the Department to provide a clear definition of the term. However, neither the Department nor the Office of the Legislative Counsel was able to do so to the full satisfaction of the Committee. The Department informed the Committee that the Office of the Legislative

Counsel had advised it that there is no precise legal definition and:

“‘culpable negligence’ denotes a high degree of negligence which merits criminal sanctions”.

Department officials were unable to provide the Committee with additional clarification of how the term would be applied in practice. In the absence of that clarity, members felt that it would be preferable to remove it from the Bill. A vote was taken on that, and I have to point out that the Committee’s decision was majority rather than unanimous.

On 9 December the Committee considered a letter from the Minister, dated 7 December, in which the Minister informed us that she could not accept the Committee’s amendment and outlined her reasons. The Minister also stated that she had accepted an alternative suggestion from the Attorney General to remove the term “or by culpable negligence” and replace it with the term “or recklessly”. Amendment No 2 on the Marshalled List gives effect to that suggestion of the Attorney General. Unfortunately, the Committee was informed of the amendment only last week, after the conclusion of Committee Stage. As the amendment was tabled only at last week’s meeting, the Committee did not have time to consider it fully and was able only to note the amendment.

Am I permitted to continue, Mr Deputy Speaker?

Mr Deputy Speaker: Yes.

The Chairperson of the Committee for

Enterprise, Trade and Investment: In response to a Committee suggestion that clause 14 refer explicitly to meter tampering, the Department re-examined clause 10 to ensure that the provision for damage to gas plant fully encompassed meter tampering. The Department concluded that it would be desirable to amend clause 10(1) to refer specifically to tampering with gas meters in order to avoid any doubt about whether tampering with a meter necessarily amounts to damaging it. Amendment Nos 3 and 4 give effect to that, and the Committee supports both.

Amendment No 5 also arises as a result of a suggestion that the Committee made to the Department. Having consulted the natural gas industry on the amendment, the Department informed the Committee that the industry would be content with the revised wording. It accepts that, in certain circumstances, it would be

feasible for meters to be repaired rather than disposed of or destroyed. The Committee also supports amendment No 5.

In conclusion, I thank the Minister and her officials for their hard work and expertise during the Committee’s scrutiny of the Bill. I also thank the Minister for adopting most of the Committee’s recommendations, save for the one that I mentioned at the beginning of my address.

Mr Givan: I also thank the Committee staff for assisting us in scrutinising the legislation and the departmental officials who frequently attended meetings to try to address some of the concerns that were raised.

I support the amendments in the name of our Minister. I want to speak specifically about the amendment tabled by the Chairperson of the Committee and Ms Jennifer McCann. The Chairperson said that the proposed amendment on culpable negligence, which was discussed at length, was subject to a split vote in Committee. There was a good discussion, and we got into the meaning of “culpable negligence”. I do not profess to be an expert on legal matters. The Chairperson tried to assist us in his other professional capacity to define the term. As a layperson, I was keen to know what exactly it means to be culpably negligent when it comes to tampering with gas meters.

The departmental officials were helpful in clarifying the term. It was made clear that the legislation applies to people who specifically and directly try to alter and potentially damage gas meters. The Minister came back with a revision from the Attorney General’s office to replace the term “by culpable negligence” with “recklessly”. That was to try to facilitate the members of the Committee who raised concerns about the term and to address the fears expressed by some members that innocent people could get caught out by the phrase “culpable negligence”.

Obviously, nobody wants to catch out people who are innocent or unaware of the consequences of their actions. However, the legislation is specifically aimed at individuals who go out of their way to tamper with gas meters. Such behaviour defrauds gas companies and, more seriously, puts at risk not only the safety of offenders but, as my colleague Leslie Cree pointed out in Committee, that of their entire street. Tampering with a gas meter could have collateral damage because it affects more

than the individual responsible. Tampering with electricity units or water supplies, which are criminal acts, will harm the individual responsible. However, tampering with gas meters has the potential to harm many more than the individual who should not be engaging in that activity. The safety of others, not just the position of the perpetrator, must be at the fore of the argument. Obviously, meter tampering is a concern for the companies involved, and we do not want them to lose financially. However, the safety aspect causes me great concern.

When the Committee considered the phrase “culpable negligence”, we looked at comparable legislation for the water and electricity sectors. Interestingly, the measure in the water legislation is much weaker than our Minister’s proposal; it refers to mere negligent damage being a criminal act. Therefore, the term “culpable negligence” goes far beyond existing water legislation. The Electricity (Northern Ireland) Order 1992 refers to the same type of provision as is being put forward in this clause.

I find it interesting but confusing that some Committee members feel that it should not be a criminal act to interfere with gas installations but, when it comes to water or electricity, it is fine for people engaged in similar activities to be penalised.

We need to be careful with the amendment tabled by Ms McCann, because it sends out the poor and bad message to individuals that it is OK to interfere and tamper with gas installations and to put at risk not just yourself but other people. That is exactly the message that that amendment sends out, when we should be putting out the clear message that that is a criminal and dangerous act and, if you engage in such activity, you will be pursued by the full rigour of the law. The original “culpable negligence” wording in the legislation sufficed. Indeed, some may say that we should have used the language in the water legislation and said that it was merely negligible activity. However, the Minister did not do that and took on board comments that were put forward.

The Minister then sought to clarify the matter further for those who were concerned and proposed the amendment with the word “recklessly”. So, I will vote against amendment No 1, tabled by Ms McCann, and in favour of amendment No 2, which inserts “recklessly”. I appeal to other Members to reflect on the

message that would go out if Ms McCann’s amendment were successful and to join us in supporting the Minister and putting through amendment No 2.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. First of all, I want to clarify the fact that amendment No 1 was made by the Committee.

The Committee debated this matter because clause 10 states:

“A person who intentionally ... damages or allows to be damaged any gas plant provided by a gas conveyor shall be guilty of an offence and liable”.

Therefore, the clause is very clear: the person must intentionally do it. That is sufficient, without “culpable negligence” or “recklessly”. That is because no definition of “culpable negligence” was given and nor does “recklessly” provide a definition. “Intentionally” says clearly that a person is committing an offence when they do that.

No one wants to put anyone’s safety at risk. No one is condoning tampering with or damaging a gas meter. The issue is that someone could be innocently convicted of a criminal offence through no fault of their own. The difference between gas meters and, for instance, electricity meters, particularly in social housing, is that gas meters are outside the building. A person cannot be held responsible for knowing what is happening to their gas meter 24 hours a day if it is outside their home.

A person who intentionally tampers with or damages a meter is already covered by the legislation. To go beyond that and include “culpable negligence” or “recklessly” will put at risk people who are innocent, and we have to protect innocent people. Having “intentionally” in the legislation is sufficient, and that is why I argued that point in Committee.

12.45 pm

Mr Cree: I will vote against amendment No 1. As Members said, the Committee discussed this issue at some length. At its November meeting, which was a light meeting, the Committee made the decision to which we have already referred. I was not present at that meeting, and I certainly do not support that amendment.

As someone who has considerable experience in the gas industry, I know that we need such a clause. It represents a common-sense approach

and would create a criminal offence, albeit that the person who is in the house need not be the person who intentionally or negligently damages the gas equipment. That aligns with a similar provision in the electricity legislation. To do less in the case of gas would be very foolish and short-sighted.

We need maximum protection for people who use gas, which is an excellent fuel. It is a super servant but a very bad master, and there can be catastrophic results if people are allowed to tamper with equipment, particularly high pressure distribution systems. I could write a book on the number of examples that I have seen over the years in different parts of the country and abroad where people have got up to mischief. Therefore, that needs to be included in the Bill. I support the Minister and will vote against amendment No 1.

Dr Farry: I am at a slight disadvantage because I am substituting at the last minute for Sean Neeson, who, regrettably, is unwell and unable to join us. Therefore, I am listening with great interest to the unfolding debate. On behalf of my party, I pay tribute to the Department and the Committee for progressing the Bill to this stage.

I am wary about the Assembly sending out a negative message of rowing back in respect of health and safety and people's responsibilities. Regardless of what we do, some very regrettable incidents have occurred over the past year. That point is doubly valid. I am also conscious that I speak as a layperson in this matter and that the Chairperson of the Committee and the Minister are both legally trained and probably have a lot more knowledge in these matters. However, from my limited knowledge base, I am comfortable with the language as originally drafted in the legislation.

I appreciate that there has not been a proper definition of culpable negligence, but surely that is an issue for the courts to work out as case law evolves and is taken forward on the basis of the legislation. Sometimes, measures have to be drafted in a manner that simply allows a door to be opened to the issues. Obviously, we cannot legislate for every circumstance or define every circumstance where an issue of negligence may be relevant. Therefore, it is important that, under our legal systems in these islands, we allow the courts, through case law, to work out precisely what is meant and to adapt the law to fit whatever circumstances arise.

It is also important that we distinguish between sins of commission and sins of omission, if I can frame it in those terms. If we follow amendment No 1, we will simply be talking about the ability to act when there is an active sin of commission whereby someone actively does something. However, there are many other walks of life where we legislate against sins of omission, where someone, through their actions or, more relevantly, through their lack of action, contributes to the emergence of a serious situation. Again, we have to stress that that does not open the door to all comers. The bar for that type of action not just under this legislation but in other walks of life is extremely high. Essentially, it is a matter of what is a reasonable test in respect of the actions that someone should take, maybe taking on board Jennifer McCann's point about how things work in social housing or apartments. I do not think that that would cross the definition of reasonableness in respect of what someone should or should not have done. However, there may well be other situations where someone has been reckless in the approach that has been taken, and, although they may not actively have done something, through inaction they may have contributed to a serious situation.

For that reason, my party and I are certainly happy to support amendment No 2. If it has the Attorney General's backing, who are we to question his learned opinion on such matters? That probably provides sufficient cover for the Assembly's purposes. I would have been happy to stick with the original language. I appreciate that matters are never defined absolutely in legislation, because one cannot legislate for every circumstance that arises. The principles and framework must be in place to deal with circumstances and to allow the courts to take action as and when cases actually come forward — if, indeed, they do. We hope that that will not be the case. My party is happy to back amendment No 2 and the rest of the amendments, but we oppose amendment No 1.

Mr Frew: I, too, commend the Committee staff for their thorough work during the scrutiny of the Bill and the departmental officials who came to see us on quite a few occasions to discuss issues that we raised. I also thank the Minister for her input during Committee Stage.

It has been mentioned in the debate that the phrase "culpable negligence" is not clearly defined. The Department liaised with the Office

of the Legislative Counsel on this, and it advised that culpable negligence denotes a high degree of negligence which merits criminal sanctions and is more commonly referred to as “gross negligence”. The phrase “culpable negligence” was drafted to reflect equivalent provisions in the Electricity (Northern Ireland) Order 1992. It also keeps the Bill consistent with similar legislation. It must be remembered that the gas and electricity sectors are similar. In fact, it could be argued that, in the wrong hands, gas can be much more dangerous. Indeed, if something were to go wrong, an entire street or building could be affected, with much more severe consequences in loss of life and damage to property.

Of course, “culpable negligence” denotes a high degree of negligence. It could be construed that the term “recklessly” in amendment No 2 could be used in that regard. That would be ample. I will support amendment No 2 and oppose amendment No 1. Indeed, that matter was raised in Committee. I certainly did not support the Committee’s taking up of that amendment. My colleague Paul Givan and I voted against that. The danger is that to leave those words out of such essential legislation will dilute the Bill. Let us be clear: amendment No 1 does not replace those words; it leaves them out. That sends out a dangerous signal. People might think that they can get off with something merely because they did not tamper with a meter or equipment themselves but, perhaps, paid or instructed someone to do the work for them in order to save money. We live in the real world, and there are people who are prepared to take on that work. That is why the Bill is essential in the first place. I stress that tampering with any gas equipment, particularly meters, is extremely dangerous. Amendment No 2 is satisfactory. It covers Committee members’ concerns in that regard.

We have to remember the water legislation, which, of course, penalises negligent damage to water fittings. In this context, water is not as dangerous as gas, nor does it pose the same risk to life, individuals, streets and communities when it is used wrongly or is in the wrong hands. We have to be very careful.

We also have to make sure that the onus is on the users, who can check their premises and equipment from time to time. It is important that the onus is on them to ensure that the equipment that is used on a day-to-day basis

is fit for purpose. It is their lives that we are debating. It is also important that the message that comes from the House is that there is an onus on the user, there are penalties and users risk damaging not only their life and property but the life and property of those who live on their street or in their block.

Mr Irwin: I thank the Minister and the Committee staff for their hard work on the Bill. I welcome the Bill and, of course, the necessary provision contained therein to bring our legislation up to date with our neighbours in the rest of the United Kingdom. Provisions such as enhanced powers of access for gas companies are vital, given the nature of the fuel and, in particular, recent incidents involving gas-related appliances and supply networks. I also welcome the inclusion of increased safeguards for customers, such as providing evidence of authority and notice of the need to enter premises. Customers are entitled to such safeguards.

Amendment No 2 would replace “by culpable negligence” in clause 10(1) with “recklessly”. That is an important alteration, and it was the topic of much discussion by the Committee in recent times. Inserting the word “recklessly” leaves no doubt as to the seriousness of the offence of damage to gas equipment. To remove completely the “culpable negligence” description — gross negligence, as it has been described — without an adequate but simplified replacement would be straying too far from similar legislation, for instance, electricity supply legislation. That would present problems for other industries, such as water and electric, and that would be unhelpful.

In light of the obvious issues with gas equipment, there must be an onus on consumers to act quickly, because ignoring obvious damage could endanger people’s safety along a supply route or result in difficulties with the metering of supply. That is why the inclusion of the word “recklessly” is important. It must be included. Therefore, I support amendment No 2.

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. I want to comment on the amendments. As others have done, I thank the Minister and the Committee staff for the work that they have done on the Bill, which is no simple matter. It is important to stress that we must not simply rubber-stamp everything that comes in here, including parity legislation from the British side or anywhere else, and

merely float it on through as we have done with EU legislation in many instances. In many instances, we do not have a choice about EU legislation, but it does not always do justice to those at whom it is aimed or hit those whom it is intended to keep under some sort of check or control. In fact, it can often hit those who are least able to handle it.

If someone is allowed to enter a house at will, it will throw up the possibilities that we have seen before. The same people — those who are less able to pay — will be targeted by the legislation. Such legislation is not usually aimed at the well-off and those who are well able to pay. There is often a broad-brush method of challenging, attacking or aiming at those who have least ability to pay.

I often have difficulties with what is said in such legislation. If the Department wants to aim it at a specific point, it should be done. However, the term “culpable negligence” and the way in which it is set is quite broad; it could target anyone. Often, innocent people, even pensioners, will find themselves with a mark of criminality brought to bear on their person.

We have to look at the legislation in that light. I would not be happy to do that, and I support Jennifer McCann’s contention that it should be removed. I do not know what should be put in place of it. Including the word “recklessly” runs us into a different area entirely, but it is up to the Assembly what it wants to do in relation to that.

1.00 pm

There is like-minded legislation in the other two energy areas. Perhaps gas is a bit different in that there is greater risk to many more people if something is tampered with, but how many instances of that have taken place? Is it that widespread that we have to include in legislation terms such as “culpable negligence” to be applied to pensioners or whoever might be caught tampering with those devices? I do not know, but maybe the Minister can throw some light on that. We do not want to support interference with any of that equipment, but neither do we want to send out a message that we are prepared to allow that interference to go on.

Mr Givan: I appreciate the point that the Member is now trying to make about not giving out a message that you should interfere. Can he clarify his earlier comments if he is now saying that if a person cannot afford to pay for gas or any

other utility, it would still be wrong to interfere? Earlier, he seemed to suggest that he felt it was almost justification, and if a person could not afford it, it was OK to interfere. Is he now saying that that is wrong?

Mr McHugh: I am not prepared to say that I was wrong in making a defence of those who are not able to pay. The fact is that there is a broad-brush attack on those in that category, because the well off will never have to face that situation. Quite a lot of them do not actually pay their bills, but it is more unlikely that it was aimed for that purpose. I have no difficulty in defending my position on that. We are not sending out a message that those who are not willing to pay should be allowed to get away with that. That is not the message that I am talking about. The message about tampering with equipment is much more severe and serious and we do not support that, but, at the same time, it is important for people in the Assembly and in Committees not just to rubber-stamp things. I think that the courts will deal with any of those instances as they come up, and they have until now. There has been no difficulty with that. I stand by the removal of “culpable negligence”.

The Minister of Enterprise, Trade and Investment (Mrs A Foster):

I thank members of the Committee in particular for their helpful scrutiny of the Bill and other Assembly Members for their comments during the debate, particularly in relation to clause 10. Clause 10 will establish a criminal offence for people who intelligently — intentionally, not intelligently; no one would do it intelligently — or by culpable negligence damage, or allow to be damaged, gas equipment. The provisions are largely aimed at tackling that issue of meter tampering.

The last Member who spoke asked me whether I had any figures in relation to meter tampering. From 2006 to 2008, there were approximately 1,033 cases of suspected meter tampering, and in 2009 alone, there were 733. It is a huge issue, and we must send out a very strong message from the House today. It would be very regrettable if we did otherwise.

The Committee for Enterprise, Trade and Investment has expressed some reservations in relation to the use of the phrase “culpable negligence”. In amendment No 1, the Committee suggests that the term “or by culpable negligence” should be removed in its entirety from clause

10(1) and that the redrafted clause should just read:

"A person who intentionally damages or allows to be damaged any gas plant".

I oppose that amendment on the following grounds. The clause was drafted to reflect equivalent provisions in paragraph 6(1) in schedule 6 to the Electricity (Northern Ireland) Order 1992. It is important that we have consistency on this. If someone tampers with electricity, he may well kill himself, but if someone tampers with gas, he could blow up a whole street. People need to reflect carefully on that. It is not OK for people to tamper with gas equipment because they cannot afford to pay. That is not the situation. I am Minister with responsibility for health and safety as well, and the health and safety aspect is key to this legislation. Members need to reflect on that.

The Committee's suggested amendment would limit the criminal offence to intentional damage to gas equipment and would mean that gas legislation would be out of line with, and weaker than, electricity legislation, despite the risks to individuals and the wider community from tampering with gas plant. Interfering with gas plant carries more potential danger than interfering with the other utilities, electricity and water. The legislation on water has the highest penalties for tampering, though it is the least dangerous of all the utilities. There is a contradiction there.

I have at all times tried to work with the Committee and we have agreed all the other amendments. I take issue with Mr McHugh's remark about rubber-stamping. That is not the job of the Assembly and we have never sought to do that. I am determined to have some consistency and to put the needs of the community first in relation to this matter. I sought advice from the Attorney General. He tabled an alternative amendment, which I put forward in my name. Amendment No 2 suggests replacing the term "by culpable negligence". I want to put on the record that I am perfectly happy with that wording, and I agree with Mr Farry that it is right to maintain consistency with electricity legislation. However, in the spirit of trying to find a solution to this matter, we put forward the term "recklessly" as a substitution. That does not constitute —

Ms J McCann: Will the Minister give way?

The Minister of Enterprise, Trade and

Investment: I am about to explain what "recklessly" means, but I am happy to give way.

Ms J McCann: Does the Minister agree that most gas plant is situated outside people's homes? It is not inside their homes, as most electricity meters are. Can she give a clear definition of "recklessly"? What if a householder leaves their back gate open, allowing someone to come in to damage the gas plant? No one here underestimates the safety aspect. The word "intentionally" covers it. There is no need to use the word "recklessly". In the areas that I represent, gas meters are situated in back gardens.

The Minister of Enterprise, Trade and

Investment: Of course the word "recklessly" does not cover that sort of situation. Does the Member seriously expect that a judge sitting in court will accept that as a reckless act? Of course he would not. This does not constitute a policy change. Rather, it is a clarification of the terminology that helps to explain the level of misbehaviour required to merit criminal sanction. For example, it is unlikely that vandalism by a third party to a gas meter in a public area, such as a hall in a block of flats, will result in the unfair prosecution of the owner of the gas meter, unless he or she had committed a reckless act that was seen as contributing to that vandalism.

I want to explain what "recklessly" means. I ask the Assembly to agree that this is a more suitable way of addressing the very serious issue of damage to gas plant and meter tampering. I ask Members to support amendment No 2, my Department's amendment, and to reject amendment No 1. We have already heard about the differences between water, electricity and gas. I listened carefully to what the Committee told me, which was that there is no legal definition of "by culpable negligence", whereas the definition of recklessness, as the Chairperson will know from many legal cases and criminal and common law, is a term of art used in the law. Essentially, "recklessly" means intentionally or by being so careless that it is obvious to the objective bystander that those actions would lead to damage. Therefore, "recklessly" is a high degree of intent, or not caring, so that it is obvious to everyone else that damage will happen to the gas plant.

I submit that the Committee's concern about having no definition of "culpable negligence" has been dealt with by my suggesting the insertion of the term "recklessness". I am interested to hear what the Chairperson of the Committee has to say about that matter.

I will move on to amendment Nos 3 and 4. During the Committee's scrutiny, it was noted that meter tampering is not specifically mentioned in clause 10, which deals with damage to gas plant in general. My Department was asked to consider whether meter tampering was sufficiently covered by the present wording, and, after receiving legal advice, I agreed that, for the purposes of clarity and to ensure that meter tampering is fully covered as intended, it was desirable to amend clause 10(1). I, therefore, propose to insert a specific reference to meter tampering in line with existing provisions on meter tampering under the Electricity (Northern Ireland) Order 1992, the Gas Act 1986 and the Electricity Act 1989 in GB.

I propose that clause 10(1) of the Bill be amended to read:

"10. — (1) A person who intentionally or recklessly damages or allows to be damaged any gas plant provided by a gas conveyor; alters the index to any meter used for measuring the quantity of gas conveyed or supplied by a gas conveyor or gas supplier; or prevents any such meter from duly registering the quantity of gas conveyed or supplied shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale."

The House may wish to note that level 3 on the standard scale translates to a fine of up to £1,000.

Finally, I turn to amendment No 5 to clause 10. The Committee for Enterprise, Trade and Investment suggested that subsection (4) of clause 10 should be amended to add "or repair" to the existing sentence, which describes how a gas company must handle a gas meter that has been removed as a result of tampering. The provision currently reads:

"(4) A meter removed under subsection (3) shall be kept safely by the gas conveyor until the Authority authorises its destruction or disposal."

The clause was originally drafted to reflect equivalent provisions in paragraph 6(4) of schedule 6 to the Electricity (Northern Ireland) Order 1992. However, my Department consulted the natural gas industry on the suggested amendment. The industry advised that it would be content with the revised wording and accepted that, in certain circumstances, meters could be repaired instead of disposed of or destroyed. I understand that a gas company will ultimately base its decision on whether to repair or to destroy a gas meter on the cost of repair versus the cost of replacement. I, therefore, propose that clause 10(4) of the Bill be amended to read:

"(4) A meter removed under subsection (3) shall be kept safely by the gas conveyor until the Authority authorises its destruction, disposal or repair."

That concludes what I have to say about the amendments.

The Chairperson of the Committee for Enterprise, Trade and Investment:

I am grateful to all colleagues who contributed to the debate. It has been an interesting discussion on the term "culpable negligence" in clause 10. Mr Givan mentioned that that was a split decision by the Committee. I accept that, and I averred to that in my opening remarks. He also emphasised that the Attorney General suggested the alternative term "reckless" or "recklessly", and that he preferred that amendment to the deletion of "culpable negligence", which is, effectively, the amendment that the Committee tabled. He emphasised, quite properly, the potential danger posed by any interference or tampering with gas equipment. Indeed, other colleagues emphasised that as well. In fairness to all members of the Committee, it was generally recognised that gas equipment posed a particular danger to individuals and the public at large. That is not lost on any Members involved in the debate, regardless of whether they are for or against the amendment to clause 10.

1.15 pm

Ms Jennifer McCann spoke in favour of the amendment. In her opinion, culpable negligence was not properly and clearly legally defined. The thrust of her argument was that the clause, because it creates a criminal offence, required definition. She also emphasised that she did not want to put anybody's safety at risk. However, she emphasised, importantly, that

many gas meters are situated outside people's homes. As a result of that, such meters are more vulnerable to interference by third parties. She was concerned that adopting the original clause or the alternative put forward by the Attorney General in advice to the Minister — now proposed by the Minister — could put innocent people at risk of a potential criminal prosecution. She was concerned that people, particularly those with meters outside their homes, should be protected.

In fairness, the Minister doubted that, in the circumstances of third party interference, a judge would find a person guilty of such an offence. She said that recklessness or culpable negligence required a high degree of negligence. I presume that it would probably not amount to recklessness or culpable negligence if someone's gas equipment was tampered with by a third party without the knowledge of the occupant.

Dr Farry also indicated that his party supported the Minister's position, and he emphasised the risks to the public. He adopted what one might term a theological bent by talking about sins of commission and of omission. He felt, I presume, that someone who omitted to do something could be found guilty of an offence in certain circumstances. In any event, he felt that the Attorney General's advice to the Minister and the Committee was preferable to the deletion of the original culpable negligence aspect of the clause.

Mr McHugh made the important point that the Assembly should not rubber-stamp everything that comes before it. Again, in fairness, the Minister accepted that. However, we should reflect on what Mr McHugh said: as an Assembly and as individual Committees, we have a duty to look carefully at all aspects of legislation, and we should try to remedy potential problems when we detect them. In this instance, the Committee has attempted to do that by tabling the amendment to delete "culpable negligence" from clause 10.

A number of Members made the point that there should be consistency across utilities, whether water, electricity or gas. It is important that there are consistent standards, and, therefore, this legislation should be consistent with that for the electricity industry, in particular, so that consistency is maintained across the utilities. That is something that bears consideration.

A further point made by other Members, including Mr Frew, Mr Givan, Mr Farry and the

Minister, was that we should not send out a message that may encourage those who seek to benefit from interference with gas equipment. It is important that we consider that issue. However, the Minister made the point strongly that removing "culpable negligence" will weaken that part of the Bill, which would not be good. That view was supported by other Members. The Minister said that she has taken the Committee's criticism on board. Her view is that the Attorney General's advice about "or recklessly" should be preferred and that it meets the criticism levelled by the Committee. However, the Committee felt there was not a clear definition of "culpable negligence". I prefer "recklessly" to "culpable negligence", but, as Chairperson, I am bound by the decision of the Committee, and I represent its views as strongly as I can. I accept that it is difficult to define all those terms, including "culpable negligence" and "recklessly". Nonetheless, it is important to take the Committee's majority view of "culpable negligence" into consideration. I invite the Assembly to consider that seriously as its preferred position.

Question put, That amendment No 1 be made.

Mr Deputy Speaker: Members will resume their seats, please. *[Interruption.]* Members will resume their seats. *[Interruption.]* Order, please.

Mr Campbell: Order.

Mr Deputy Speaker: I wonder whether I should thank Mr Campbell for that little bit of help. Now that all Members have resumed their seats, I will put the Question again.

Question put, That amendment No 1 be made.

The Assembly divided: Ayes 39; Noes 49

AYES

Ms M Anderson, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Callaghan, Mr W Clarke, Mr Doherty, Mr Gallagher, Mrs D Kelly, Mr G Kelly, Mr Leonard, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr McHugh, Mr McKay, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Leonard and Mrs McGill.

NOES

Mr S Anderson, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Campbell, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Easton, Mr Elliott, Sir Reg Empey, Dr Farry, Mrs Foster, Mr Frew, Mr Gardiner, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McFarland, Mr McGimpsey, Miss McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr G Robinson, Mr K Robinson, Mr Ross, Mr Savage, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson.

Tellers for the Noes: Mr Frew and Mr Givan.

Question accordingly negatived.

Amendment No 2 made: In page 6, line 40, leave out “by culpable negligence” and insert “recklessly”. — [The Minister of Enterprise, Trade and Investment (Mrs Foster).]

Amendment No 3 made: In page 6, line 41, after “conveyor” insert

“(b) alters the index to any meter used for measuring the quantity of gas conveyed or supplied by a gas conveyor or gas supplier; or

(c) prevents any such meter from duly registering the quantity of gas conveyed or supplied.”. — [The Minister of Enterprise, Trade and Investment (Mrs Foster).]

Amendment No 4 made: In page 7, line 3, leave out “subsection (1)” and insert “subsection (1) (a)”. — [The Minister of Enterprise, Trade and Investment (Mrs Foster).]

Amendment No 5 made: In page 7, line 14, leave out “or disposal” and insert “, disposal or repair”. — [The Minister of Enterprise, Trade and Investment (Mrs Foster).]

Clause 10, as amended, ordered to stand part of the Bill.

Clauses 11 to 23 ordered to stand part of the Bill.

Mr Deputy Speaker: We now come to the second group of amendments for debate, which deal with minor changes to the terms in the Bill. With amendment No 6, it will be convenient to debate amendment No 7.

Clause 24 (Restrictions on voluntary winding up)**The Minister of Enterprise, Trade and Investment:**

I beg to move amendment No 6: In page 16, line 8, leave out “leave” and insert “permission”.

The following amendment stood on the Marshallled List:

No 7: In clause 35, page 23, line 40, leave out “Energy” and insert “Utility”. — [The Minister of Enterprise, Trade and Investment (Mrs Foster).]

The Minister of Enterprise, Trade and Investment:

During the Committee’s call for evidence, Northern Ireland Electricity suggested a minor amendment to clause 24(4), which covers restrictions on voluntary winding-up by a protected energy company as part of the provisions for a special administration regime. The suggested amendment involves changing the reference to “an application for leave” to “an application for permission”. The Department sought legal advice on that issue and has accepted that the amendment would improve the clarity of the clause. I therefore propose that clause 24(4) should be amended to read:

“(4) If an application for an energy administration order in relation to the company is made to the High Court in accordance with section 19(1) after an application for permission under this section has been made and before it is granted, the Court may exercise its powers under section 20 instead of granting permission.”

Turning to amendment No 7, during the Committee’s call for evidence, the Utility Regulator highlighted a minor error in clause 35(1), which refers to:

“the Northern Ireland Authority for Energy Regulation”.

That is the former name of the Utility Regulator, and I have agreed that, for the purposes of accuracy, that reference should be amended to:

“the Northern Ireland Authority for Utility Regulation”.

That concludes what I have to say about those two amendments.

The Chairperson of the Committee for Enterprise, Trade and Investment:

Amendment Nos 6 and 7 are, in essence, minor and technical. During the Energy Bill’s Committee Stage, Northern Ireland Electricity advised the

Committee for Enterprise, Trade and Investment that the reference to “leave” in clause 24(4) with regard to a voluntary winding-up order should be changed to “permission”, to accord with the wording in the Energy Act 2004. The Committee advised the Department accordingly, and, following advice from the Office of the Legislative Counsel, the Department accepted the Committee’s advice.

During Committee Stage, the Department informed the Committee of a minor drafting amendment to clause 35 to accurately reflect the name of the Northern Ireland Authority for Utility Regulation. That name is contained in the amendment. The Committee supports amendment Nos 6 and 7. I thank the departmental officials and the Committee staff for all their work on this legislation.

The Minister of Enterprise, Trade and

Investment: I thank the Chairperson for his comments. The Bill is a good example of the way in which Committees can make legislation better. The amendments in the second group came about as a result of the Committee’s call for evidence. There is a lot of scepticism in the press and among the public about the usefulness of the Assembly and its Committees. This exercise has shown that they are useful when it comes to legislation. I know that we had a disagreement on one clause, but that is a very healthy sign that we are prepared to debate to make laws better.

1.45 pm

I am grateful to Members who contributed to the debate on all the amendments. As I outlined, I have accepted that amendment No 6, which changes the phrase “application for leave” to “application for permission”, is appropriate and will not impact on the intended overall aim of the clause. I have also agreed that amendment No 7 will correct the minor inaccuracy in the wording of clause 35.

Question, That amendment No 6 be made, put and agreed to.

Clause 24, as amended, ordered to stand part of the Bill.

Clauses 25 to 34 ordered to stand part of the Bill.

Clause 35 (Interpretation)

Amendment No 7 made: In page 23, line 40, leave out “Energy” and insert “Utility”. — [*The Minister of Enterprise, Trade and Investment (Mrs Foster).*]

Clause 35, as amended, ordered to stand part of the Bill.

Clauses 36 and 37 ordered to stand part of the Bill.

Schedule agreed to.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Energy Bill. The Bill stands referred to the Speaker.

Committee Business

Statutory Committee Membership: Committee for Culture, Arts and Leisure

Mr Deputy Speaker: As with similar motions, the motion on Statutory Committee membership will be treated as a business motion. Therefore, there will be no debate.

Resolved:

That Mr Pat Sheehan replace Mr Raymond McCartney as a member of the Committee for Culture, Arts and Leisure. — [Mr P Maskey.]

Standing Committee Membership: Assembly and Executive Review Committee

Mr Deputy Speaker: As with similar motions, the motion on Standing Committee membership will be treated as a business motion. Therefore, there will be no debate.

Resolved:

That Mr Pat Sheehan replace Mr John O'Dowd as a member of the Assembly and Executive Review Committee. — [Mr P Maskey.]

MLAs: Financial Support, Pensions and Expenditure

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 15 minutes to propose the motion and 15 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mr Doherty (Representative of the Assembly Commission): I beg to move

That this Assembly approves the Assembly Commission's report on the financial support and pensions for Members of the Northern Ireland Assembly (December 2010); and makes the Northern Ireland Assembly (Members' Expenditure Determination 2010.

Go raibh maith agat, a LeasCheann Comhairle. I move the motion on behalf of the Assembly Commission, and, during the debate, I will speak on its behalf. I will start by providing Members with some background information on the genesis of the Assembly Commission report, which makes interim changes and improvements in governance, pending the establishment of the independent financial review panel.

In 2007, prior to the restoration of devolution and the re-establishment of the Commission, the Secretary of State wrote to the chairperson of the Senior Salaries Review Body (SSRB) to seek its agreement to conduct a review of the existing structure for salaries, expenditure and pension benefits payable to members and office holders of the Assembly. In June 2007, the newly appointed Commission engaged with the SSRB to initiate the independent review under agreed terms of reference. The SSRB consulted with Members of the Assembly through a variety of qualitative methods during 2007 and 2008. It employed the Hay Group as consultants to look in detail at the roles of MLAs, Ministers and office holders in the Assembly to assess the respective job weights. The SSRB then completed its report in November 2008, and the Commission initially considered the review recommendations at its meeting on 13 January 2009.

The final report made 25 recommendations on pay, pensions and expenditure for Members of the Assembly. In addition to the recommendations that were outlined by the

SSRB, the Commission also considered issues referred to it as identified in the fourth and fifth reports in 2009 from the Committee on Standards and Privileges. The Committee's relevant recommendations were in relation to the Assembly's rules governing the use of Members' financial support in the areas of accommodation and dual mandate. We are keen to ensure that a best-practice approach is applied to our financial systems, and we will continue to monitor the ongoing developments in other places.

All party leaders were then consulted on the report. However, the report was withdrawn in November 2009. In December 2009, it was agreed that further consideration would be required on a range of possible options to progress the recommendations set out in the Commission's report on pay, pensions and financial support for Members of the Assembly. Additionally, there was a consensus that further meetings with party leaders would be helpful in setting out a way forward. It was agreed to take forward a further report that excluded any reference to pay arrangements for Members and to leave those decisions for an independent financial review panel upon its establishment. At that point, the necessary process was initiated for the establishment of the independent financial review panel. I will focus on that matter in more detail in a moment. The report brought forward options for changes to the resettlement allowance but was withdrawn pending further discussion with parties.

The Assembly Commission has agreed a range of measures to ensure that the Assembly has arrangements in place that effectively and fairly support MLAs in carrying out their duties. To further ensure good governance, transparency and accountability, the Commission also commenced publication of Members' expenses on a quarterly basis, releasing information back to 2003.

The report that we are debating today has been developed following extensive consideration and consultation. It proposes a total of 17 recommendations across three main sections. The key issues are the adoption of the 10 principles, the establishment of an independent financial review panel, and enhanced governance and expenditure issues for Members. I will focus briefly on each section and the main recommendations that are being proposed.

Section 3 of the report relates to the adoption of the 10 principles that were developed in consultation with party leaders. The Commission wholly supports the adoption of the 10 principles to underpin the basis on which expenditure is paid to MLAs. We have proposed a methodology for the application of the principles and provided detail on the approach to dealing with any potential breaches of the rules on the claiming and use of expenses. I am sure that Members will agree that the principles provide a sound basis for underpinning the financial support regime for MLAs and for greater transparency and accountability.

Section 4 of the report relates to the establishment of an independent financial review panel to determine all aspects of financial support for MLAs. During discussions with party leaders, there was a unanimous view that the future determination of salaries, pensions and financial support should be delivered by an independent mechanism. To allow for the establishment of the body, amendment of the Northern Ireland Act 1998 was required. In April 2010, at our request, the Assembly Members Bill was passed at Westminster. The Assembly Members (Independent Financial Review and Standards) Bill was then jointly drafted by the Assembly Commission and the Assembly Committee on Standards and Privileges. The purpose of the Bill is to provide for the establishment of a panel to determine the pay, pensions and other financial support for Members of the Assembly. The Bill also provides for the establishment of the post of an Assembly Commissioner for Standards.

The Assembly Members (Independent Financial Review and Standards) Bill is currently progressing through the House, its Second Stage having been taken on Tuesday 23 November 2010. An Ad Hoc Committee has been established to deal with the Bill. Committee Stage began on 24 November 2010, and the estimated date for Consideration Stage is the week commencing 31 January 2011.

Section 5 of the report proposes a total of 15 recommendations in relation to entitlements and the governance of expenditure incurred by Members. This section covers an array of improvements to our existing services, including revisions to the terminology used in existing regulation, proposed changes to the calculations used to determine a number of

our existing allowances, and the enhancement of our governance structures. The Assembly Commission is not recommending any changes to the current arrangements for the pension scheme provided for in the Assembly Members' Pension Scheme 2008.

The Commission has agreed that it would be appropriate not to take a view on certain recommendations detailed by the Senior Salaries Review Body in relation to dual mandates as the matter falls under the responsibility of the Assembly and Executive Review Committee. However, assuming that some dual mandates may continue until 2015, the Commission has proposed a series of related recommendations regarding claims under office cost expenditure and winding-up expenditure. Additionally, in support of recommendations raised by the Committee on Standards and Privileges, the Commission is also recommending the immediate development of protocols for splitting expenses that are claimed by MLAs who are also MPs or councillors.

In supporting Members in their role as employers, the Commission is recommending the development of a capped bonus scheme for Members' support staff in defined circumstances in the event that Members choose to pay a bonus to their staff.

2.00 pm

The Commission considered the recommendation of the Independent Parliamentary Standards Authority in its new expenses scheme for MPs and the restriction that it imposed on new MPs from receiving:

"Staffing Expenditure for the salary of more than one employee who is a connected party."

It recommended that a similar approach be adopted in the Assembly.

In the interests of accountability and of securing public confidence, the Commission agrees with the recommendations of the SSRB that an independent assessment of MLAs' constituency offices should be undertaken by chartered surveyors to ensure that rental charges are reasonable for the area in which the office is located. The Commission also recommends that such independent valuations be sought before the renewal of the existing leases and before new lease arrangements or agreements

are entered into. In line with the views of Assembly parties and as outlined in the rules that govern the expenses scheme for MPs, the Commission agreed that no expenses should be claimed relating to a Member's rental of a property where the Member or a connected party is the owner of the property or holds a lease in relation to the property in question. The Commission also recommends that all constituency offices comply with the statutory obligations that are placed on leased premises.

The Commission also proposes changes to the calculations used to determine resettlement, ill health retirement and winding-up allowances, as proposed by the Senior Salaries Review Body. In line with the recommendation outlined by the SSRB, the Commission also proposes that, from the start of the next mandate, the mileage allowance for business travel in excess of 10,000 miles will be paid at 25p, in line with the Income Tax (Earning and Pensions) Act 2003.

If the Assembly accepts the recommendations, it will improve its accountability and transparency to the general public; it will also increase public confidence in the governance of the Assembly. The Commission acknowledges the work of secretariat staff in preparing the report. I am aware that there has been much iteration in recent months, and I also acknowledge the work and support of Commission members in a difficult and ever-changing area.

Mr Weir: At the outset, I declare an interest as a Commission member. As recommendation 8 refers to the Northern Ireland Local Government Association, I also declare an interest as a member of that august body. I suspect that there will not be a vast number of Members who want to speak during the debate, which focuses on terms and conditions and what could be described as peripheral issues. Indeed, the Chamber is not exactly full.

If the issue under debate is not a case of turkeys voting for Christmas, it is certainly turkeys talking about Christmas. The Commission worked hard to strike a balance. On one hand and in one of the recommendations, there is a clear indication that a great number of issues will be rolled into the recommendations of the independent financial review panel. Those issues will rightly be taken out of the hands of Assembly Members and a range of measures will be made binding upon us; I think that everyone in the House will agree with that approach. However,

there is a desire to put our own house in order as much as possible and to get things right ahead of that action being taken. Therefore, there is a balance between considering what will be taken out of our hands and what we should not tamper with and trying to make sure that things are put right. The Commission's recommendations strike that balance.

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

I do not intend to go through the detail of the recommendations, as the proposer of the motion did that in some detail. However, I do want to touch on a couple of things.

The House should be able to unite around the 10 principles in recommendation one. Those very good principles can act as guidance for the Assembly. The establishment of an independent financial panel referred to in section 2 has, to some extent, been overtaken by events. Indeed, the related legislation is already in Committee. A lot of the regulations on a range of governance issues are very sensible. In some cases, those will bring us into line with legislation and allowances that are in place elsewhere. The proposer mentioned the regulations on travel expenses, for example, and it is right that those are introduced.

Some people will ask why, if the independent panel will deal with most of the measures, we do not simply leave it all to the independent panel. Why bother doing anything at this stage? The reason, particularly in respect of one aspect, is that a number of the allowances and so on will kick in prior to the establishment of an independent panel. If a fully functioning independent panel could be established tomorrow, we could abandon this. However, a range of things will kick in at the next election, and it is important that we do our best to put our house in order.

There has been considerable discussion about resettlement, which will happen at the time of the next Assembly elections, and we must try to ensure that we get that right. That will happen before the independent panel is fully operational. Therefore, we are not in a position to simply ignore it, principally because of what is sometimes colloquially called the Marietta Farrell case. It could have happened to any individual or party, but that was a case in which someone came in about a month before the Assembly elections. To be fair, the party involved had no choice in the matter because the person

whom she replaced had been appointed to a public position. Marietta Farrell then lost her seat and got a substantial pay-off, given the length of time that she served.

If we had simply left things as they were, a genuine accusation could have been levelled at the Assembly that we were simply ignoring the loophole and flaws in the system that allowed someone who had been here for a short time to receive a large pay-off. People who had served a relatively short time got a minimum six-month pay-off, a situation that you would find almost nowhere else, either in private life or the public sector. There was a desire to close that loophole. The proposal is a graduated system under which, instead of the six-month pay-off, anyone who has served —

Mr Deputy Speaker: I ask the Member to draw his remarks to a close.

Mr Weir: Sorry, I thought that we were debating legislation. That is OK. I misunderstood my timings.

Mr Wells: On a point of order, Mr Deputy Speaker. My understanding is the same as Mr Weir's. We are debating legislation, and, therefore, speeches are not subject to time limits.

Mr Deputy Speaker: The proposer has 15 minutes to propose the motion and 15 minutes to make a winding-up speech. All other Members have five minutes in which to speak.

Mr Weir: I support the motion. Members will have to continue wondering what other pertinent remarks I was about to make.

Rev Dr Robert Coulter: As a member of the Assembly Commission, I wish to follow on from the last paragraph of the proposer's speech and highlight the work that has been done on this matter over the years. I have been involved with this topic since 1998. Having gone through so many machinations, discussions and debates, I have the highest regard for the secretariat staff who have worked with the Assembly Commission on this subject. Few people recognise the many hours that staff and the Assembly Commission have put in to bring about a resolution that will be accepted by the Assembly. We, as an Assembly, should pay tribute to our staff for the work that they have put in. In supporting the motion, I also wish to say that it is time we put our own house in order after all these years.

It is true that I keep reminding the Assembly that, when we discussed the matter on the Floor of the House at the very beginning, Members turned down a rise of £10,000 a year. That seems to have been forgotten by the press and others who like to pillory Members over many different issues. When that is added up, the amount of money that Members have forgone over the years must be taken into account. Therefore, it is right that, at this stage, we should bring forward these provisions to have them in place for those who are new and come to the Assembly after the election or even before it, so that they know exactly where they stand, financially and otherwise, with their income. Many people do not take lightly the decision to put themselves forward for election. It is right that the Assembly should bring forward these recommendations so that those who come in know exactly where they stand.

Mr Weir: I did not get the opportunity to make this point. The Member has focused on the position of new Members, but will he confirm that the proposals that are being put forward today will mean that, although some existing Members will lose out — by a considerable amount of money in some cases — no Member will benefit financially? So, in some cases the proposals will be cost-neutral, and in many cases they will lead to a reduced payout for Members. That should also be borne in mind when people look at the wider context of the position that we are placing ourselves in.

Rev Dr Robert Coulter: I thank the Member for his intervention. The wisdom of what he has said enhances what I was saying about bringing it to the attention of the public that we are not out to grab everything that is going and we want transparency and equity all the way through.

I support the motion. I am glad that we have brought it to this point, and I trust that every Member will support it.

Mr P Ramsey: I thank Pat Doherty for leading on behalf of the Assembly Commission and for acknowledging the hard work of the Assembly secretariat.

This process has been ongoing for a long time. This is, I think, our third attempt to get the proposals through the House and is the result of extensive consultation in the communities and of party leaders reaching consensus on the way forward. We have always been mindful of developments, particularly contentious

developments, in other legislatures on financial support. We have looked at models of best practice in going forward to try to show that we are open and transparent.

The Commission, as Pat Doherty said, is making 17 recommendations for consideration today. Mindful of the clear public interest in the financial support provided to Members, we are bringing those recommendations forward. The recommendations will not only create a much more effective and efficient method of dealing with Members' expenditure but improve transparency and accountability and increase public confidence in the whole system. The Assembly Commission believes that financial support for Members should be based on 10 clear principles. I want to go through some of the areas that those principles cover, which are important for public representatives.

The first principle is that MLAs have a duty to observe the seven Nolan principles of public life at all times when incurring and claiming for expenditure. That is our clear goal. One of the other key principles is openness and transparency in the overall expenses claimed by Members. Those claims must also be subject separately to data protection, security considerations and other considerations.

Another principle is that resources provided to enable MLAs to undertake their Assembly duties must not benefit financially, directly or indirectly, any political parties or be used for party political activities. Principle 7 makes it clear that arrangements should be avoided that could give rise to an accusation that any MLA, relative or someone close to an MLA is obtaining an element of profit from public funds or that public money is being used or diverted in any way for the benefit of a political party.

2.15 pm

The recommendations are important, as some Members outlined. One Commission recommendation that we hoped to commence earlier related to the evaluation of Members' rental and lease arrangements for their offices. That is a pity. Some Members expressed concern that we were not able to process that work during the present mandate, but time constraints prevented us from ensuring that independent evaluations were carried out. If an independent valuation exercise were to estimate that an office was of a lesser value,

the Assembly Commission would adhere to that and pay only the amount of that evaluation.

The Commission also recommends that Members be required to ensure that their constituency offices comply with regulatory standards in respect of their statutory obligations on disablement and a range of other important areas. They should also be required to provide a declaration to that effect when renewing existing leases.

The Commission strongly recommends that no expenses be claimed that relate to a Member's rental of a property when a Member or a member of his or her family has any connection with that property or holds a lease on it. Our party is keen to go the extra distance by stipulating that no political party should gain financially from any expenses claimed for owning or leasing an office. Perhaps we will deal with that later.

Peter Weir spoke about resettlement money. The difficulty was that a Member with 10 years' service, a Member who retires because of sickness and a Member who serves for only 10 weeks in the Assembly would all have received the same resettlement money. There was something odd about that, and we would have been unable to defend that position publicly.

Mr Deputy Speaker: I ask the Member to bring his remarks to a close.

Mr P Ramsey: I support the motion.

Mr Lunn: I am standing in for Sean Neeson, who is not well today. As I am probably the only Member to speak who is not also a member of the Commission, I am at a slight disadvantage. If I raise queries that have already been discussed by the Commission, I hope that I will be forgiven.

I welcome the recommendations and acknowledge the hard work of the Assembly Commission and secretariat in producing the report, which provides some clarification. As Mr Ramsey said, the key words are "openness" and "transparency", and we have nothing to fear from those.

Recommendation 4 relates to pension arrangements. I imagine and presume that the new body will not in any way usurp the current position of the pension trustees and that they will still have the same responsibility and freedom of action as they enjoy currently.

Recommendation 8 states that protocols will have to be developed. Frankly, I wish the various bodies luck in developing a protocol for the cost of mobile phones, for instance. We have phones supplied by the Assembly and paid for in that way. As councillors, we may be entitled to a different phone, and we also have mobile phone accounts that allow for 1,000 free minutes. It would be a job to separate them, but I am sure that some accommodation can be arrived at.

Recommendation 9 relates to employing family members. It is good to have that issue clarified. Given the abuse that was heaped on the heads of some of us for employing family members during this mandate, it is a wee bit ironic, but absolutely right, that we are now establishing a situation whereby it is perfectly in order to employ one family member.

Recommendation 11 relates to lease agreements. I presume that it does not mean that a lease agreement that covers the period before and after the election or the determination can be interfered with and that it will just apply to new leases. I am sure that a rental valuation now would produce a lower rent than one that was established three years ago. However, I am making an assumption there.

Finally, recommendation 13 relates to rental of a property with a connected party. That is useful clarification. When I joined the Assembly, I asked the Assembly's finance people whether it was in order to rent a property that I owned or a family member owned, and I was told that it was in order but I should not do it. That was sage advice, and I did not do it. However, that will now be set in stone in recommendation 13.

We welcome the report and the recommendations. Only a brave man would not welcome them in this context.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. Like Trevor, I am not a member of the Commission, but I, too, will speak on the report. I will be very brief. I am a member of the Committee on Standards and Privileges, which looks at other parts of the report.

Sinn Féin welcomes the Assembly Commission's report on the financial support and pensions for MLAs. On behalf of the party, I thank the Commission and the secretariat for this important work. We have made submissions to the SSRB and to the review of the financial services handbook. We are committed to

transparency and accountability in all aspects of financial matters relating to MLAs and political parties. In fact, I was one of the party representatives who met Sir Christopher Kelly last week on similar matters.

Sinn Féin is one of the first parties, if not the first, to publish our accounts annually, and I would welcome other parties also doing that. We successfully opposed the system by which MLAs could set and vote for their own salaries. I welcome the other parties that are coming round to the position that our party had taken and led the way on.

We support the adoption of the 10 principles, as we hope that they will deal with potential breaches and misuse of expenses. We hope that that has become a thing of the past, because we have seen too much of it in other places. We also support the establishment of an independent panel to deal with pay, pensions and financial matters for MLAs. Finally, we support the 15 recommendations in the report.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. I am mindful of the time. I thank all the Members who contributed to the debate. The Assembly Commission has made recommendations in the report that will put in place the necessary governance, accountability and transparency measures to ensure public confidence in the financial services support systems in the Assembly.

I am pleased that Members have again confirmed their agreement to the establishment of an independent financial review panel, which, when established, will determine all issues relating to Members' pay, pensions and financial support. I will seek to address the issues that were raised during the debate, and, if Members feel that I have not covered them all, I am more than happy to write to them.

Mr Weir, who is a member of the Commission, summed it up very well when he talked about putting our house in order. That phrase has carried us through all this business. He talked about support for the principles and ironing out any flaws in the system.

Rev Bob Coulter spoke of his length of time on the Commission. It has been a lengthy period and time well served. He paid tribute to the Commission and the secretariat, and he reminded the media — I support him in this — that MLAs turned down an increase of

up to £10,000. That should be well and truly noted. He committed himself to the principles of transparency and accountability.

Mr Pat Ramsey said that it is the Commission's third attempt to get the report through the Assembly. He, too, supports those principles, particularly the Nolan principles, which he highlighted. He focused particularly on new arrangements for the independent evaluation of constituency offices and the fact that those offices must be to the highest standards.

Mr Trevor Lunn stood in for Mr Sean Neeson. I hope that Sean is recovering from his illness. Mr Lunn spoke of transparency, accountability and openness. He queried certain arrangements. As he is not a Commission member, I understand why he is not fully familiar with the details. I propose to respond to his detailed queries in writing.

Paul Maskey said that he welcomed the report on behalf of Sinn Féin. I am glad that he said that. There would have been some difficulty had he said something else. He committed himself to transparency and accountability, as other Members have done. He supports the report in its entirety.

I am mindful of the time. The Assembly Commission is confident that the report's recommendations will enhance existing governance arrangements and will ensure that robust systems are in place for Members to carry out their duties as public representatives effectively. I commend the report to the House.

Question put and agreed to.

Resolved:

That this Assembly approves the Assembly Commission's report on the financial support and pensions for Members of the Northern Ireland Assembly (December 2010); and makes the Northern Ireland Assembly (Members' Expenditure) Determination 2010.

Mr Deputy Speaker: As Question Time begins at 2.30 pm, I ask Members to take their ease for a few minutes.

2.30 pm

Oral Answers to Questions

Enterprise, Trade and Investment

Northern Ireland Electricity: Network

1. **Sir Reg Empey** asked the Minister of Enterprise, Trade and Investment for her assessment of the potential sale of the Northern Ireland Electricity grid to the Electricity Supply Board. (AQO 719/11)

The Minister of Enterprise, Trade and Investment (Mrs Foster): The potential sale is a commercial matter between Arcapita, the Bahrain-based private equity owner of Northern Ireland Electricity plc (NIE), and the Electricity Supply Board (ESB) in the Republic of Ireland. The transaction has been the subject of scrutiny by the UK Office of Fair Trading and the Irish Competition Commission, both of which have concluded that there are no impediments to the transaction completing. Completion of the sale is well advanced and is expected to conclude early in the new year, with financing for the transaction having been secured by ESB.

I have received assurances from the Irish energy Minister, as well as from the chairman and chief executive of ESB, on matters relating to the long-term operation of NIE and the investment in the Northern Ireland grid that will be required over the next 10 to 15 years.

Sir Reg Empey: The Minister will be aware of the considerable concern in Northern Ireland at the proposed takeover of our electricity grid by an Irish state body, especially given the difficult financial climate in the Republic. She will also be aware that the First Minister and I wrote to the Irish Prime Minister about the issue in the summer of this year. Leaving the commercial aspects aside, will the Minister tell the House whether she is for or against the takeover?

The Minister of Enterprise, Trade and Investment: It is interesting to hear the language that the Member uses. He asks whether I am “for” or “against” the takeover, but, on 17 August 2000, when he was Minister of Enterprise, Trade and Investment, he was happy to endorse ESB’s

involvement in Coolkeeragh. It is interesting to see how things change in relation to the matter.

The House is very much aware of the fact that I have grave concerns about the issue. It is because of my concerns that I have been proactive in dealing with them. Unlike the Ulster Unionist Party, which whips up concerns, I try to address them. Therefore, I have received assurances from the Irish energy Minister and from the chairman and chief executive of ESB on a number of matters, including, most importantly, the protection of jobs and pension arrangements in NIE. I have also received assurances that adequate funding, which is a key element, will be provided to ensure the long-term strategic development of the Northern Ireland electricity grid; that there will be effective governance measures to prevent interference in the operation of the respective companies by the Irish Government; and that there will be Northern Ireland representation on the board of NIE and ESB.

It is disappointing when a former Minister of Enterprise, Trade and Investment makes such allegations as to whether I am for or against the takeover. He will well know that I have no control over this commercial transaction. In fact, it was the Tory party that privatised NIE many years ago. If it had not done so, we would have had some control over the transaction. The Member would be better advised to ask his franchisee about the matter.

Mr A Maginness: Leaving aside the spat between the Ulster Unionists and the DUP, I thank the Minister for her answer. The deal should be welcomed, not least because ESB brings with it the intention to invest £1 billion in the grid system in Northern Ireland. That will be of enormous benefit to us all, in particular in the development of renewable energy.

Mr Deputy Speaker: Will the Member come to his question?

Mr A Maginness: Does the Minister agree that that is of benefit to the whole of Northern Ireland?

The Minister of Enterprise, Trade and Investment: It was precisely in relation to those matters that I met with ESB to make sure that it was going to invest in the grid, particularly with respect to the renewable elements. As I have indicated, ESB has been involved in the energy market here for some time. Its first entry was its involvement in the Coolkeeragh power station. I have sought

the leave of the chief executive of ESB to place his letter of assurance in the Library so that all Members can read it. It is a lengthy letter, and it sets out what he intends to do in relation to NIE's further work plan. It is a comprehensive and detailed letter. I hope that Members take the time to look at the letter, because it is significant.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. To save those intra-unionist spats, and given the potential of Ireland to generate wind, tidal and wave power, plus the development of the single market, does the Minister agree that the best approach would be a well-integrated, all-island energy policy?

The Minister of Enterprise, Trade and Investment:

No, I do not. As I have already said in the House today, we will set our own agenda on energy as part of the United Kingdom. As I also said today, the market for electricity and energy as a whole is not just in relation to this island, or even to the British Isles. It is much wider than that. It is a European issue now, and that is well recognised by the European Commission. If we want to secure our energy supply well into the future, interconnection between this island and GB, and between GB and mainland Europe — all those interconnectivities — needs to take place, and I will be pushing for that.

Broadband: Rural Areas

2. **Mr Craig** asked the Minister of Enterprise, Trade and Investment what action her Department is taking to improve broadband access for business and residential customers in rural areas. (AQO 720/11)

The Minister of Enterprise, Trade and

Investment: I am taking forward a number of initiatives aimed at improving broadband access for business and residential consumers located in rural areas. These include the £48 million next-generation broadband project, which is rolling out the highest level of fibre-to-the-cabinet technology in the United Kingdom; the £1.9 million Northern Ireland broadband fund, which has seen significant roll-out of fixed-wireless broadband services; and the £1.2 million remote broadband services contract, through which satellite broadband services have been made available region-wide.

Mr Craig: I thank the Minister for outlining those issues. Will she outline in some more detail what will be done in the Lagan valley area,

particularly in the Hillsborough exchange, where there are some major issues with broadband?

The Minister of Enterprise, Trade and Investment:

I am delighted to announce the outcome of the fifth call under the Northern Ireland broadband fund. One application has been successful and will see BT deploying fibre-to-the cabinet technology to an additional 23 cabinets in rural areas of Northern Ireland, five of which are located in the Hillsborough telephone exchange area. I hope that the Member will be a little bit more content on that matter. It is something that he has constantly lobbied me on, and I am delighted to see that we can add another 23 cabinets in rural areas of Northern Ireland to the broadband upgrade.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her earlier response. Like the previous Member, I ask the Minister to outline how people in West Tyrone, in places such as Plumbridge, Greencastle, Donemana and elsewhere will benefit from whatever funding is due.

The Minister of Enterprise, Trade and Investment:

The Member will know — we are to have a meeting in the near future on the specific issues that she has raised in relation to broadband — that £505,000 of support has been offered to two communications providers to deliver commercial wireless broadband services in counties Londonderry, Tyrone and Fermanagh, and, most recently, to the north Antrim coast. Some £48,000 of support has been offered to H2O Ireland Ltd, which is using waste-water disposal infrastructure to develop an optical fibre network in Enniskillen town centre. I know, because I have been there.

A fifth call for projects, which I have just mentioned, has prioritised 18 areas across Northern Ireland, and the successful project will see the deployment of fibre-to-the-cabinet technology. There will be an additional 23 cabinets in Lagan Valley, and cabinets will also be placed in Armagh, Down and Tyrone. I do not have the specifics of the issue that the Member raised, but I am happy to allow her to see the 23 areas that we are talking about.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer. I note that she referred to areas of County Tyrone where there is likely to be additional investment. Obviously I do not expect her to have the detail with her today,

but I ask her to specifically look at the areas around Moortown, Ardboe and Brackagh, which have suffered from a lengthy period of poor broadband availability, which is inhibiting access by ordinary consumers and inhibiting the growth of business in those areas.

The Minister of Enterprise, Trade and Investment:

I will get back to the Member in relation to those three areas. The contract that we signed with BT to deliver faster broadband speeds was carried out in conjunction with some money from the Department of Agriculture and Rural Development to specifically target rural businesses, and I was very pleased that that was the case. For rural areas, the contract with BT stipulates that businesses are going to be able to access broadband services of at least two megabytes per second. In reality, more than 25% of rural businesses are expected to have over five megabytes per second, or better. As I said, I will get back to the Member about his particular interest in those three areas.

China: Trade and Investment

3. **Mr Bell** asked the Minister of Enterprise, Trade and Investment for her assessment of the developing trade and investment opportunities between Northern Ireland and China. (AQO 721/11)

10. **Mr I McCrea** asked the Minister of Enterprise, Trade and Investment for an update on the recent trade mission to Shanghai and Hong Kong. (AQO 728/11)

The Minister of Enterprise, Trade and Investment: With your permission, Mr Deputy Speaker, I will answer questions 3 and 10 together.

Last week, I led a delegation of 25 companies to China and Hong Kong, and early indications from the participants suggest that new business orders will follow from what was a successful trade mission. I also used the mission to showcase the international competitiveness of Northern Ireland companies and their ability to compete in the high-growth Chinese marketplace.

I was pleased to visit the offices of Andor Technology, which is establishing a strong presence in Shanghai. The mission also helped to highlight the activities of the Invest Northern Ireland Shanghai office, which was established some years ago to exploit trade and investment opportunities there. Invest NI is aware of opportunities that can come from China and,

through its Shanghai office, will monitor the opportunities for foreign direct investment (FDI) and ensure that it takes advantage of the opportunities that arise. My visit programme included discussion with trade and tourism bodies, including representatives from the British Embassy and Tourism Ireland.

Mr Bell: I thank the Minister for the work that she has done to attract investment from China to Northern Ireland. How does she assess the ability of Northern Ireland businesses to maximise the potential job opportunities that can flow?

The Minister of Enterprise, Trade and Investment:

China is one of the so-called BRIC countries — Brazil, Russia, India and China — that we have heard so much about recently from the Chancellor of the Exchequer. They are growing at a rate that means that we cannot ignore those markets. When I was in Hong Kong, I was told that it had experienced 6.5% growth this year. China has experienced 8% growth. The sheer size of those economies means that we have to take them seriously. There is no doubt that the size of and distance to China make it a daunting and challenging prospect for many of our smaller businesses, but I hope that our presence in Shanghai, together with a proactive team in Belfast, will allow them to look for those global markets. We need to work with those markets that are growing so that we can experience growth, and I hope that some of the smaller companies will take up that challenge.

Mr K Robinson: I thank the Minister for widening the scope beyond China to the BRIC countries. It saves me from having to introduce it by some nefarious means. Will the Minister give the House some details of the successes that Northern Ireland has had in trade missions over the past three years, let us say, with those BRIC countries?

The Minister of Enterprise, Trade and Investment:

The Member knows that, last September, I was on a particularly important trade mission to India. Out of that, foreign direct investment came from India to Northern Ireland within a short period of time. We have sent trade missions to Russia, but not as proactively as to India and China. Brazil is the market that we have been least active in, and it is one that we need to look at. Brazil provides us with Marfrig, which now owns Moy Park and O'Kane's. It is one of our biggest foreign direct investors.

In relation to China, F G Wilson (Engineering) Limited is Northern Ireland's most successful exporter, with sales of its generator sets. Others have gone there, too. Radox is quite successful there, as is B/E Aerospace with its aircraft seats, Andor Technology, of course, and Wrightbus. If you are in Hong Kong, it is likely that you will be riding along on a Wrightbus from Ballymena. It is tremendous to be in Hong Kong and to see the W come towards you. It gave me a great sense of pride to see those new buses arrive in Kowloon and to know that they will be used in Hong Kong. Wrightbus is to be commended. When it was in difficult times, it went out and looked for new markets. Now it has gained new export markets in places that it would probably not have thought of before. I commend Wrightbus for its work.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that the development of the renewable energy sector, both in manufacturing and infrastructure, is vital to developing trade and exports to other countries?

2.45 pm

The Minister of Enterprise, Trade and Investment:

Yes. Last month, Invest Northern Ireland assisted with an inward investment visit by the XEMC Wind Power Corporation, which is a wholly owned subsidiary of the XEMC Group. It is 38% state owned and manufactures in the Hunan province in China. The company is coming out into the world and is looking for places in which to invest, which applies to Chinese companies across the piece. That has been seen most recently in the purchase of EDF Energy, a power company in GB, which means that the Chinese Government have a say in the power infrastructure of GB. One wonders what the Ulster Unionists would have to say about that.

It is an indication that China is coming out into the world and is looking for places in which to invest. I think that we can attract Chinese investment in renewable energy. Chinese investors are also interested in other infrastructural investments, and we are keen to talk to them.

Ms Lo: I welcome the Minister's recent visit to China. Wrightbus has operated there for a long time, perhaps 20 years. Every year, I hear about our companies making two trips to China, but follow-up work is needed with China. We need

to build up that relationship and friendship. The odd visit is not really worth that much.

Mr Deputy Speaker: Question.

Ms Lo: Will the Minister explain what kind of follow-up work our offices in Shanghai and Hong Kong normally do?

The Minister of Enterprise, Trade and Investment:

As I said, we have an office in Shanghai. On the visit, I was accompanied by the chief executive of Invest Northern Ireland, and one reason for the visit was to assess what more we needed to do in the Far East. Should we have an office in Hong Kong, for example? I think that we should, because Hong Kong, as the Member knows, is the gateway into and out of China. If our companies were there, it would give them a good stepping stone into the Chinese market, which is absolutely huge. Hong Kong is a free trade area with China, so that is a strong proposition for some of our companies. The visit was partly a trade mission, and we were looking for foreign direct investment. However, we were also assessing what more we could do. The Member's question is apt, because we need to do more in the Far East.

2012 Olympics: Training

4. **Mr Lunn** asked the Minister of Enterprise, Trade and Investment, in light of the tourism potential of the 2012 Olympics, for her assessment of the remarks by the chief executive of Sport NI on the failure to date to attract teams to train in Northern Ireland. (AQO 722/11)

The Minister of Enterprise, Trade and Investment:

I concur with the remarks made by my colleague the Minister of Culture, Arts and Leisure. It is regrettable that the chief executive of Sport NI chose this particular time to air what is obviously a personal viewpoint. Given the global exposure afforded to the Olympic Games, it is our intention to use the event as a lever to generate additional overseas visitors to Northern Ireland. We will also utilise contact with non-accredited press during the games and use the opportunities to showcase Northern Ireland throughout the torch relay.

Mr Lunn: The Minister has pre-empted my supplementary question. Does she agree that, given the enormous number of people who will attend the Olympic Games and the large proportion who will claim Ulster connections,

any negative comment by people in the public eye or in authority should be avoided?

The Minister of Enterprise, Trade and Investment:

I am tempted to say that we should leave it to the press and media to make negative comments, because that seems to be what they are best at. However, it is unlikely that the world's largest event will be so close to Northern Ireland again during our lifetimes, so the opportunities to build on that are unprecedented.

We have been working with the tour operators who are responsible for co-ordinating the travel arrangements for athletes participating in the games to ensure that we are included in the pre- and post-Olympics packages. If people will be travelling from afar, from places such as Australia or New Zealand, they may want to add something on to their visit. We are arranging pre- and post-Olympics familiarisation visits for key media contacts attending the games, and we are also targeting displaced Londoners who may wish to escape the whole Olympics experience. We are trying to tell them to come to Northern Ireland because we have great value offers and packages linked to other events. We are trying to present ourselves as a destination in which to relax and rejuvenate. Therefore, we are being proactive. The year 2012 is hugely important for Northern Ireland for many reasons, not least the London Olympics.

Mr Campbell: The Minister referred to using leverage around the 2012 Olympics. While trying to ensure that visitors come to Northern Ireland from London, will she ensure that considerable mention is made of the fantastic achievement of the rowers from the north coast? Will she further ensure that, to use a pun, some considerable leverage is deployed to get people who are interested in that sport to come to the north coast?

The Minister of Enterprise, Trade and

Investment: There has been a lot of talk about golf recently, and rightly so. We have had tremendous successes, most recently by Graeme — I will not say his second name because, if he is here, Mr McClarty will correct me again.

Mr McDevitt: McDow-ell.

The Minister of Enterprise, Trade and Investment: McDow-ell. I much —

Mr Campbell: G-Mac.

The Minister of Enterprise, Trade and Investment:

G-Mac, yes, I will call him G-Mac. That is much safer in the House.

It is the Department of Culture, Arts and Leisure's (DCAL) remit rather than mine, but the rowers have been tremendously successful over the years and, sometimes, their achievements have not been recognised. We are working closely with DCAL in the pre-games training camp group and we are pushing in all the areas in which we have been successful, and I hope that we have some success.

Mr Burns: Will the Minister detail her Department's input with tourism bodies to attract international teams that may, prospectively, use Northern Ireland as a base?

The Minister of Enterprise, Trade and Investment:

As I indicated, DCAL is working with us in the pre-games training camps. Obviously, the Department of Culture, Arts and Leisure takes the lead in that matter. The Northern Ireland Tourist Board represents my Department's interests and it is committed to supporting the work of that group. We fully support the games strategy, a point that is illustrated through the agency's representation on a number of groups and the delivery of key tourism projects for 2012. We have a great product to offer in 2012, right across the spectrum from the Titanic Quarter to the Giant's Causeway. Therefore, it is important that we sell that product through the Northern Ireland Tourist Board or Tourism Ireland.

Research and Development

5. **Lord Browne** asked the Minister of Enterprise, Trade and Investment for her assessment of the research and development statistics recently published by her Department. (AQO 723/11)

The Minister of Enterprise, Trade and Investment:

The exploitation of research and development to grow the economy is highlighted in the Programme for Government. Therefore, I welcome the encouraging results of the 2009 survey. Total business expenditure on R&D has increased by 76%, which is a positive indicator of how our companies are investing for the future. The 36% increase among our indigenous small and medium-sized enterprises is, perhaps, most noticeable. Much of that has been delivered through enhanced collaboration between firms and universities. Such collaboration will remain a key driver in our forthcoming economic strategy.

Lord Browne: I thank the Minister for her answer. I welcome the fact that that was the highest research and development expenditure on record in Northern Ireland. However, will the Minister give details of Belfast companies that have benefited from research and development, which, it has been proven, is critically associated with success?

The Minister of Enterprise, Trade and Investment: Of course, Bombardier, in the Member's constituency, is the biggest driver of innovation and research and development. The CSeries aircraft's composite wing, which is made using a resin transfer infusion process, was developed in Belfast with R&D support from my Department. The benefits of that process are significant for the aerospace industry. Progress in making such advanced materials will also help other industries such as Wrightbus.

The CSeries wing programme will result in £520 million of investment in Northern Ireland. As the House knows, that is the largest ever single outside investment in Northern Ireland, and it will greatly develop, to a completely new level, the capability and skills at Queen's Island and generate more than 800 jobs during the peak production years. Another company called APT Licensing was recently acquired by CSR plc, and that will further strengthen our region's research expertise and skills base.

That was a spin-out company from the university. So, again, we are seeing innovation and research and development leading the way. There is much more to be done, particularly in accessing European funds under the seventh framework (FP7), and the new eighth framework (FP8) when it comes.

Mr McDevitt: I join the Minister in acknowledging the significant progress that we are making in developing an innovation culture here in the region. Does she agree that now is absolutely not the time to cut back research or university education funding and that this is the time to redouble our investment in those areas?

The Minister of Enterprise, Trade and Investment: I am happy to agree with the Member that one key element in increasing our research and development and innovation has been the work between the industry and the universities. We have only two universities in Northern Ireland, as I said earlier, in relation to the European moneys that we hope to access. However, having only two to work with gives us the chance

to be even more proactive. I believe absolutely that both are world-class universities. We cannot allow funding difficulties to dumb them down because it is so important for us to have them driving forward research and development and innovation so that we have further spin-out companies, which we so need.

Mr Kinahan: I thank the Minister for her answers. She partially covered what I was going to say and mainly did so without petty point-scoring. In connection with the development of the Northern Ireland economic strategy, does the Minister plan to further stimulate innovation, research and development and other areas of growth, apart from the universities?

The Minister of Enterprise, Trade and Investment: If the Member had have been in the House earlier, he would have heard me talk about the plans for innovation in relation to the FP7 money and the fact that Invest Northern Ireland has appointed someone in Brussels to liaise with the European Commission to make sure that we get the maximum amount of money out of FP7 and to try and focus FP8 so that smaller businesses here in Northern Ireland can take advantage of those. I know that, for small businesses, it is a daunting prospect to look to European funds because of all the bureaucracy. We made those points very clearly to Máire Geoghegan-Quinn, the European Commissioner, when she visited us in November, and I hope that she will take those messages to Brussels.

Government Assets

6. **Mr F McCann** asked the Minister of Enterprise, Trade and Investment to outline any discussions her Department has had with the Minister of Finance and Personnel about transferring assets to the community and voluntary sector to assist with the development of the social economy. (AQO 724/11)

The Minister of Enterprise, Trade and Investment: My Department has had no discussions with the Department of Finance and Personnel (DFP) about transferring assets to the community and voluntary sector to assist with the development of the social economy. DETI officials have met officials from the DFP to consider wider social economy issues in relation to capacity building in the sector. Both Departments are also represented on a number of stakeholder groups that provide for a two-way exchange of views

on matters that relate to the social economy sector.

Mr F McCann: I thank the Minister for her response. Will she confirm her commitment to the social economy as a key priority for her Department? Will she assure the House that the social economy will be protected in the Budget?

The Minister of Enterprise, Trade and

Investment: I hope that, by now, the Member knows how much emphasis I place on the social economy. It can be seen in how supportive I have been of Invest NI's social entrepreneurship programme and the fact that we have published a social economy strategy. I have visited Sector Matters in NICVA (Northern Ireland Council for Voluntary Action) to see the excellent work that it carries out on behalf of the whole social economy sector. I was in Glengall Street and visited the fair that it held there. At every opportunity, I promote the social economy because it can do things for Government perhaps even better than Government can.

Mr McCallister: I am grateful to the Minister for her reply. What more can she do to encourage the social economy partners, particularly to help economic growth at this very difficult time?

The Minister of Enterprise, Trade and

Investment: As I said to the previous Member, I have been very proactive about the social economy sector, because it can provide services for the communities in a way in which Government would not be able to provide them. It is very much of the local community, and it understands what goes on at local community level in a way in which perhaps Government does not. It can provide services; indeed, social economy organisations carry out very inspiring work, as they provide jobs for young people who would not otherwise have a job.

We need to support the social economy ever more, and I will not be found wanting when it comes to that economy.

3.00 pm

Regional Development

Mr Deputy Speaker: Question 13 has been withdrawn.

Gritting: Roads and Footpaths

1. **Sir Reg Empey** asked the Minister for Regional Development who is responsible for gritting and clearing snow on public footpaths. (AQO 734/11)

9. **Mrs D Kelly** asked the Minister for Regional Development what steps his Department is taking, in conjunction with local councils, to ensure that all key roads and pavements are gritted during particularly cold spells of weather. (AQO 742/11)

15. **Mr Gardiner** asked the Minister for Regional Development how his Department works in conjunction with local councils to grit and clear snow on public footpaths. (AQO 748/11)

The Minister for Regional Development

(Mr Murphy): A LeasCheann Comhairle, with your permission, I will reply to questions 1, 9 and 15 together, because they all concern gritting and the clearing of snow from public footpaths.

During the most recent review of Roads Service's winter service policy, which was fully debated and accepted by the Assembly, it was recognised that the cost of salting all footways would be prohibitive and that the basic logistics of introducing such a service, which is largely a manual task, made it impractical. In the same review, it was proposed that in periods of prolonged lying snow, the Department for Regional Development would seek to enlist the help of other agencies, such as district councils, to assist in clearing busy town centre footways and pedestrian areas. In consultation with NILGA, Roads Service drew up a draft legal agreement to try to facilitate that process. However, at that time, only a small number of councils signed up to the agreement.

After last year's spell of wintry weather, I asked the chief executive of Roads Service to revisit the issue. Since that time, Roads Service has provided NILGA with further clarity on an amended model. The main change is that the indemnity offered to councils in the original agreement can now be extended to a private sector organisation acting as the council's subcontractor or agent. I recently met NILGA representatives to discuss and clarify a number of issues about that agreement, and I am hopeful that councils will now be in a position to sign up to that voluntary partnering agreement.

Roads Service has confirmed that it continues to provide 3,500 salt boxes and 39,000 grit piles at strategic locations, which can be used by the general public on a self-help basis to help prevent the formation of snow and ice on pavements and roads. With regard to ensuring that all key roads are gritted during particularly cold spells of weather, Roads Service has no statutory obligation to salt roads. However, it earmarks funds to provide a salting service with the aim of helping main-road traffic to move safely and freely in wintry conditions.

Sir Reg Empey: I thank the Minister for his reply. He will be well aware of the deep frustration and, indeed, anger throughout the community about the recent chaos during the cold weather, the number of people who have been injured and the number of businesses that have been damaged. What steps will the Minister take to resolve the liability and insurance issue whereby those who actually do help themselves by gritting areas adjacent to their property are subject to liability? If that could be resolved, at least one problem would be solved.

The Minister for Regional Development: That question arose during my recent meeting with NILGA. In the original proposition, to which Belfast City Council and Ballymena Borough Council signed up, the issue of indemnity for councils that carry out that work was resolved. However, a further issue arose when I asked that the negotiations around indemnity for third parties who may carry out such work on behalf of councils be restarted following another cold spell earlier this year. When I met NILGA the other week to provide it with further clarity, the issue of blanket cover for all people involved arose.

I am quite happy to see whether some kind of statement can be made. The statement from the Attorney General in the South was given as an example. However, Roads Service has been distributing grit boxes throughout housing estates for many years, and people have been going out on a self-help basis to clear the areas around their homes and those of their neighbours without any indemnity issues. I cannot understand why people would think that what does not apply on housing estates would apply on shopping streets. I am quite happy to provide clarity, if people think that they need it. However, I do not believe that there is an issue. The issues around indemnity were resolved a long time ago.

Mr Gardiner: Does the Minister agree that it would be more convenient for the public if they were able to get grit boxes, sand and salt in various towns, rather than having to drive into the centre of Craigavon? Some people are doing a 5- or 6-mile round trip to the depot there to collect sand or salt. It is limited to the sand boxes, and boxes are no longer available for the public in the Craigavon area. Can the Minister further clarify —

Mr Deputy Speaker: One question only.

Mr Gardiner: Thank you.

The Minister for Regional Development:

Different local councils have different arrangements with their local Roads Service sectional offices, and they can make particular arrangements that suit them. I know that that has worked in other council areas. I advise the Member to talk to Craigavon Borough Council about what local arrangements it has with Roads Service in the Craigavon area. It is difficult for Roads Service when a lot of people turn up at its depots, because there is usually a lot of activity with gritting lorries coming in and out and salt barns being replenished. If members of the public or, indeed, some council officials, turn up in the middle of that work, a hazard can be created.

However, I have heard councillors from other areas express the view that they have come to satisfactory local arrangements with their local Roads Service depot. I think that there has been a willingness to do that. I advocate that the Member talk to Craigavon Borough Council about coming to a similar satisfactory arrangement.

Miss McIlveen: Is the Minister content for people in houses on unadopted roads to be at the mercy of developers to provide salt and grit? Furthermore, what will his Department do to assist those who find themselves in a situation in which the developer has been declared bankrupt?

The Minister for Regional Development: The Member will know that the issue of unadopted roads is one where the end of the property boom meant that construction contractors got into difficulties, particularly in recent times. Roads Service has the option of deploying the bond that it holds to finish the work that a contractor has left behind. It is reluctant to do that in the first instance, because, once a bond

is called in, the developer is effectively declared bankrupt. Therefore, if Roads Service were to take that as a first option, I am sure that many Members would come to me to ask that people be given some space and time. Those people may be able to remain solvent and get the work done, and they may be waiting for other contracts or payments to come in. The option to finish properly the job that contractors have left behind is not one that Roads Service would visit first, but it is open to it. In such cases, roads can be adopted, and the normal arrangements that apply to other estates will be in place.

Ms M Anderson: Go raibh míle maith agat. Is the Minister confident that a resolution will be found with local councils soon?

The Minister for Regional Development: I cannot see any reason why a resolution should not be found. As I said, two councils signed up to the agreement originally, and activities connected to that agreement came into place in about 2003. Up to seven councils have now made arrangements with Roads Service, be they formal or informal, to get the work done. I have heard people who have been interviewed over the past week or two say that they have been quite satisfied with their local arrangement with Roads Service. Members of the public in the towns and boroughs that those people serve are also quite satisfied with the service that has been provided. Therefore, if councils have questions about indemnity issues, I think that they should be resolved.

However, if the issue is one of resources, it is, of course, up to each council to decide how much clearing and salting it wants to do. As I said publicly when I was being interviewed, our chief executives told me that the conditions mean that manual staff cannot be deployed at this time of year but that they could be usefully deployed in salting and gritting footpaths. Therefore, I am hopeful that councils will sign up to the agreement. I think that it is the best arrangement. It is a voluntary arrangement; it cannot be imposed on people. However, if we are to keep footways safe for people to walk on, particularly in town centres and shopping areas, it is a good arrangement. Where councils have become involved in the arrangement, they have, by and large, been satisfied with the way that it has worked out.

Mrs D Kelly: This matter is quite serious, and, as we know, a Scottish Minister fell on his own

sword over it. Does the Minister now agree that there is a need for clear leadership and that, given the complex nature of the issue, it would be best if an interdepartmental task force were established?

The Minister for Regional Development: I am not sure why the Member wants to make a complex arrangement any more complex by establishing an interdepartmental task force. I am not sure how that would satisfy anything. The discussion has been quite clear. The Assembly debated the matter back in 2001 or 2002. Indeed, I think that the Member on the opposite Benches brought a proposal on winter services to the Assembly.

The Assembly debated and agreed that proposal, and it also agreed that, in circumstances such as snow lying on footpaths, it would seek to enter into voluntary arrangements with councils and other agencies so that the work in question could be carried out. An agreement was drawn up through NILGA, and discussions with councils were held. Two of those councils signed up to the agreement, which has been revisited. I took the lead earlier this year by asking Roads Service to go to NILGA again to see whether we could revisit the agreement and find out about and deal with the issues that councils felt were preventing them from becoming involved. Further indemnity issues arose, and we put in an amended proposal that dealt with those issues. On that basis, I think that another five or six councils have come on board, and I have been told that more are likely to do so.

As I said in response to the previous question, where councils have come on board, the arrangements seem to be satisfactory. I have not heard of any indemnity issues that have arisen with either Belfast City Council or Ballymena Borough Council, which have both been carrying out the service for a number of years.

I am not sure how the Member feels that the situation would be eased or made less complex by reversing things and setting up a cross-departmental task force to deal with the issue. The clear way to deal with it is to set up voluntary arrangements with local government organisations, and I am glad to say that that approach is proving to be successful.

NI Water

2. **Mr Dallat** asked the Minister for Regional Development when he intends to bring forward legislation on the role of the Utility Regulator and the Competition Commission in relation to water. (AQO 735/11)

5. **Mr P J Bradley** asked the Minister for Regional Development, in relation to his ministerial statement of 13 September 2010, to outline any proposals regarding NI Water that he has brought to the Executive. (AQO 738/11)

The Minister for Regional Development: With your permission, a LeasCheann Comhairle, I will reply to questions 2 and 5 together.

In my statement on 13 September, I advised the Assembly that I intend to put proposals to the Executive on both short- and long-term governance arrangements and structures for NI Water. I said that I would propose short-term legislative changes to stabilise existing governance arrangements before Christmas and that I would submit longer-term proposals on the status of NIW in the new year. Legislation resulting from the short-term proposals should be taken forward at the start of next year, and legislation resulting from the longer-term recommendations will need to be taken forward under the new Assembly. The short-term proposals are as outlined in my statement of 13 September. A paper on the longer-term proposals has been formulated, and I intend to circulate it among Executive colleagues prior to the Christmas recess.

Mr Dallat: Will the Minister assure the House that, despite internal or external advice that he might have received, he will continue to support the involvement of the Utility Regulator in NI Water, so that standards can be driven up and efficiencies achieved?

The Minister for Regional Development: Standards in the provision of clean drinking water and in the work carried out by NIW and its contractors are very high. The efficiencies targets that have been set for NIW are twice those set for other Departments and agencies. Although the broad efficiency target is 3%, the target set for NIW is 6%, which it is confident that it can achieve. The reality is that the Utility Regulator was brought in to regulate a self-financing, private-sector-type company. However, that is not the situation that emerged with NIW, because of the Executive's reluctance to follow

through on direct rule proposals, which, with the exception of the Alliance Party, all parties here were opposed to. Therefore, there is a need to look again at the Utility Regulator's powers, which came about as part of the contradictory process around NIW, as opposed to that which was envisaged under direct rule. Consequently, some changes will be required. Nevertheless, I am happy to talk to the Utility Regulator. I have already met its chairman, and my officials are dealing with the regulator's office. I am quite happy to talk about whatever proposals might be required.

Mr P J Bradley: The widespread view among those who note the happenings in the Assembly is that the Minister's statement on 13 September was little other than a Sinn Féin kite-flying exercise. Does the Minister concede that a positive consensus should be sought in the Executive, even in advance of the next elections?

The Minister for Regional Development: If the Member had listened to what I said at the time, he would know that that is clearly my intention. I said that I would bring forward proposals to Executive colleagues to get a consensus that would inform the mandate that comes in after the election. I am glad that he supports that, because, when I went in front of the Committee, his party colleague was less than enthusiastic about the idea of changing legislation relating to NIW's powers. However, it is not unusual for the SDLP to adopt one position in private and another in public.

Mr Leonard: The Minister indicated that he is considering long-term proposals. What are those long-term proposals?

The Minister for Regional Development: The current governance system is a hybrid of a regulated self-funding utility in law and a publicly funded non-departmental public body (NDPB) for financial purposes. As I said, that causes numerous inconsistencies and risks, which I want to address. Three options are being considered: the status quo; a statutory corporation; and an NDPB. Officials are carrying out an appraisal that will consider monetary and non-monetary costs and benefits, along with any wider impacts. That appraisal will inform decisions on the way forward. The future roles of key stakeholders will depend on which option is accepted.

Road Maintenance

3. **Mr Gallagher** asked the Minister for Regional Development whether road maintenance is currently a priority for his Department. (AQO 736/11)

The Minister for Regional Development:

Maintaining the surface and underlying structure of roads and footways is essential for the social and economic well-being of the North, and road maintenance continues to be one of my Department's highest priorities. In recognition of that, I confirm that the current structural maintenance allocation for 2010-11 is some £71 million. That level of expenditure has allowed my Department's Roads Service to give priority to the maintenance of the strategic road network, which carries the greatest volume of traffic. Other roads, including rural roads, have and will receive resurfacing treatments as far as the Budget allocation permits.

3.15 pm

Mr Gallagher: The Minister will know that his Department's timeline for repairing and resurfacing rural roads is once every 187 years. Will he give us a timeline for the repair of potholes, more of which will emerge after the freeze that we have had, from reporting to completion of work?

The Minister for Regional Development: The timeline is the same as that which existed before the freezing weather. There is an intention, which is accepted under law and is part of the reasonable defence case for damage to vehicles as a result of pot holes. All Members will know that not enough money is going into structural maintenance, nor has it been for a long time; the Snaith report, which was commissioned by my Department, provided further evidence of that. Roads Service bids every year for what it considers sufficient, and it gets an allocation that it has to manage as best it possibly can. I cannot see how any Member would be satisfied with the allocation; I am certainly not satisfied with it. However, it is up against the allocations that are awarded to all other Departments and to all other essential services and key requirements that Ministers argue for at all other times.

When Members make proposals to upgrade roads, spend money on cycle paths or increase threefold the provision of winter service, we have to balance the costs associated with such

proposals against the amount of money spent on a ton of salt as opposed to that spent on a ton of bitmac and decide which of those will have the longer-term effect on road structures. Those are hard choices to make, and I do not anticipate them getting any easier.

Mr Campbell: Will the Minister ensure that some priority will be given to unplanned maintenance? The past week's extreme weather conditions, which were mentioned by the Member for Fermanagh and South Tyrone, have resulted in road surfaces deteriorating, in some instances considerably, to a worse condition than they were in a month ago.

The Minister for Regional Development: We will certainly be bidding for that. We have allocated some £3.7 million across Roads Service's divisions to deal with unplanned maintenance, and we have bid for additional money in the December monitoring round to cover it. However, we enter into those processes with every other Department making equally compelling cases. I noted that one of the Member's colleagues said that we did not have enough money in the reserves to deal with this matter. The fact is that there is no money in the reserves. We have what we have, and we try to allocate it as best we possibly can.

When Members argue for money to be spent on certain Budget areas, they should realise that that money has to come from another Budget area. Parties argue for money for social housing, but that money has to come from other Departments and from money that might otherwise be spent on roads and resurfacing. It is a challenge, because road surfaces generally are deteriorating and the volume and weight of traffic are increasing. I have long argued in the Executive and in the Assembly that the roads network is the single biggest asset that is owned by the Executive, and sufficient money needs to be invested in it to maintain it.

Mr McCarthy: The Minister is a strong advocate for fairness and equality. He knows about the deplorable condition of the roads in the Strangford constituency and, in particular, on the Ards Peninsula. Will he do his best with his £71 million to ensure that a fairer and more equitable slice of that cake comes to the Strangford constituency?

The Minister for Regional Development: I have had this discussion with the Member on many occasions, and he never misses an opportunity.

The allocation is fair; it is based on a formula that Roads Service operates across all its divisions. I have visited the Strangford constituency with Mr McCarthy and other Members from the area, and I appreciate the difficulties that they face. I have visited many constituencies, and it is no pleasure to report that most are experiencing similar issues. We have attempted to allocate money as fairly as possible, but, ultimately, our limited resources mean that only a limited amount of work can be done.

Roads: Salt and Grit

4. **Mr T Clarke** asked the Minister for Regional Development whether there are enough salt and grit reserves remaining for the winter, given the recent and prolonged cold spell. (AQO 737/11)

The Minister for Regional Development: My Department's Roads Service has advised that, as part of its preseason preparation, salt barns, which are strategically placed in depots throughout the North, were filled to capacity.

The salt reserve of around 65,000 tonnes is more than enough to treat scheduled roads during a typical winter. That said, Roads Service has advised that approximately 40,000 tonnes of that reserve has been used in the two months so far this winter. The length of time that those reserves will last is dependent on the severity of the weather during the remainder of the winter period. However, Roads Service has advised that arrangements are in place to replenish the depleted salt stocks.

Mr T Clarke: I thank the Minister for his answer. The mild spell since the bad period that we had for a couple of weeks will provide ample time to replenish those grit piles. Will the Minister give any consideration to other roads whose residents could go to Roads Service and remove some of that salt where there has been a difficulty in the past?

The Minister for Regional Development: The current spell of weather allows an opportunity to replenish salt stocks, and that is happening. It happened last winter. Although the weather was not as severe early on last winter, there was a cold spell followed by a milder spell during which stock piles were filled up again. Roads Service had enough salt to get through last winter, and the Member will remember that, in the early part of this year, we had a very prolonged cold spell.

The Member asked about the replenishment of grit piles. There are, as I said, some 39,000 grit piles around rural roads. I know from my own experience that many of them will have been used up over the past couple of weeks, and Roads Service will get around to trying to replace those. However, I advise the Member to contact his local office if grit piles in specific areas need to be replenished.

Mr F McCann: If we find ourselves in the midst of another bout of severe weather, will the Department increase the frequency of road salting?

The Minister for Regional Development: During the recent spell of cold weather, approximately 300 departmental staff were out treating the roads almost 24/7. Given the reports from other places, including Scotland, other parts of Britain and the South, most people will agree that Roads Service did a good job of keeping the main networks open and of keeping traffic flowing. Those were very difficult times. We all experienced that last Monday evening when we tried to get home from here. The severity of such weather poses a major challenge to Roads Service personnel, but the intention is to keep that service going. As I say, Roads Service will spend this period replenishing stocks and placing grit piles and filling salt boxes wherever it can. The frequency with which staff go onto the roads is determined by the weather, the weather forecast and the conditions.

Mr K Robinson: I congratulate the roads staff who have been out in all weathers and in very difficult circumstances. They will never please everybody, but they have put up a very positive show this time round. What positive lessons has the Minister learned while addressing the recent cold snap, given that another one will perhaps follow towards the end of this week?

The Minister for Regional Development: I thank the Member for his remarks about Roads Service, whose people have almost seemed to act as another emergency service during the severe weather and have gone out in dangerous driving conditions to try to keep the networks open. Sometimes, I hear critical voices only. That is understandable if people are frustrated, trapped in their homes or have difficulty accessing work or school.

The Member asked what lessons have been learned. Different issues arise year-on-year. In previous years, rural schools had difficulties

remaining open, and we amended the winter service policy to ensure that rural schools could contact Roads Service and receive prompt gritting services. That seems to have had a positive effect on schools that have a history of difficulty. Earlier this year and during the recent cold spell, the issue of who is responsible for footpaths has arisen. We have been very proactive all year, not just in the past number of weeks. The engagement with NILGA started very early in the year, and draft agreements were put in place as far back as May. Different elements are thrown up year-on-year, and Roads Service will constantly re-evaluate the service that it provides, its engagement with others and how to get the best possible service to keep people moving during the winter.

Water: Rural Areas

6. **Mrs McGill** asked the Minister for Regional Development what progress has been made in relation to water mains connections in rural areas. (AQO 739/11)

The Minister for Regional Development: I have undertaken a review of the policy on the provision of financial assistance to properties that are not served by a water main. Following the review, I issued a consultation document on 1 November for a period of 14 weeks until 4 February 2011. The aim of the review was to consider ways in which the Department for Regional Development (DRD) could provide financial assistance to enable householders in areas where no water main is near their homes to get a mains extension or access some other wholesome water supply. The review considered the risks, costs and benefits of four options: maintaining the existing level of financial assistance; substantially increasing the level of financial assistance; providing a grant to NI Water to provide a mains connection to individual households or groups of properties; and introducing a grant for the construction of a private bore well.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his response, and I welcome the work that has been done thus far on the matter. There are still people in my area who do not have a mains water supply and who want it. What would it cost to provide a mains connection to residents in rural areas who want that and do not have it?

The Minister for Regional Development: I agree with the Member that it is deplorable that, in this day and age, so many properties are not connected to a mains water supply. That is why I undertook a survey to ascertain how many properties are in the position of wanting access to a mains water supply and to try to provide some costing for that. It depends on how many properties would take up any offer, on whether properties could be grouped together and on what the construction costs might be. Some estimates were in the region of £50 million, which would make it very challenging for the Executive to move forward with it. That is why we put out for consultation the option for grant-aided bore wells. We will receive feedback from the consultation in February, and that will allow the Executive to consider further the action that they can take.

Mr I McCrea: The Minister will be aware that there is now a thaw after the freeze in the country over the past number of weeks. Will he give an assurance that Northern Ireland Water will look sympathetically at the cases of people who live in rural areas, such as farmers, whose pipes may burst and who will lose water unknowingly? Will he ensure that those people do not receive large bills?

The Minister for Regional Development: Even last night, there were still hard frosts, but, when the cold period ended and the thaw started, NIW issued a press release advising people to check pipeworks to ensure that there are no burst pipes. The Member is correct that burst pipes are more than likely at this time. I will ask NIW to consider the issue of farmers, particularly in the cases of people who have rural and isolated water supplies to drinking troughs, and so on, in outlying farms. In the first instance, rather than getting into the question of who will deal with the problem, we should try to encourage people to check any water supplies to ensure that there are no bursts. In that way, if people find that there are bursts, we can stop the water supply and ensure that they are not metered for that and that they get the burst fixed as quickly as possible.

Mr Burns: Does the Minister agree that everyone has a basic right to a mains water supply? Does he believe that the current confusion over the stature and future of Northern Ireland Water is affecting the delivery of that service?

The Minister for Regional Development: I am not sure that having a mains water supply is a right. We may consider it to be a right, but whether it is enshrined in any legislation is another issue. I assure the Member that the issues in NIW have not had any impact on our carrying out our research into what is required. If the Executive were minded to cover the cost of connecting everyone to a mains water supply, I am sure that NIW could plan and deal with the provision of that.

inventive in dealing with roads, so I will seek for him to be inventive when it comes to allocating money in the December monitoring round.

Road Maintenance

7. **Rev Dr Robert Coulter** asked the Minister for Regional Development how much of the 2010-11 budget has been allocated for the structural maintenance of roads. (AQO 740/11)

The Minister for Regional Development: Roads Service has advised that the structural maintenance allocation for 2010-11 is approximately £71 million. However, that figure may change because of in-year adjustments and any end-of-year allocations that my Department receives.

Rev Dr Robert Coulter: I thank the Minister for his answer. Will he provide an update on the Department's recent capital bid for roads structural maintenance? Does he believe that the Executive are meeting his Department's needs?

The Minister for Regional Development: In response to an earlier question, I said that it is quite clear that the structural maintenance budget is not sufficient for what is required to provide proper structural maintenance for the roads, and I have advocated that for some time.

That has been the case for a long number of years. Roads Service bids for the full amount that it requires and is allocated resources. Quite often, throughout the year, that is topped up with money from monitoring rounds. However, given that Departments are spending much better than they were, the money coming back to Roads Service at the end of the year has been reduced.

Under the December monitoring round, we have made a bid for money for this year, but that will have to compete with all other bids. Given the particular problems that there have been on the roads, we will try to find adequate resources to do the best that we can. I noticed that the Finance Minister, in a statement he made locally, said that DRD needed to be more

3.30 pm

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

Committee Business

Hospice Services

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 the motion and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells): I beg to move

That this Assembly calls on the Minister of Health, Social Services and Public Safety to fund hospice services in line with the funding provided for such services by the Scottish Government.

Mr Deputy Speaker, they say that the Maze prison is a hard place to get out of, but I am finding it extremely hard to get out of this Building today. The reason for my concern is that I have a daughter getting married tomorrow, and I should not be here at all. However, I am standing here with several stone of guilt on my shoulders. As the rest of the family make preparations, I am standing here. I make those comments because it is normally expected that the proposer of a motion will remain in the Chamber throughout the debate. If I remain, there will be a wedding tomorrow, but there will also be a divorce. Therefore, on this occasion and this occasion only, I have to beg the indulgence of the House and hope that the Minister does not feel that I am slighting him. The situation is not of my making; I was expecting the debate to come up not at this time but before Question Time. I beg the indulgence of the House as I commit the mortal sin of leaving before the end of the debate. I hope that Members will understand.

This is a very important issue and one that resonates with all Members of the House. I move the motion on behalf of the entire Committee for Health, Social Services and Public Safety.

On Tuesday 30 November, the Committee met a range of stakeholders in the Long Gallery. Among

those groups were representatives from the Northern Ireland Children's Hospice. Those of us who met the group heard at first hand of the vital work that it carries out, often in the most distressing of circumstances. I am fortunate that Laura, my daughter who is getting married tomorrow, is in perfect health. However, I found it very distressing to hear from those who care for children with a shortened life expectancy or very severe conditions. We were all touched by what we heard in the Long Gallery.

We also heard directly from a parent and learned about the immense support that the Children's Hospice affords to children, their parents and carers and to its nurses. Therefore, at the outset, on behalf of the Committee, I pay tribute to the tremendous work done not only by the Children's Hospice but by all hospices in Northern Ireland. It is important that we name those: the adult hospice on the Somerton Road in Belfast; the Children's Hospice; Foyle Hospice in Londonderry; Southern Area Hospice Services, which is on my doorstep in Newry; and the Marie Curie Hospice in Belfast. The hospices do a remarkable job, and we, as public representatives, need to be seen to support what they do. Unfortunately, we all know someone whose life has been affected by cancer or other serious illness. We all also know of stories of how that burden has been eased for people through support from organisations such as the hospices.

From a personal point of view, although my late mother-in-law was not in a hospice but in Antrim Area Hospital when she died, I know that the care and attention to detail that was shown by the nurses during her passing made her death so much easier for the entire family to come to terms with. What we saw was a textbook way of dealing with a very difficult situation. It must have been difficult for the staff, too. However, it was, if I can put it this way, a good death, a death without pain that took place while she was surrounded by family and with tremendous support from clinicians and medical staff. Equally, I know from the many testimonies of those whose parents and loved ones died in hospices that excellent care is provided.

I want to provide some background information today, particularly on the work of the Northern Ireland Children's Hospice. It cares for children and young people with life-limiting and life-threatening conditions. It also supports their families and those who are close to them, and

it provides care across Northern Ireland. There are more than 750 life-limited children and young people living in Northern Ireland. Life-limiting conditions include muscular dystrophy, genetic disorders such as Batten's disease and life-threatening conditions such as cancer and heart disease. Those children have complex needs, often require 24-hour care, and many of them will die before they reach adulthood. The Northern Ireland Children's Hospice cares for 250 of those children, so one third of life-limited children here are cared for by one institution.

The Northern Ireland Children's Hospice provides respite and end-of-life care for those children, young people and their families at Horizon House and in their homes. Indeed, it is important to realise that the work of the Northern Ireland Children's Hospice does not end at the door of the building. It sends qualified nurses to care for children in their home, which often gives their family and full-time carers a well-deserved break. It is the only children's hospice in Northern Ireland, but it provides much-needed help and care. Children from birth to 18 years old are eligible for care there, and, as with all hospice services, there is no charge to the families. Last year, the Northern Ireland Children's Hospice provided help to the 250 families and cared for the extended families throughout the children's illnesses. Sadly, in many cases, it also had to provide care after the death of a child.

As many Members will know, the Children's Hospice is also known as Horizon House and is situated in Newtownabbey. The Committee for Health, Social Services and Public Safety visited Horizon House on 15 November 2007 and held its weekly meeting there. Committee members had a tour of the building and were shown all the purpose-built children's accommodation; the family rooms; art and music rooms; play areas, a multisensory room; and a hydrotherapy pool. It was a home-from-home environment, and all the Committee members were extremely impressed by the facilities.

It is important to emphasise that, despite what some have said recently, the Committee has not spent only 10 minutes on the important issue of hospices. The Committee visited the Northern Ireland Children's Hospice in 2007, and, under my chairmanship, it visited the Northern Ireland Hospice on the Somerton Road. As the Chairperson of the Committee, I met representatives of the two Belfast hospices for

one and a half hours, and the Committee met them during a Long Gallery event. Therefore, the Committee has devoted far more than 10 minutes to the issue, which is an indication of how seriously it takes it.

Hospice services are much wider than children's hospices. As I said, adults are looked after across the Province, and, around this time last year, the Committee held its meeting in the Northern Ireland Hospice on the Somerton Road. I have no doubt that other Members will have visited hospices located in their constituency and will have seen at first hand the work that goes on to support patients and their families daily. I have visited Southern Area Hospice Services in Newry, and I see that Mr Brady, a Member for Newry and Armagh who will also be aware of the services provided by that hospice, is in the Chamber today. I was extremely impressed by the level of care, the level of funding that was required to run the facility and the sheer dedication of the fund-raising team. However, I was quite shocked that that team was able to raise so much money in what are far from adequate premises.

Top-class facilities and care cost money, and, historically, the Northern Ireland Children's Hospice has had to find its own money through fund-raising and volunteering. The raising of money through donations year after year is no easy task, and it is testament to those who are involved directly with the Northern Ireland Children's Hospice and to the members of the public across the country who put their hand in their pocket that we have a children's hospice today. I read recently that hospices in Northern Ireland must raise £5.2 million between them each year to keep their doors open. That is a phenomenal amount of money that must be raised, and it equates to some £14,000 every day. It is an indication of the dedication of the staff and of the generosity of the people of Northern Ireland that they have been able to raise that money and keep the hospice movement going year on year.

Until 2008, the Northern Ireland Children's Hospice received no government funding. In August 2009, the Health Minister announced that he would provide a grant of £538,000 each year out of the children's services budget. However, that equates to only 18% of the running costs of the Children's Hospice, which leaves a massive £2.5 million to be secured from voluntary donations. I understand from

talking to the Children's Hospice team that it is getting harder and harder to raise that money, and we do not have to go far to understand why. We are in a recession and, no matter how generous the people of Northern Ireland are, it is becoming more and more difficult to raise essential funds.

A very significant amount of money has to be raised, and it is a lot more than the Children's Hospice's counterparts in the rest of the UK have to find. In other places, the statutory sector provides around 30% of the funding for children's hospice services. If the Children's Hospice in Northern Ireland was treated in the same way as other children's hospices in the rest of the UK, it would receive around £1 million from the state. Therefore, we have a shortfall of about £450,000.

The Minister is likely to say that we do not have the resources to fund hospices at a higher level. However, there are a few areas in which opportunities could be taken. Consultants' annual bonuses of up to £75,000 cost us nearly £11 million a year. We discovered recently that premiums of up to £3,000 a year are paid to skilled craftsmen. Those premiums were brought in at a time when it was difficult to find skilled craftsmen, but that is no longer a problem. Ceasing that payment would provide money.

Mr Deputy Speaker: I ask the Member draw his remarks to a close.

The Chairperson of the Committee for Health, Social Services and Public Safety: Equally, there are areas of governance in which money could be found to fund what many in this Building believe is a very deserving cause.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. Before I start, I take the opportunity to wish the Chairperson's daughter all the best for tomorrow. I hope that the Chairperson does not clear the room when he gets up to make his speech in the way that he sometimes clears the Chamber. He should not take it personally. Perhaps the key thing is that tomorrow's speech will not be prepared.

I apologise for having to leave to go to a Committee meeting in the Senate Chamber, but I will be back towards the end of the debate. I will return.

I am delighted that the motion has been proposed for debate. As the Chairperson said, the Health Committee, as a representative body, met the hospice movement a number of times. We have also met the hospice movement as individual MLAs. At the last event, I was privileged to be part of the delegation that met the Children's Hospice representatives, including the parent of a child who uses said services. It was humbling to be part of that and to listen to that parent speaking about what the hospice movement means to him, his wife, the rest of the family and, indeed, the child who uses it. That was a moving experience, because we are talking about end-of-life care for people in our communities.

When I raised the issue at the Health Committee, we had a bit of discussion about it. Everyone is well aware of the good work that the hospice movement does daily across the constituencies. We wanted to get the wording of the motion right, because we did not want it to be seen as a battle. We want to move the issue forward, and I am glad that we are discussing it just before the Christmas recess.

Last week, I had the pleasure of handing over hampers to the Children's Hospice. A family member donates hampers every year and wanted to give them to the Children's Hospice this year. That may not seem a big gesture, but the hospice was delighted because it can give the hampers to families or ballot them in its shops. It is another way for the Children's Hospice to generate money. This week, we will switch on a Christmas tree light in my office to try to raise money for the Children's Hospice. Every small bit of money that is raised makes a big difference.

Like the Chairperson, I take the opportunity to pay tribute not only to the patients and families but to the staff and volunteers of the hospice movement for the work that they do daily. They go above and beyond the call of duty and become involved in fund-raising and all sorts of activities to bring in much-needed resources for the hospice movement to make it easier for families.

3.45 pm

I was part of the delegation that went to the Children's Hospice about 18 months ago. Again, that was a very humbling experience. What struck me was that, although there are children there who are suffering from life-threatening illnesses, the Children's Hospice adopted a

holistic approach. We always talk about needing a holistic approach to various issues. I liked the fact that the Children's Hospice took on board the needs of siblings of patients and recognised that siblings who do not have life-threatening illnesses were part of the issue. Time was made for them, and it was ensured that siblings were brought along to anything that was arranged for patients. That was a step in the right direction and did not allow any other issue to come into play. If we can do anything to help the hospice movement, we need to look at doing so.

As the Chairperson said, there was no funding until 2008. The Minister, to his credit, stepped in and gave as much funding as he could at the time. In the current economic climate, it is harder to raise much-needed funds through charitable donations or sponsorship, and the Children's Hospice is crying out for help. I ask the Minister to look at the funding issue again. Let us bring some good news at this time of the year to the hospice movement. I mean no disrespect to the Minister, but let us show those who run the hospice movement that Scrooge is from a fairy story. Let us show them that Santa McGimpsey is listening to their concerns and to their Christmas wishes.

Mr Deputy Speaker: The Member should draw her remarks to a close.

Ms S Ramsey: Let us show that there is a miracle on the Stormont Mile and see what money is there for the hospice.

Mr McCallister: I concur with other Members who have spoken. I begin by paying tribute to all who are involved in the hospice movement, whether they raise funds, provide some of the care, volunteer on reception, give up their time or offer their talents in any way to help out.

Unfortunately, I, like many in the Assembly, have had direct experience of the work of the hospice movement. My father passed away in the Southern Area Hospice in Newry. The care that he received in his final few weeks was second to none and very different from that provided in a hospital setting. Hospitals are so busy, but hospices allow patients and their families to spend time together and provide care and individual attention at a very difficult time. That service meant a great deal to my family, as I am sure it has to many others in the House who have had similar experiences.

The hospice service, which provides palliative care that focuses on the individual and is so different from a hospital setting, is something that we have to strive to protect, because that is such a vulnerable time for families. As Ms Ramsey mentioned, where you have to deal with siblings, particularly in the Children's Hospice setting, keep the focus on them and provide support for the whole family, the holistic approach of the hospice has to be recognised. I, too, had the privilege of going to an event in the Long Gallery with representatives of the Children's Hospice.

I commend the Minister for doing as much as he has been able to do to provide funding for those vital services. As well as that, he has developed the Living Matters, Dying Matters strategy, which has identified palliative and end-of-life care as a continuum of care that can evolve as a person's condition progresses. The strategy provides a vision and direction for service planning and delivery for the next five years. Indeed, all 25 recommendations that emanated from the strategy have been incorporated into the Department's action plan. Importantly, the strategy also recognises that two thirds of people in Northern Ireland would benefit from palliative and end-of-life care prior to and during their last year.

Some positive things are happening in our health sector that we must cherish and build on. As people approach the end of their life, it is a difficult, stressful time for any family. We need to support them in whatever way we can, and that is why there is support for the motion.

We have to recognise Health Service resources, and that is why I am proud to have been involved in calling for health and social care to be protected in the Budget negotiations. I will continue to call for that, because that is when we can identify the issues that we want to prioritise. However, we can do that only if health and social care are properly funded.

Mr Gallagher: We are all aware of the difficulties for individuals and families who have to deal with sickness in the Christmas season. However, it is particularly difficult for families that have a member who needs end-of-life care in this season. I pay tribute to the hospice and palliative care teams that show such wonderful commitment and provide excellent care to patients not only at Christmas time but throughout the year everywhere in Northern

Ireland. The Chairperson of the Committee identified particular hospices.

That care extends beyond hospices. We do not have a hospice in Fermanagh, for example, at the western tip of Northern Ireland. However, wonderful palliative care teams are organised through the Northern Ireland Hospice. They go to people's homes and make sure that they are well cared for and as comfortable as possible. I pay tribute to them for their outstanding work.

The SDLP supports the motion and wants to see more funding made available for our hospices and for hospice care. The motion refers to the situation in Scotland. The Scottish Executive have an expectation that National Health Service boards fund 50% of the annual running costs of hospices. An audit in 2008 on palliative care services noted that there was significant variation across Scotland in the availability of specialist palliative care and how easily patients with complex needs could access that care. I hope that hospice care will be developed evenly in Northern Ireland, regardless of where people live. It is important that all patients across the North, particularly those in remote and rural areas, do not suffer a variation of provision, which seems to have been identified in that 2008 audit in Scotland.

The Minister needs to look at further funding under a structured format that will allow for better financial security for hospices here. My colleague Pat Ramsey asked earlier about hospice funding. The Minister answered that health and social service boards, acting as health commissioners, provided 50% of the funding per adult cared for in Northern Ireland. On the other hand, Northern Ireland Hospice claims that the funding that it receives equates to 40%. Therefore, that issue needs to be ironed out. The funding improvements that the Department has made are welcome, but, as the correspondence from the Department and the hospice states, there appears to be a gap, and it must be addressed.

In relation to children's care, the hospice in Belfast was mentioned. It does such good work at a difficult time for children, their parents and their wider family. In Fermanagh, a new children's hospice is due to open in 2011. There have already been very successful fund-raising initiatives there, and people have shown great commitment to it. Therefore, I hope that, when it opens, there will, as a result of today's debate, be signs of

more structured funding arrangements for all hospice care in Northern Ireland.

Dr Deeny: I am delighted to take part in this important debate. Before I forget, I want to say that I have had the privilege of visiting the Children's Hospice and the adult hospice as a member of the Health Committee. As was mentioned, palliative care is not just about providing buildings. As Tommy said, we have a wonderful palliative care team in our area, which is led by Dr Frances Robinson, who is a consultant colleague of mine, and a senior nurse, Emma King. They provide wonderful care to the patients whom we cannot cure.

The World Health Organization defines palliative care as:

"The active total care of patients whose disease is not responsive to curative treatment."

On the issue of cure and care, when I was making notes this morning, I thought that I would mention a lecture on medical ethics that I attended more than 30 years ago, just before I qualified as a doctor. The lecturer told us that, although we young doctors might be confident that we would cure everyone, unfortunately, certain diseases could not be cured. He said that, in those instances, we had to take the letter "u" out of the word "cure", replace it with an "a" and care for our patients. Those words have stuck with me to this day. I have had a lot of experience of dealing with people whom we cannot cure but for whom we can care. As a developed country in the twenty-first century, we owe it to terminally ill patients in Northern Ireland to provide them with the best health and social care that we can.

At the start of the year, the Minister was involved in the end-of-life strategy, 'Living Matters, Dying Matters'. He rightly stated:

"I am committed to ensuring that the people of Northern Ireland have access to high quality health and social care at all stages of their lives."

The important word in that statement is "all". That means that there should, for example, be patient and family choice. It has been mentioned already that patients often prefer to be looked after at home, in a hospice or in a care home that can provide the required standard and quality of palliative end-of-life care.

Recently, I had a concern about Marie Curie nursing in my area. A single parent, who was

younger than me, was terminally ill with a brain tumour. He had two children, and he could not return home from hospital because his Marie Curie care had been cut from five nights to two. I wrote to the chief executive of the Western Trust, and she reinstated that care. I commend her for that. However, the concern remains that Marie Curie nurses are being cut in the Western Trust. That is a concern because terminally ill patients need that type of support at home.

Each patient with end-of-life care needs should have a key worker. Every child and family should have an agreed transfer plan to adult services in both hospital and community services, with no loss of necessary services.

Access to specialist palliative care, advice and support should be available 24/7. The sad reality is that there is no palliative care strategy for children in Northern Ireland. That compares unfavourably with other countries. It cannot continue.

4.00 pm

It has been mentioned that public funding for the Children's Hospice covers only 18% of its costs. The funding should be 30%, which is the target throughout the UK. I believe that it is the case in England. Figures have been mentioned. I read that £3 million is needed. However, only £500,000 is provided. That means that just one sixth of the required funding is provided by government. As a result, the Children's Hospice is under threat. The number of beds has been reduced from eight to six. As I mentioned, home support has already decreased.

Sadly, our hospices, including the Children's Hospice, and palliative care have become dependent on charities, the voluntary sector and, indeed, donations. That is a worrying development in the grave financial situation that we now live in.

Mr Deputy Speaker: The Member must draw his remarks to a close.

Dr Deeny: I am coming to a close, Mr Deputy Speaker.

A policy framework and dedicated funding are needed. To raise the Department's contribution from 18% to 30% is a small increase, given the overall health budget. I support the motion.

Mr Easton: I support the motion as an MLA and a member of the Health Committee. I pay tribute

to all those who work as nurses and volunteers for the many charities that provide hospice care. Mr McCallister referred to his father receiving care; my grandmother also received care at the Marie Curie centre on the Knock Road. The nursing that she got there was fantastic. The building was extremely peaceful and spacious. Everybody was kind and the surroundings were beautiful. My grandmother wanted to pass away at home. She was fortunate enough to get her wish. She would not have got that wish had it not been possible for her to have been cared for at home by Marie Curie nurses. I want to pay tribute to them.

In my role as a member of the Health Committee, I have recently had the pleasure of meeting different hospice groups. The Committee has made several visits to discuss the funding crisis in recent times. It has also visited the Children's Hospice on a couple of occasions during the past several years. Those charities do a tremendous job to provide care to terminally ill adults and children and to offer support to their families and friends. I cannot say enough to express my gratitude to them for providing such great service, care and support.

More funding is required for hospices in Northern Ireland. They fill a gap in services that are not provided by the NHS. The NHS has come to rely on hospices as terminally ill patients are referred to them for care, which demonstrates how well they are thought of by the Health Service. Hospices rely on charity and donations from the general public. They receive some funding from the Health Minister, for which I want to thank him. The Northern Ireland Children's Hospice receives around £500,000 from the Health Service. Its management has suggested that it needs around £5 million to keep the hospice going.

In general, as money gets tight, people cannot afford to give as much to charity. In Northern Ireland, 82% of funding for hospices has to be raised daily from the general public, which equates to around £14,000 per day for the children's and adults' hospices. On the mainland, 30% of hospice funding comes from government, compared with 18% in Northern Ireland.

Given that the NHS relies on the hospices continuing their sterling work, I ask the Minister whether there is any possible way to find them some more funding. I understand that we are in a difficult climate. That is why I supported the

Minister's colleagues in the Health Committee over the budget. Hospices can provide excellent services if they receive adequate funding. Therefore, it makes sense to give them a little more money to help them out.

As far as the health budget is concerned, £5 million pounds is a drop in the ocean, but I believe that the children's and adults' hospices are worthwhile causes. I plead with the Minister to see what he can do to help with that funding.

Hospices, given their financial state, are having to curtail their services. That is disturbing and, ultimately, will affect those who are seriously ill. We need to act, and I ask the Health Minister to do so if he can. I call on him to back the motion and to help to find funding in this difficult financial period.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I, too, as a member of the Health Committee, support the motion. I do not think that any Member can underestimate the role that hospices play in society. As a person who has lost someone who was close to me to cancer, I cannot praise the services provided by the hospice highly enough.

Hospices provide a service that allows people to receive the degree of care and attention that they need in their final days and to die with dignity. In my constituency, the Southern Area Hospice, based at St John of God Hospital in Newry, provides a caring role for patients and their families. That is important, and it is so much appreciated by all who have come into contact with the hospice.

Palliative care should be recognised as including the time from the diagnosis of a life-limiting condition and it may continue to the offering of bereavement support to the family of a person who has died. It should be an integral part of the support available to everyone who needs it. For the most part, palliative care has been provided to cancer patients near the end of life, but it is now recognised that it should be offered for a wider range of serious illnesses and long-term conditions, such as dementia, chronic obstructive pulmonary disease and heart failure, which account for approximately 60% of deaths, and other life-threatening illnesses, which have been alluded to in relation to children.

There is a need to recognise situations in which a patient could benefit from palliative care. Education is required in relation to training and

good practice guidelines to support awareness of palliative care. The Executive's strategy, 'Living Matters, Dying Matters', sets out a vision for palliative and end-of-life care across all conditions and care settings. There needs to be an understanding of palliative and end-of-life care and best and appropriate care, supported by responsive and competent staff recognising and talking about what matters, and timely information on choice, co-ordinated care, support and continuity. The promotion of greater public and professional understanding of palliative and end-of-life care will ensure that patients, carers and families, communities and staff will have the right knowledge and skills available at the right time and in the right place to deliver compassionate, appropriate and effective generalist and specialist palliative and end-of-life care.

End-of-life care should be promoted and encouraged through discussion in the media and through education and awareness programmes aimed at the public and the health and social care sector. There should be mechanisms in place to identify the education, development and support needs of staff, patients, families, carers and volunteers and the promotion of optimal health and well-being through information, counselling and support skills for people with palliative and end-of-life care needs. Those are ideas and systems that will improve the range of hospice services available. However, proper and effective funding needs to be in place to bring those requirements to fruition.

There is often a public perception that hospices are funded by donations that are raised by charities, because so many volunteers and events are specifically aimed at raising funds for them, particularly in my area. Those volunteers are remarkable and deserve the highest praise and recognition for what they do.

The Minister should be commended for awarding funding to the Children's Hospice in 2008, although it was £538,000, which, as has been mentioned, was approximately 18% of the hospice's running costs. Prior to that, no funding was available. As has been mentioned, the Minister should be looking at areas in hospice services to which prioritisation can be given. There is the opportunity for the Minister to show willingness to go that step further to support hospice services to the extent that they need and deserve. After all, people should be allowed

to die with dignity and in a setting that brings support and comfort to them and their families.

Mr Callaghan: Like many other Members who have spoken, I pay tribute to the many people involved in delivering care in the hospice movement across all five of our regions, but particularly to the people who are involved in the Children's Hospice, because I know people who have witnessed that care at first-hand. It is truly impressive. I also pay tribute, of course, to the people who are involved in every way in the Foyle Hospice in my constituency.

I will also take this opportunity, as Members from other parties have, to commend the proven commitment that the Minister has shown in the past to increasing support to the hospice sector. It is only appropriate that the Assembly should record that today.

I was in the Foyle Hospice less than two years ago as a result of the passing of a very dear friend of mine and of many other people in Derry. Once again, I saw the incredible capacity of people working in that hospice — as, I am sure, is reflected in many others — in providing pastoral support, medical and nursing care and treatment and, of course, emotional and physical support, not only to the people who are in the hospice at any given moment but to their families. It is important that we recognise the wider assurance that the hospice movement provides to the whole community. It is there for us when we or our loved ones need it. That is important to note.

To follow on from what the Member for West Belfast said earlier about Christmas: I do not think that it is an underestimation to say that the people who are involved in the hospice movement are truly inspiring and, in many ways, angelic. We are obliged to do whatever we can to make their tremendously burdensome role a little bit better.

The motion refers to provision in Scotland. I understand that the standards of support in Scotland are related to the agreed running costs of voluntary hospices and reflect in-house hospice provision and the outreach work that is done by the hospice. I know that the Department has taken some steps in recent years to deal with that. One matter that came up in Committee and during our party deliberations was the potential impact of any statutory uplift on contributions from the wider community. It is important to note public

comments by the Children's Hospice, which stated that it is already experiencing a downturn in the capacity of the community to support it because of the prevailing economic conditions. We should take every opportunity to explore whatever we can do to fill that gap somewhat.

I notice that one of the principles established at the start of the 'Living Matters, Dying Matters' strategy is that the planning is structured and co-ordinated in a way that will allow care to be delivered regardless of when or where it is needed in the region. It is incumbent on me to point out that there appears to be a legacy issue for the Foyle Hospice that comes from the health system prior to the reorganisation under RPA. In the 2009 figures, which were made available to the Committee, there appears, at first glance, to be quite a marked discrepancy between the funding for the Foyle Hospice and other hospices with a comparable purpose, whatever about their throughput. I am interested in hearing whether the Minister has any particular observations about that.

I am aware that, this year, the Department increased the funding provided to the Foyle Hospice by £100,000, and I know that people involved in the Foyle Hospice are tremendously appreciative to the Minister and the Department for that boost. However, it is important that consistency and transparency are absolutely key as we go forward, and that if we are looking towards a system whereby we will, hopefully, move to provide statutory funding on a par with that provided under the Scottish scheme, that funding is provided across the board here.

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

Mr Callaghan: I will, Mr Deputy Speaker.

That uplift across the board is important so that everybody involved with the hospice movement and those who use it have confidence that all hospices are being fairly treated.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. I support the motion. I am sure that you will agree with me that we are most vulnerable in this life at our arrival and our departure.

4.15 pm

We have excellent prenatal and post-natal services, fully provided by the state and of the highest quality. Palliative and end-of-life

care services here are also of high quality and are funded partially by the state and partially through voluntary public contributions. Although the hospice movement wishes to remain independent, there is a need for the present funding regime to be rebalanced to ensure that an undue burden does not fall on it.

I recently visited the Southern Area Hospice, which has its headquarters in Newry, and discussed some of those issues with the staff. I was told that, around the year 2000, the funding of direct care costs was set at 50%, with an annual increase to cover inflation. At the time, that was adequate but, as the years passed, increases in wages and other costs have meant that the original 50% government funding has eroded, as the staff at the Southern Area Hospice told me, to 27%. The Southern Area Hospice has to make up a differential of around 70%, and that is done through constant fund-raising. As has been said, most fund-raising is community based, and the community has responded solidly down through the years to date. However, as with all fund-raising efforts, the constancy of the effort leads to a degree of donor fatigue. Although the Southern Area Hospice appreciates very much the efforts of the community that it serves, and people are still giving, in this period of recession, understandably, they are giving less. The result is that there will be a shortfall in funding for that hospice this year.

The Southern Area Hospice has 100 staff and it provides a range of services for and on behalf of the Health Service, which, if it were not there, the Department would have to provide. Those services include inpatient hospice care, hospital support, home support, day hospice care, bereavement services, social work, a patient helpline and a chaplaincy service. Those are provided for a range of patients with illnesses such as cancer, MS, motor neuron disease and other terminal conditions.

The hospice movement is not asking to be fully funded by the state. It is asking only for a level of support that will enable it to continue to provide the excellent care that it currently provides in the best possible facilities. The funding mechanism for hospices is obscure, in so far as one hospice does not know what funding another receives. As Mr Callaghan said, there is a need for greater transparency in this area, and, perhaps, with a view to achieving an acceptable balance of funding between

the Department and the hospices, it would be helpful if a common funding formula were developed around the various services that hospices provide.

Another area of resource that hospices have to deal with is capital funding. The hospices have to provide that resource themselves. It is almost impossible for them to develop their facilities without support from the state. The Southern Area Hospice wishes to develop the convent house adjacent to St John's House into a training and bereavement counselling centre, but that is almost impossible under present conditions.

I wish to express my admiration for those who work in hospices and in end-of-life care. It is an area of care that requires great dedication and sensitivity, and we are grateful that we have excellent professionals working in this area who go far beyond the call of duty on occasions to ensure that patients and family members receive high quality care that is respectful of their wishes, empathetic, sympathetic and personal to all concerned.

Mrs Foster: I support the overall hospice service, but I particularly want to mention the Horizon West scheme for the west of the Province. It was with a great deal of delight and satisfaction that I became aware that the hospice movement was going to build a facility for children with life-limiting diseases and disabilities at Killadeas near Enniskillen. I met a number of those children and could see the great difficulties that they had accessing the absolutely marvellous facilities at Glengormley, because so much equipment had to go up there, and it took such a long time to travel there.

One can imagine what it is like taking ordinary children away for the day in a car, but taking one of those children away for the weekend, to travel up from the west, was pretty traumatic for them. It is often traumatic for parents to leave their child so far away from home knowing that, if anything happened, it would take them around two hours to get to the hospice in Glengormley.

I was absolutely delighted when the hospice organisation decided to build a new facility in the west, because the west is often forgotten about when it comes to capital spend, new facilities and new services. It is tremendous that we are having the new facility, Horizon West, in Killadeas, for the whole of the west.

I want to do two things. I want to, first, pay tribute to the absolutely marvellous work that has been carried out by the volunteers who have raised the money for Horizon West in Fermanagh. I have said before that that charity has really been taken to the heart of Fermanagh people, because that is where it is based, but it has also been taken to the heart of the Tyrone and Londonderry people, who will be able to access those facilities.

I particularly want to pay tribute to Gladys and Gerry O'Callaghan, who have been leading the charge on voluntary contributions. Not a week goes by that they are not featured in the local papers receiving more money for the new children's hospice in the west. That is needed, because there are over 100 children in that area, perhaps closer to 150 children, who have life-limiting diseases and will not see adulthood. It is incumbent on us as a society to help those children to have the best quality of care possible. How we look after those who are vulnerable says a lot about the kind of society that we want to live in. I accept that the healthcare that those children receive means that they can live longer, therefore adding more pressure on resources, but we must prioritise those vulnerable people so that we can help them in the future.

Secondly, I welcome the fact that the Minister increased the amount of money allocated to hospices this year. I hope that he is able to find more resource to invest in the hospice movement, whether by prioritising or using other methods within the Department, because I can think of no better way to help those children and to tell the wider community that we care about our vulnerable young people.

Some of the families of the young people who will use Horizon West have told me stories in which their excitement is palpable. I understand that it hopes to open in April 2011, with a phased approach, whereby day care will initially be provided, followed by weekend respite, which will be critical for those families.

I welcome the necessary debate about hospice care and funding and the way in which voluntary contributions have been raised across Northern Ireland. I particularly want to record what is happening in my constituency.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I am grateful for the opportunity to provide a summary of

the current position of the funding provided by health and social care to support hospices in Northern Ireland. We often think of hospices as places that care for the dying, but they do so much more.

They provide much-needed palliative and supportive care, such as pain relief and other therapies, to people with long-term debilitating conditions. They also offer respite for families by admitting people for short spells, allowing them to have a break from the intensive care that they provide for their very ill relatives. Hospice services are also available for people in their homes and communities, and, particularly for children, hospices provide ongoing support for them and their families when there may be a complex, life-limiting condition to cope with.

Good palliative care and end-of-life care mean putting the needs of the patient or family and carers at the heart of the service. They mean that the right care is there at the right time and ensure that everyone has more choice and control over their care. For example, although the majority of people have said that they would prefer to die at home, most die in hospital. I want to see everyone have the chance to be supported to die in their place of choice.

Services for people who need palliative or end-of-life care are provided by the statutory and voluntary sectors, often working closely together. My commitment to the voluntary sector, of which hospices are part, is well known. I did not include the voluntary sector grants budget in my Department's efficiency savings. Why? Because, we need the support and the vital services that that sector provides.

The motion calls on me to fund hospice services in line with that provided by the Scottish Government. Let me set out the current funding position across other parts of the UK. The Scottish health boards' average funding for all hospices in Scotland is 42%. The interim Palliative Care Funding Review report in England identified that, on average, adult hospices in England received 34% in government funding, while children's hospice funding is typically lower, at an average 15% of running costs. Members should note that those figures are averages

The Northern Ireland Hospice is one of a number of organisations that provide palliative care to the local population. Across Northern Ireland, the Health Service provides a total of more than £5.5 million in funding to all hospices

here. For example, more than £2 million is provided to the Northern Ireland Hospice; almost £1 million to the Southern Area Hospice; around £300,000 to Foyle Hospice; and more than £1.6 million is provided to Marie Curie Cancer Care. I have also helped to secure the future of adult hospice services by providing the Northern Ireland Hospice with a new site in Belfast at a very reasonable cost. Adult hospice services receive half their agreed running costs, including staffing, from the health and social care service.

The fact is that funding for hospices in Northern Ireland is at least comparable to, and possibly slightly higher than, the equivalent spend in England and Scotland. Moreover, in Northern Ireland, we ensure that hospice provision is equitable across all areas. Each hospice — Northern Ireland, Foyle, Southern and Marie Curie — is funded at the same level. I also provide £1.3 million in revenue in a joint venture with Macmillan, which has contributed towards the £1.9 million annual cost of a new, 12-bed specialist palliative care unit in Antrim Area Hospital that will open early next year.

I put on record the hospices' valuable contribution to providing palliative care services for people in Northern Ireland. As Minister, I have a history of showing strong financial and personal support towards hospices and their important work.

Mr D Bradley: Will the Minister give way?

The Minister of Health, Social Services and

Public Safety: I will read on for a bit and then I will be happy to give way.

Indeed, I have stepped in to provide additional funding when it has been requested. However, I expect all voluntary and statutory organisations that receive public funds to show responsibility and accountability in their handling of finance. There is a clear obligation on hospices to live within their agreed, well-known budgets. It is not appropriate for them, without prior agreement, to develop new services that require financial support. Palliative care funding is not just about funding the Northern Ireland Hospice alone. There is a need to ensure an equitable distribution of available resources across the entire hospice sector. I will give way to Mr Bradley.

Mr D Bradley: I thank the Minister for giving way. He seems to be saying that the Department is funding the hospice movement in Northern

Ireland — in any case, adult hospices — to the tune of 50%.

How, then, does he account for the discrepancy that arises when we speak to people in hospices and they tell us that that is not the case? For example, I quoted the figure of 27%. The Southern Area Hospice tells me that its funding has been eroded to that because of wage increases and other costs.

4.30 pm

The Minister of Health, Social Services and

Public Safety: The 50% is 50% of agreed costs, and that rises every year with inflation. Mr Gallagher said that it was 40%, and Mr Bradley said that it was 27%. As Members are aware, as a result of the reorganisation, I have one board for the whole of Northern Ireland to ensure equity across the region. It tells me that it is 50% of agreed costs. Of course, the costs have to be agreed. We cannot have 50% —

Mr Callaghan: Will the Member give way?

The Minister of Health, Social Services and

Public Safety: No, I will not give way. It is not a blank cheque. We provide 50% of agreed costs. I have, however, asked the board to do certain things.

There is one children's hospice facility, and I have visited it on a number of occasions. I know that only a fraction of the work takes place in Horizon House on the Antrim Road. Most of the care and support to families who have children with complex or life-limiting conditions happens in the child's home. That is what parents, families and children want and what the hospice helps to provide. My commitment to supporting the —

Mr Callaghan: On a point of order, Mr Deputy Speaker. The Minister referred to my colleague Mr Gallagher stating that the statutory funding proportion was 40%. It is important to put on record that he was referring to the Northern Ireland Hospice as an institution, and its funding is public, whereas Mr Bradley was referring to the Southern Area Hospice.

Mr Deputy Speaker: That is not a point of order, Mr Callaghan, but an innovative way of getting your point across.

The Minister of Health, Social Services and

Public Safety: I understand that it was not a point of order; it was a point of information. The point is that Mr Gallagher talked about 40% and Mr Bradley talked about 27%, but the board that

provides the funding of agreed costs states that it is 50%.

I am committed to supporting the Children's Hospice. I am the first Minister to secure ongoing funding for the Children's Hospice, including, in 2008, a recurrent grant of £210,000 from my Department, and, earlier this year, a further £245,000 from my Department. That funding is in addition to the £152,000 from the board and trusts, and it brings the total funding for the Children's Hospice to around £600,000. It was at the request of the chief executive of the Children's Hospice last August that I made available the additional £245,000 of funding. Those extra moneys bring its funding up to around 20% of its total costs. That figure compares to 15% of total costs for children's hospices in England.

I have been asked today to ensure that funding for the Children's Hospice is at a level that is comparable to Scotland. I have been advised that the children's hospice service in Scotland is funded at a level of 25%. That, however, is only 25% of inpatient services; it does not include the cost of providing care in the child's home. That is a very significant part of the palliative care services for children in Northern Ireland. Therefore, we are not comparing like with like because, in Northern Ireland, we fund a broader range of services. In Northern Ireland, we fund 20% of all care that is delivered in a hospice as well as 20% of all care that is provided in a child's home. That range of services is not provided in Scotland.

I am also convinced that we should fund the services that we need. The extra funding that I secured helps to provide a firm position on which the hospice can depend and on which it can build. It is also proof of my commitment to strengthening and safeguarding services. The last tranche of money that I provided was earlier this year. I assure the House of my ongoing commitment to ensuring that hospice services will remain. I will continue to support them in any way that I can. I have also invested much more in services for children with complex needs. Over the past three years, I have allocated an additional £8 million to support those children. That money can support nursing services, therapy provision and other essential care and support.

I have been asked to consider developing a palliative care strategy for children. Earlier

this year, I launched the 'Living Matters, Dying Matters' palliative care strategy for adults. End-of-life and palliative care for children and young people is not included within the scope of the strategy, because they have very specific and specialised needs. It is important to note that the strategy does refer to the relevant guidance in place for children and young people's services, including the transition care pathway developed by the Association for Children's Palliative Care and my Department's integrated care pathway for children and young people with complex physical healthcare needs.

The integrated care pathway maps out the care and treatment that a child will receive, from diagnosis to end-of-life care. It also details the types and levels of service that they and their families can expect. Furthermore, in Northern Ireland, parents, family, statutory health services and the voluntary sector work together to support and care for children with life-threatening illness. Where possible, children's palliative care is provided by community children's nursing teams in each trust area that work with other healthcare professionals as part of a skilled team.

Before considering whether a strategy is needed, I want to know where services are meeting needs and where there may be gaps. I have, therefore, asked the Health and Social Care Board for a progress report on the impact of the funding allocated to support children with complex needs. When I have that report, I will be in a position to determine whether a specific strategy is required.

Dr Deeny: Can the Minister confirm whether or not there has been any decrease in the number of Marie Curie nurses across Northern Ireland?

The Minister of Health, Social Services and Public Safety: I will write to the Member about that issue.

As Minister, I have sought at all times to treat hospices fairly and will continue to provide all reasonable support to them. Members know that I have been calling, for some time, for the health and social care budget to be protected. All of this will have serious implications for the Health Service. If the health budget is not increased in real terms, we will inevitably end up with a Health Service that provides less care, less treatment and a less than happy outlook for our future health prospects. Some see the Budget as facts and figures on a spreadsheet

and think “money”. As Health Minister, I see people who need care. My budget is not solely about money. Rather, it is about the needs of individuals, their families and the community.

The partnership between the statutory and voluntary sectors is important and offers real opportunities to improve services for people right across Northern Ireland. I am, and remain, committed to that partnership. However, just like my Department and other health organisations, the voluntary and community sector must also ensure that its funding is spent as effectively and efficiently as possible. For my part, I will make every effort to fund those organisations that provide vital services in the community as far as possible and within the limits of my budget. As regards the Children’s Hospice, I have asked the board to carefully consider what the appropriate level of support should be for next year. I look to bodies such as the hospice movement to work with the Health Service as we move through uncertain economic times.

Mrs O’Neill: Go raibh maith agat, a LeasCheann Comhairle. I thank all the Members who contributed to the debate. Like others, I commend the work of Southern Area Hospice Services and, especially, the day hospice in South Tyrone Hospital, Dungannon. It does fantastic work and supports so many families in their hour of need.

It is clear from the debate that we are all very much aware of the great work of hospices. Many Members spoke about being personally touched by the work that hospices have done for their family or friends. Very few of us have escaped the effects of cancer or other serious illnesses. I hope that the contributions of Health Committee members and others have made it clear today how much we collectively value the impact that hospices have on individual patients and the support that they provide to families, carers and friends. Funding is an issue for all hospices, and they all devote thousands of hours each year to dedicated fund-raising, trying their best to secure the donations that allow them to function.

As many Members said, the statutory sector provides some money through the Department of Health, Social Services and Public Safety. We value that absolutely. A lot of money is also provided through the voluntary sector and by the goodness of the population.

We also acknowledge the focus that the Department has brought to this area of the Health Service. For example, the document ‘Living Matters, Dying Matters’ was published in March this year, and many Members referred to that end-of-life care strategy for adults. However, we do not have an equivalent strategy for children, whereas in Scotland a children and young people’s palliative care executive has been established to address those specific palliative care needs. I think that we need and deserve a greater focus to be put on end-of-life care for children and young people. As the Chairperson of the Health Committee said when he was moving the motion, the hospice receives only 18% of its running costs from this Administration, whereas the figure in other parts is 30%. I know that the Minister referred to numerous figures; indeed, he mentioned figures of 20%, 30%, 40% and 18%. However, it is obvious, Minister, that you are not speaking to the hospice, because it is saying clearly that it is in need. Perhaps, therefore, it ought to be a priority for you and your Department to meet people from the hospice to get to the bottom of that situation.

The Minister of Health, Social Services and

Public Safety: I thank the Member for giving way. I want to make the same point that I made when I was on my feet: we are speaking to the hospice. The board is doing that routinely and has been for some time. Therefore, I do not pluck figures out of the air.

Mrs O’Neill: Minister, there has obviously been a breakdown in communication. The hospice is providing —

Mr Deputy Speaker: Order. I ask the Member to please refer all matters through the Chair.

Mrs O’Neill: Go raibh maith agat, a LeasCheann Comhairle. Through yourself, I ask whether the Minister has met personally with representatives of the hospice. Obviously, there has been a breakdown in communication. Just this morning, people from the hospice told Members through e-mail that the hospice’s funding is still nowhere near comparable with that received in England, Scotland and Wales. They are still clearly suggesting that their funding equates to 18% of their associated running costs. Therefore, somebody has got that wrong.

Like other Members, I had the opportunity to visit the Children’s Hospice with the Health Committee a number of months ago. I was

taken aback by the care, love and respect that are shown in the hospice. John McCallister and Sue Ramsey referred to the holistic approach that the hospice takes in bringing siblings along during a very difficult, emotional and challenging time. Therefore, we obviously commend again the work and support that is done and given by those who work in the service.

As I said, many Members referred to the fund-raising efforts of the staff in the Children's Hospice, as well as those of the wider community. We absolutely have to commend publicly those who get involved, especially given the difficult economic climate. Those efforts are again testimony to the idea that the Irish people represent a very giving nation.

A number of Members paid tribute to the hospice teams. We want to firmly put on record that we recognise fully the excellent work of those teams. Some Members picked up on the point that this can be an issue of choice, and even the Minister picked up on that. Patients should have choice, and quite often they choose to die at home or in a setting that is not a hospital. I think that we should do all that we can to support the hospice in providing that service, in being there for them and in giving them what they need and want.

(Mr Speaker in the Chair)

Another issue that was picked up on concerned providing a unique setting for people. Tommy Gallagher said that, in Fermanagh, palliative care teams from the hospices come to people's homes. The Minister also picked up on that point, saying that only a certain percentage of care is provided in a hospice and that hospice teams do a great deal in the community.

Many Members also picked up on the need for a specific children's strategy. That is what we need to say clearly today. In its briefing to us, the hospice said that there is an ever-increasing demand on its services. Children and young people's clinical needs are increasingly complex, and referrals to the hospice are increasing year on year. Developments in medical science and technology mean that many children are living longer than in previous decades. Children are sometimes highly dependent on technological interventions to help and support them in their care.

I turn to the Minister's comments, and I put on record that I commend and welcome the work

that his Department has done. I know that the Department funded the hospice movement for the first time in 2008, and we very much welcome that. He referred to the fact that hospices provide more than just a palliative care service, and he wants everyone to be supported in their wish to die in their place of choice. Therefore, we need to put our money where our mouth is and fund the service to the fullest extent. Let us support the people who do excellent work every day.

4.45 pm

I welcome the Minister's assurance that he has spoken to the board and the fact that we will see an analysis of the work on what can be done to support services in the future. Perhaps he will provide a time frame for that work, because we do not want it to be open-ended. We want to see a review of what has been done and a timetable to take that work forward.

I thank everybody who contributed to the debate. It was a worthy debate, and I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly calls on the Minister of Health, Social Services and Public Safety to fund hospice services in line with the funding provided for such services by the Scottish Government.

Private Members' Business

Cyclists (Protective Headgear) Bill: First Stage

Mr P Ramsey: I beg to introduce the Cyclists (Protective Headgear) Bill [NIA 9/10], which is a Bill to require people to wear protective headgear while riding cycles; to prescribe penalties for contraventions; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Mr Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Victims and Survivors (Disqualification) Bill: Second Stage

Mr Speaker: I remind Members that a valid petition of concern was presented today in relation to the Bill. Under Standing Order 28, the vote cannot be held until at least one day has passed. The vote will, therefore, be the first item of business tomorrow morning, Tuesday 14 December 2010. However, the Second Stage debate can take place today. I remind Members that tomorrow's vote on the Second Stage will be conducted on a cross-community basis.

Mr Weir: I beg to move

That the Second Stage of the Victims and Survivors (Disqualification) Bill [NIA 6/10] be agreed.

I am proud to move the Second Stage, although that pride is tinged with a degree of disappointment, given the approach taken by some parties, which I will come to later. Although I introduced the Bill, I wish to place on record my thanks to, in particular, Jeffrey Donaldson, who piloted the pre-Bill stage, and to all the officials who gave technical advice.

Given my age, I could be regarded as a child of the Troubles. I was born in the late 1960s and, therefore, witnessed at first hand some of the terrible atrocities that our society faced. As we try to deal with the past, I doubt whether anybody has a panacea that would be acceptable and regarded as fair to everyone or, indeed, that will heal all the hurts that are out there. If someone has a magic-bullet solution to dealing with the past, I have yet to hear about it. I am convinced, however, that we have to deal with the past with a sense of honesty and truth, and that is one of the main reasons why we put forward the Bill. In recent years, there has been a growing tendency to revise history, presenting us all as equally culpable for what happened and, indeed, equally victims. That is simply not true. The blurring of the line between the truth of what happened and the new revisionist history needs to be nailed.

Although it is clear that that the approach being taken by Sinn Féin and the SDLP undoubtedly means that the Bill will not progress beyond the vote tomorrow morning, this debate affords us a valuable opportunity to focus on the issue. On behalf of my party, I serve notice to those who will block the Bill that, although they may be able to kill it off, we will come back to this issue time and again until it is got right. Consequently,

although this may be the end of the Bill, it does not mark the end of the process.

On the subject of victimhood, although I grew up during the Troubles, I am not a victim of them. I did not lose anyone close to me during the Troubles, but neither was I a perpetrator, and that is true of the vast majority of people in Northern Ireland. There has been an attempt by certain people to abrogate their personal responsibilities. Those republicans or loyalists who went out deliberately to kill others must take responsibility for their actions. It is fundamentally wrong to view perpetrators also as victims.

We may well be asked about how we got to this position. Any degree of research will show that, a number of years ago, the issue of the definition of a victim was fudged. It was first fudged in the victims' strategy of the victims unit of the Office of the First Minister and deputy First Minister (OFMDFM) in 2001, which defined victims as:

"the surviving physically and psychologically injured of violent, conflict related incidents and those close relatives or partners who care for them, along with those close relatives or partners who mourn their dead."

That definition was fudged at the outset. Indeed, when OFMDFM consulted on that issue, it indicated that some who responded wished to draw a distinction between innocent victims and self-inflicted victims. Unfortunately, the strategy's authors missed the opportunity to make that distinction at that stage. Under direct rule, a similar but wider definition was included in the Victims and Survivors (Northern Ireland) Order 2006, which drew no distinction between those who were perpetrators and those who were victims.

There are people outside the Chamber who may criticise the Assembly's processes and say that the fact that the Bill will not progress shows that devolution is not working. I say to those people that it is clear that direct rule, which some of them seem to crave, adopted the legislation that got us into this mess in the first place.

We have consulted widely on the document that we put forward. We have met other parties and, in particular, on a number of occasions, the SDLP. The Bill seeks to make a relatively modest amendment to the 2006 Order. It seeks

to change two exclusions. It will exclude any individual who has been convicted of:

"an offence in connection with any conflict-related incident".

That is not sectarian. That exclusion applies to any individuals, whether they belong to the IRA, the UVF, the UDA or, indeed, anyone who is not even connected to any of those organisations. It also excludes people who have been convicted of being members of a proscribed organisation. Those exclusions are related to the 2006 Order. They specifically do not affect those who are carers; indeed, the Bill makes it clear that the position of carers remains the same. Similarly, it will not affect anyone's benefit entitlements. For example, a person in receipt of disability living allowance will not be affected. It is about establishing the truth and establishing that there is a difference in our society between victim and perpetrator.

Unfortunately, it is clear that some Members want to kill off the debate. Given its position, it comes as no great surprise or shock that Sinn Féin has supported a petition of concern. However, I reserve my greatest criticism and my greatest disappointment for the SDLP's position. Protestants and Catholics suffered alike. Catholics suffered at the hands of the IRA, and Protestants suffered at the hands of loyalist organisations. Yet the SDLP is ensuring that those who carried out paramilitary attacks, from whatever source and on whatever community, can still be defined as victims. Indeed, the victims are being treated in the same way as the perpetrators.

Mr McDevitt: Will the Member give way?

Mr Weir: Mr McDevitt will have an opportunity to confess his crimes at a later stage in the debate, and I will be happy to acknowledge that. Let us place on record the fact that the Bill will be blocked tomorrow not simply because of the position of Sinn Féin. Even though every single Sinn Féin member signed up to the petition of concern, that was not enough to carry it over the edge; it required the support of the SDLP.

Mr McDevitt: I appreciate Mr Weir giving way. I am sure that Mr Weir will agree with everyone in the House that victims must be put at the heart of this debate. In fairness to Mr Weir, he holds that position personally very dear to his heart. However, will he accept that the victims' forum, which was asked by the House and by

the Office of the First Minister and deputy First Minister to come to a definition, found that many people from both sides of our community, and not people who were particularly central to the conflict, are very unhappy with the Bill as he has presented it? For that reason and because of the interests and opinions of victims, we are not comfortable with the Bill.

Mr Weir: The Members opposite can hide behind whatever excuse they want. The reality is that there is not, when dealing with the past, any sort of uniform view. However, there is the truth, and Members on the opposite side of the House in the SDLP are trying to run away from the truth. They are trying to turn something that should be clear-cut into something grey.

Let us be honest about the petition of concern. We were told by an SDLP spokesman at the weekend that it is not really the SDLP's petition of concern and that it simply jogged in behind Sinn Féin and did it a favour by signing up to it. If that is true, it seems that the SDLP has become the tail that is simply being wagged by the Sinn Féin dog. However, that is not the truth, because the SDLP put its petition of concern in before Sinn Féin did so. It was placed with nine names on Friday, and it was only today that Sinn Féin Members added their names. Therefore, rather than being the innocent victim — if I may use that parlance — the SDLP is the perpetrator in the killing off of this Bill. Furthermore, if there are nine SDLP signatures on the petition of concern, one wonders what happened to the other seven. We will wait to see whether there is any division in the SDLP.

Even if there is some sort of Damascene conversion today and the SDLP decides that, on the balance of what has been argued, it wants to support the Bill, it will be unable to. Because of the mechanisms of a cross-community vote and because, once it is triggered, Sinn Féin alone can represent a large enough percentage of the nationalist community, the SDLP has not simply created a veto, it has handed it completely to Sinn Féin. The SDLP position is shameful.

The Bill represents an opportunity to start to establish the truth in this country between the victims and the perpetrators. Unless there is a change of heart on the part of the SDLP and Sinn Féin, that opportunity will be lost. I await the comments during the debate with interest, perhaps more in hope than expectation. The Bill

offers an opportunity to — to use a phrase from many years ago — put right a great wrong. I urge the House to grasp that and to support the Bill's Second Stage.

Mr Molloy: Go raibh maith agat. I rise to oppose the Bill on the basis that it deals with a very sensitive issue in a very crude way. It is very clear that the Bill simply tries to exclude one section of the community from being considered victims of the conflict.

I am sure that Mr Weir does not need a lecture on the history of the conflict, but it is important to sometimes remind unionism why the conflict happened. It happened because the state and the Stormont regime of one-party rule failed to deliver for the broad community and failed to represent nationalist interests as well as unionist interests. It certainly did not come close to representing republican interests. During the early days of the civil rights movement, the failure of the state to deliver the very simple demands of a house, a job and the right of everyone to vote meant that there was often no alternative to trying to force ahead with making change and the conflict. Had the state given in to those very basic demands, there would have been no need for a conflict situation. However, the forces of the state in various forms, from the B-Specials to the RUC, the UDR and the RIR, showed aggression towards and perpetrated violence on the community at large.

5.00 pm

Mr K Robinson: Since the Member is giving a history lesson, will he confirm that there was an abstentionist policy among the nationalist community at the setting-up of the state? Even when generosity was offered by setting aside places in government and in the RUC for the nationalist community, there was failure to take up those places. An abstentionist policy was also built into schoolteaching. Instead of taking the opportunity to come together, parts of the nationalist community chose to abstain from working with the state. That helped to create the situation that the Member is describing now.

Mr Molloy: As most unionists do, the Member started out from a period in history that ignores where the problem began. The partition of Ireland was what created the problem. The Member starts off in 1921, but I start off slightly before that. This artificial state was created because the British chose to partition the country rather than recognise the vote

of the majority of the people of Ireland, who wanted complete separation from Britain and independence for the island of Ireland. As usual, Britain ignored the democratic wishes of the people and imposed its solution, as it did throughout the world in the old colonial way of divide-and-conquer and partition. Similarly, Mr Weir has tried to use divide-and-conquer on Sinn Féin and the SDLP, and I hope that that ploy does not work today in the way in which it worked in the history of this country.

The issue is sensitive, and it is important that we recognise that the many victims of the conflict, from wherever they come, are equal. There can be no hierarchy of victims. The Bill seeks to exclude people who were convicted, but people who were convicted, did their time and were released often then became the victim of state violence or the victim of collusion between the state and loyalist paramilitaries. Those victims could get no support, compensation or backup, despite the fact that what they had been convicted of had happened years before and was not part of the issue.

In my area, a number of people were shot by loyalist paramilitaries. Some were shot dead, and their families received no recognition whatsoever. Others who were shot were seriously injured and paralysed because they were former prisoners. If that same regulation were to apply throughout life and what happened in the early stages of someone's life were considered, we would find so many people who would not be able to move on to the next stage of their life.

Mr T Clarke: The Member referred to people from his section who carried out some of the most heinous crimes. If someone were ever convicted of the murder of one of his party's members, Denis Donaldson, should that person potentially be treated as a victim?

Mr Molloy: I will correct the Member: I did not mention heinous crimes of any kind. The Member's interpretation of what I said is twisted in its logic in the same way as most history is twisted in its logic. It is important to deal with our point that everyone should be treated equally. It does not matter who the victim is. The main point is that there should not be a hierarchy of victims.

There has already been a hierarchy of compensation. The B-Specials were compensated and allowed to hold on to their

weapons, disposing of them to shooting clubs in various ways. The RUC received a big payout under Patten, and the UDR is on record as receiving the most compensation awards. The RUC Reserve has also been brought in from the cold. In the old times, when things got a bit quiet, the B-Specials used to kill a couple of cows in the country or shoot a couple of things moving in the grass, and that got them back on patrol again. That no longer works, and what is done now —

Mr Speaker: Order. I have been listening to the debate, and I remind Members that this is the Second Stage of the Victims and Survivors (Disqualification) Bill. Members will know that I am quite lenient, but I am trying to get all sides of the House to come back to the Bill. That is important.

When a Bill is travelling through the House, there are no time limits on Members who wish to speak. All Members will have an opportunity to speak on this Bill. I am watching Members who are inclined to shout across the Chamber at one another and saying that every Member will have an opportunity to speak on the Bill.

Mr Molloy: Thank you for your guidance, a Cheann Comhairle. I was trying to put our position and the issues concerning the conflict and victims into context.

The issue with the Bill, which would short-circuit that context, is that the DUP, under the name of Peter Weir, is trying to set up a hierarchy of victims. It is trying to exclude people who are entitled to the same services and to the same compensation as everyone else who was a victim of the conflict. This Bill gives the DUP the opportunity to do that.

In the history of the conflict, one man's victim is another man's freedom fighter, RUC man or UDR man. We need to find a way to deal with that. In the Assembly, OFMDFM has been very effective in recognising and dealing with victims from all parts of the conflict. It has also been very effective in trying to recognise the issues, not where they come from.

We must be sensitive when we look at the conflict and how we deal with the past. We must also acknowledge that many victims of the conflict have not been recognised to date and need to be recognised. Those victims need the opportunity to put their side of the story. We need to be mindful of the families — it is often

the families that we talk about — of those who were murdered, injured and imprisoned in many different ways. We need to make sure that it is the conflict and its causes that we are dealing with. Within that, we need to recognise the victims and the families of the victims, who are now suffering a long-term sentence, and give them the hope and support to come out of the conflict with some resolution.

We need to know the truth. One big issue is that we need to know the truth about state violence. Victims of state violence find that, while everyone else is compensated, rewarded or given medals for what they did, they suffer the longest, because they cannot get the truth nor any recognition, compensation or support for themselves or their community.

Mrs D Kelly: Given that the Member has expounded the need for truth, will he now call on his party president, Mr Gerry Adams, to start telling the truth about his past?

Mr Molloy: I would be the last person to judge whether I am hearing the truth about the conflict from the SDLP. However, if the Member is accusing my party leader of not telling the truth, is she also accusing him of telling lies in the Chamber? He has responded to all questions asked, and his answers are on the table. What we do not have on the table is answers from those in the SDLP who negotiated on the conflict but forwarded their own position on the strength of the conflict many times.

In current victims' legislation, there is a clear line explaining the total and inclusive role of victims. It is across the board with no qualifications. Current legislation has depoliticised the issue. Today we are seeing an attempt by Peter Weir and the DUP to repoliticise victims.

We find that the victims' families, support groups and various other organisations work with members from both sides of the community and with families from different parts and stages of the conflict. We should send a clear signal that we support the victims of the conflict, their rights and the organisations that seek to provide those rights. That will give them an exit strategy and allow them to continue their lives with the truth and support that they require.

Mr Elliott: The people who will be most let down by this are the real victims in our society and those who suffered most. I listened to Mr Molloy's attempts at justifying the terrorist

campaign in this Province, and he abysmally failed at it. I also heard him say that, through his proposals, Mr Weir is trying to exclude a section of the community. I make no apology for trying to exclude a section of the community from being a victim because that section of the community went out and bombed and murdered and killed our citizens in Northern Ireland and further afield. Those people have no right to be classified as victims and should not be. Mr Molloy and his colleagues know that well, because some of their people —

Mr Molloy: Will the Member give way?

Mr Elliott: I am quite happy to give way.

Mr Molloy: Will the Member also accept that the forces of the state, whose role was to protect all citizens, failed to do so and, in many ways, colluded with loyalist paramilitaries to murder citizens of the state?

Mr Elliott: Anyone who was guilty of terrorist activity or carried out premeditated bombings and murders is not worthy to be called a victim and should not be called a victim. I support that view. The reality is that the security forces protected this society and provided law and order. Indeed, they actually protected some of Mr Molloy's colleagues and saved the life of one former MP who was not sympathetic to the security forces. That is why — *[Interruption.]*

Mr Speaker: Order. Let the Member be heard.

Mr Elliott: That is why there is duplicity from the opposite side of the Chamber, when those Members try to put the blame on the security services of the Province and try to justify the terrorist campaign. From whatever section that violence came, it can never be justified, and those people have no right to be classified as victims. They set out deliberately to murder and maim people and to kill our colleagues and friends. They should not be classified as victims.

There was ethnic cleansing in several communities throughout this society. I know that well from my constituency, where the IRA campaign and other campaigns set out deliberately to cleanse certain sections of the community and, on many occasions, did so with what they would call success. However, they were a blight on this society, and their actions put the community in Northern Ireland back a generation. They tried to destroy Northern Ireland. Some people say that Northern Ireland

was an unworkable society, but I can tell the House that it was not. If it were not for the resilience of the good people of this society, Northern Ireland would have fallen apart. Thankfully it did not, but it was no thanks to those terrorists that that did not become a reality.

I assumed that the victims' forum would look at the definition of "victim", but obviously that did not work out. The Ulster Unionist Party put forward proposals in 2008 and wrote to the Executive asking for changes to be made to the definition of "victim", but they did not come to pass. It should have been dealt with at that time, but, unfortunately, it was not.

Mr Givan: I agree entirely with the Member's sentiments and the way in which he made his contribution. I also appreciate that he was disappointed with the victims' forum. However, does he agree with me that the reason why the DUP has had to table this Bill is that the Bloomfield report, which initially gave the definition of "victims", included perpetrators? That definition was taken forward by the then First Minister, David Trimble, and was enacted under direct rule. Were the mistakes not made then? Does the Member regret the actions of his former party leader?

5.15 pm

Mr Elliott: I regret the actions of the direct rule Administration in bringing it forward in this capacity; it was not the former First Minister. Of course, the current First Minister, or at least his party, and the deputy First Minister and his party had the opportunity to change it in 2008. Our Ministers had written to the Executive in that regard, but they failed to do it.

Mr Weir: Does the Member not acknowledge the fact that an amendment proposed by his party and the DUP was ruled technically out of order and that, therefore, it was not a question of people not accepting it? That is a matter of public record. The amendment could not be made because it was outside the scope of the Bill. It was not simply rejected.

Mr Elliott: Those who were responsible for drafting the Bill could have ensured that there was an opportunity to include it.

It is the real victims who suffer from this. I classify real victims as the people who were the subject of terrorist activity — those who were shot, bombed and seriously injured — or the

families of those who were murdered. People are still suffering and grieving. There are many who have been unable to come to terms with the fact that they are real victims. They have not been given proper recognition by society. It is time that we, as political leaders, gave those people the recognition, support and help that they deserve instead of trying to include the real perpetrators, the people who launched the attacks and deliberately went out to murder and to maim. We will not move the issue of victims forward in totality and in practical terms until it is dealt with properly and until victims are treated as victims and terrorists are treated as terrorists.

Mrs D Kelly: Members may have noted already that, contrary to Mr Weir's views, there is quite a difference between the SDLP and Sinn Féin. When this legislation was proposed, the DUP talked to us about it. A lot of concerns were raised, because there is no moral equivalence between perpetrators of violence and entirely innocent victims. However, when Mr Basil McCrea raised the issue of the definition of a victim with deputy First Minister Martin McGuinness at Question Time in May 2009, the reply was that the victims' forum, when established, would look at the definition of a victim and, under the leadership of the Victims' Commission, look to establish the victims' service.

Earlier today, I asked one of the victims' commissioners how that work was progressing. I have also taken soundings from other victims' groups, and they feel that it is a very divisive debate. It adds nothing to meeting the needs of victims. In some people's views, it is a sham fight between the DUP and Sinn Féin. I understand that the forum, which has 37 members from all sections of society who were caught up in the conflict in one way or another, could not agree on the definition of a victim. However, it did agree on a second principle about the needs of a victim, whether physical, emotional or psychological, and that those needs should be met, regardless of how the person became a victim.

The Bill would change the circumstances of meeting the needs of victims, and it is not what the victims' forum wants. The SDLP has always said that it will take its lead from victims' groups and put victims at the heart of the debate. We have, therefore, signed the petition of concern and will oppose the Bill when the vote is taken tomorrow.

Mr Molloy was at pains to point out the origins, as some would claim, of the conflict and the role that was played by the security forces, including the British Army, the RUC and others. In recent weeks, we have heard evidence on the role of some of those organisations. The families of those killed in Ballymurphy have uncovered truths about what happened. We have also heard that the Prime Minister at the time of the McGurk's Bar bombing suggested in correspondence that the loyalists responsible for the bombing would not be named and that republicans would be blamed for it. Both of those incidents had a role in how the conflict unfolded.

Mr D Bradley: Does the Member agree that one of the major weaknesses of the Bill is that many people who have been involved in murder, mayhem and maiming could claim to be victims under its provisions if they have not yet been caught or convicted? Those people could come from the ranks of paramilitary organisations or from the ranks of the security forces, many members of which have been granted Crown immunity.

Mrs D Kelly: I agree with my colleague Mr Dominic Bradley. There are some 2,000 unsolved murders as a result of the conflict in the North. It is most regrettable that the Bill will not look at the role of the terrorist godfathers. Many young men became embroiled in violence and conflict for whatever reason, but they were often sent out by the godfathers.

Mr Weir: The Member should note that the Bill excludes anyone who is a member of a proscribed organisation. So, terrorist godfathers, regardless of whether they are from the IRA, the UVF, the UDA or the INLA, will fall under that. Therefore, the Member's point does not hold true.

Mrs D Kelly: The problem is around convictions.

Mr Weir: No.

Mrs D Kelly: Today, we have heard people in very senior positions in Sinn Féin denying their membership of the IRA. It was not Dolores Kelly who said that Mr Adams was a member of the IRA; it was Brendan Hughes, in his book 'Voices From the Grave'. Mr Hughes said that he was a former colleague and comrade in arms of Mr Adams. Those were authoritative claims by a person who was admired in republican circles until the publication of that book. In a radio interview not that long ago, Gerry Adams said that people made choices. People did make choices; they made choices about whether

or not to get involved in violence and terrorist organisations.

As a victims' representative said to me today, we are where we are. Many people are looking to move the debate on through a truth commission. Mr Weir talked about getting to the truth of what happened, as did Mr Molloy. However, we will never get the truth, because there are people who wish to protect members of the security forces and those who wish to deny their own involvement and the involvement of their terrorist organisations in what happened over the past 40 years.

It is most regrettable that this debate is taking place, because victims were very optimistic about the promises made to them by the First Minister and the deputy First Minister and about the additional money that was put into meeting their needs. The victims' service was supposed to assess the individual needs of each victim or survivor. That has not yet happened. People would much rather have us debating the victims' service and its shape and make-up, rather than have us going back and debating the definition of a victim.

A number of countries that have emerged from conflict have looked at how we can best move forward, and truth and justice are usually two central cries. As we all know, the majority of people are not going to get justice, but they do want truth. Some relatives want to know the last words of their relative before they were murdered, whether they asked for a member of the family and whether they sent any message. We should concentrate our efforts on getting the victims' service right, rather than going back over such a divisive debate about the definition of a victim.

Dr Farry: Clearly, this will be a difficult debate. We are not off to the best of starts. Most Members who speak are, at least, sticking to the contemporary period and not going too far through history.

Many will have considerable sympathy with the Bill. I am almost tempted myself. However, I have to show integrity for the process and say that the Bill is a crude and unnecessary device that will be counterproductive and destabilising for this society and may well constitute a breach of equality and human rights obligations. I say that with a heavy heart, and you can take it from that that the Alliance Party will not be supporting the Bill.

The Bill is fundamentally not about victims; it is about politics. Indeed, Mr Weir almost implicitly made that point in his opening remarks when, justifying the approach taken to date, he referred to those who are not here. I assume that he meant Jim Allister and the TUV, although I thought that they were political dinosaurs that were becoming extinct and not something that we were overly worried about these days. However, it seems that they are still lingering in the background.

We already have a definition of a victim, through the Victims and Survivors Order. I happily concede that that may not be a perfect definition, but it is important that we do not fall into the trap of trying to make the perfect the enemy of the good. The current definition has allowed us to move forward in this society in how we respond to victims. Clearly, we still have a long way to go. However, it has provided us with a basis on which we can establish the Commission for Victims and Survivors and the various commissioners. It has also allowed us to take forward work on services for victims and grant-making to organisations that work with victims. Indeed, it gives us today the potential to eventually move, hopefully, to a new victims' service. Trying to change the current definition only opens up an argument that will lead to further stalemate and division in this society. That is not in the interests of the political process in general, and it is certainly not in the interests of victims. We have seen that in the nervousness shown by a large cross-section of victims and victims' organisations about the Bill.

I also regret that one of the Assembly's first tasks overloaded the victims' forum by almost asking its members at the outset to work out themselves what was meant by a victim. In that sense, we are abrogating our responsibility as an Assembly. It is almost as if we are saying, "Let us bring together a group of victims based on the existing definition in the 2006 Order, and the first task that we ask them to do is to determine which of their group should be asked to leave the room". That is not a sensible or realistic way to move this society forward on an inclusive and shared basis. It is no wonder that people are finding that challenge hugely difficult.

If the DUP and Ulster Unionists are serious about wanting to change the definition of a victim, that has to be done on the Floor of the Assembly. People will say that that is what we are here to do today through this private

Member's Bill. However, a private Member's Bill is not the effective way to do something that is so sensitive and, clearly, very divisive across the Floor of the Chamber. Although I am prepared to work on the basis of the current definition of a victim, I do not preclude there being a new, revised definition at some stage. However, if we are to achieve a new definition, it will have to be one that is negotiated between the parties in the Chamber and has broadly based cross-community support. It will also have to be consistent with our wider equality and human rights obligations as a society. Clearly, we are not at that stage today.

If parties are serious about victims — I refer in particular to the DUP and Sinn Féin — why did it take so long to appoint the victims' commissioners, leading eventually to this unsustainable fudge? Having three commissioners is now considered to be perfectly fine, whereas, in the past, to have four was deemed essential. Why are we dragging our feet on creating a victims' service, despite the consultation being some time ago? My understanding is that that service is still some way off.

Where is the collective Executive response to the Eames/Bradley Consultative Group on the Past? Where is the collective response from the Executive to the Victims' Commissioner's report on how we deal with the past? Those are the huge issues that face us as a society.

5.30 pm

Dealing with the past is a fundamental challenge that cannot be ducked. It is essential to building a shared future. We cannot go around the issue; we cannot sweep it under the carpet; we have to face up to it. The challenge is devising a sustainable solution to the needs of this society. There are many ideas and good strands, but no one is prepared to put them together and to run with them. Fundamentally, there must be a partnership between the parties in Northern Ireland, including at Executive level. The partnership must include the British Government, through the Secretary of State, and the Irish Government, and, possibly, it must extend internationally if that is what is required. However, we have to shape a constructive debate to bring matters forward.

The Alliance Party has always been utterly consistent in its support for the rule of law, democracy and human rights. It has never

wavered from that, unlike some parties in the Chamber. That comment is not directed at one side of the Chamber; it applies to both. There have been occasions when parties here have sought to justify acts of violence, whether outright terrorism or mass civil disobedience that spilled over into violence on the streets. All those actions led to victims, and we need to be very clear about that. However, my party is clear about where it has always stood. It has always understood the importance of the rule of law in moving this society forward.

It is important that we are constructive and that we look at the issue in two different respects. A distinction must be made between a hierarchy of victimhood on the one hand and a hierarchy of responsibility or circumstance on the other hand. There is a greater distinction to be made between people who were killed and injured purely through the actions of others and those who were responsible for acts of violence, whether directly through firing weapons or planting explosives. Indeed, the godfathers who directed people and those who whipped up fury on the streets also led to violence. In that sense, there is a hierarchy of responsibility, and various people have to reflect on their contribution. Some people have been much more responsible than others.

Yet again, the majority of people in Northern Ireland were not one bit responsible for what happened during the Troubles. Indeed, many played major roles in trying to bring stability to this society, in preserving a sense of democracy during difficult times, and in keeping the economy going. Quite rightly, that starts with those who served honourably in the security forces, the army and the police, etc, and those who kept society going, such as the emergency services, those who ran businesses in difficult circumstances, and those who kept their heads down or tried to persuade others to move away from violence, such as the genesis of the peace movement that eventually bore fruit, resulting in the peace process and the political process where we are today. Therefore, I make that distinction between those people —

Mr A Maskey: I have just listened to a holier-than-thou expedition of where the Alliance Party has taken us over the past 30 years. We are all pleased to hear that the Alliance Party held the place together for so many years, but does the Member not accept that, for many years, the Alliance Party was a significant tool

in the NIO's armoury to portray this society as normal? In the eyes of many of us, the Alliance Party played a significant role in prolonging the conflict because it was part of the process of the exclusion of many people in this society.

Mr Speaker: Order. I have reminded Members on several occasions, and I have given Members on all sides of the House quite a bit of latitude. However, interventions should, as far as possible, refer to the Bill. I am being as lenient as possible because I am conscious of the emotive issues around this matter, but I hope that Members will understand that, as far as possible, they need to stick to the Bill.

Dr Farry: I certainly appreciate your ruling, Mr Speaker. Given the circumstances, however, I believe that I should respond to Mr Maskey's comments about my party. Quite frankly, to say that the Alliance Party prolonged the conflict in Northern Ireland is, perhaps, the most farcical statement that has been made in the Chamber during the past 12 years. What a ridiculous thing to say. My party has stood four-square for the rule of law. That has meant opposing terrorism from whatever quarter it has come. It has also meant criticising the security forces when they have acted outside the rule of law. For example, back in the early '70s, the Alliance Party opposed internment. That was a brave step to take at the time. We did so because we felt that it was the right thing to do. Today, we are happy to recognise when the state and its servants act honourably in defence of democracy and the rule of law. Equally, we are not afraid to speak when individual officers fail to act honourably or when there is a wider problem in the state response. Therefore, I will not take any such criticism.

Mr Weir: I thank the Member for giving way. In the spirit of truth, will he not confess to the many obvious punishment beatings that took place at Alliance Party coffee mornings up and down the country during the past 30 years?

Dr Farry: I appreciate that Mr Weir is trying to be flippant. However, it is worth stressing that Alliance Party members suffered at the hands of terrorists. Indeed, party members received what Mr Weir refers to as "punishment beatings". Certainly, I would never refer to them as such because to do so implies a sense of legitimacy, as though the person on the receiving end deserved punishment. Alliance Party members have been burnt out of their homes. Some have

received death threats. Therefore, the party has suffered in the same way as a cross-section of society, yet it has acted with and provided leadership.

In defending the absence of a hierarchy of victims, for which I will provide reasons in a moment, it is worth stressing that people on both sides of the Chamber have implicitly and, quite often, explicitly tried to establish their own hierarchy of victims. Clearly, the Bill tries to create a hierarchy of victims, which we are debating. Equally, Sinn Féin has created its own hierarchy of victims. If we look back at the comments that have been made, we can see that the lion's share have been about victims of alleged so-called state collusion with regard to what must happen to secure truth and justice for the future. There is a situation in which 3,000-plus people lost their lives and countless others were injured. Often, the narrative and discussion about victims is dominated by a small number of high-profile cases, all of which —

Mr Molloy: Will the Member accept that when I asked for the truth about the conflict to be divulged, I meant the truth for all victims? I do not seek to create any hierarchy of people who need to have that truth.

Dr Farry: That may well be the case. Mr Molloy may well believe that. He may sincerely want that to happen. However, there are two fundamental challenges. First, Sinn Féin's narrative focuses on a number of high-profile cases, despite what Mr Molloy has said. Secondly, if the Assembly is genuine in wanting to find truth and justice for every victim in society, that requires not only the security forces and the British state to co-operate with any system that is established, but the IRA to be prepared to come forward and to be utterly frank and open.

Mr D Bradley: Does the Member agree with Denis Bradley's comments in the 'Belfast Telegraph' on Saturday 11 December 2010, when he said that Sinn Féin's stated desire for a truth commission will never come to fruition because:

"there is no desire within the IRA for a Truth Commission and I think they are leading victims up the garden path?"

Dr Farry: I thank the Member for his comment. There is probably something in it. In order for progress to be made, we need to get over the

fundamental barrier of the IRA's unwillingness to come forward to provide the truth.

With regard to a sense of balance, I want to focus on the issue of the selective highlighting of certain cases and cite what happened about inquiries. We are back at Weston Park. For fundamentally political reasons, six high-profile cases were selected to try to move this process along. Those cases may well have merited such attention, but a lot of people asked about their cases and those of their families. They asked why certain families were, potentially, going to get justice, when, based on what was being done, their family had no prospect of getting justice.

That highlighted one of the weaknesses in the DUP argument, which relates to the case of Billy Wright. I do not think that anyone in the Chamber would argue that Billy Wright was not a major perpetrator of violence in society. Under the definition of "victim" in the DUP legislation, I presume that he will be excluded from being treated as a victim. However, the DUP and the Ulster Unionists have championed the Billy Wright case for a public inquiry and focused on the recommendations of that inquiry. In doing so, they have treated Billy Wright as a victim. They are perfectly entitled to do that, and due to the failings of the Prison Service and the wider state, there is, probably, a strong reason for doing so. However, the fact that they have done that points to the massive hole and inconsistency in their argument.

Mr Weir: Will the Member give way?

Dr Farry: In a second.

Billy Wright was a perpetrator. Indeed, he was a mass murderer. However, at the same time, the DUP has implicitly recognised him as a victim.

Mr Weir: No one is indicating that Mr Wright is a victim in that regard. He is not a victim under whatever definition we apply in this. He is clearly a perpetrator. However, people have a right not to die in the custody of the state. Therefore, it is right that there is an inquiry and that everything is focused to ensure the safety of people who are in the control of the state — irrespective of what they have done in their past. That does not mean that Billy Wright should be included as a victim in this legislation. Indeed, on that basis, he would not be included.

Dr Farry: We now have a completely farcical situation in which the DUP is arguing that Billy

Wright would not be a victim under the terms of the Bill, but that, generally speaking, he is a victim. If he was not a victim, why on earth was there a demand for an inquiry into his death?

Mr T Clarke: Will the Member give way?

Dr Farry: In a moment.

Mr Weir went on to say, rightly, that if individuals are perpetrators, it does not mean that they do not have rights, interests and needs that have to be addressed by wider society. That is why we have the current, inclusive definition under the Victims and Survivors (Northern Ireland) Order 2006. In doing that, however, we recognise the rights and needs of everyone in society, including victims in whichever context they became victims, and we make a distinction and have a hierarchy of circumstances in which people became victims. We treat people who were shot and murdered through no fault of their own differently to those who were the perpetrators.

Mr T Clarke: I have problems with the fact that the Member cannot understand where Mr Weir is coming from. To take Dr Farry's analogy, he is saying that if someone who is a murderer is sentenced to prison — and there are many here today who were sentenced to prison — and is, in turn, murdered in that prison, that is acceptable.

Dr Farry: I am saying that that person is a victim. The point is that through its actions, the DUP has implicitly accepted that people in those circumstances are victims, but here today, you are trying to draw an artificial black and white boundary in a counterproductive and divisive manner.

I am trying to conclude, so perhaps I will finish with this point. We have to react to a person as a victim differently to how we would react to that person as a perpetrator. However, if someone who falls under the definition of "victim" happens also to be a perpetrator, we will provide that person with the services that are made available to people who are victims, and, as a perpetrator, there will be a responsibility on the state to respond to that through its actions. In the past, if the evidence was there, the state would have sought convictions. Even today, that is, technically, still the case. The issue of punishment or rehabilitation is linked to someone who is regarded as being a perpetrator, and there are mechanisms available for us to take that forward.

Mr Callaghan: Will the Member give way?

Dr Farry: Just a second.

There is a debate as to how we do that; for example, with respect to truth and justice. We need to have that debate, and I keep an open mind on where the balance lies. At the same time, we make a distinction between someone who is a perpetrator also being a victim and ensuring that there is equity and access to the proper services for those who are in such circumstances. I will give way to Mr Callaghan.

5.45 pm

Mr Callaghan: I thank the Member for giving way. He said that if the evidence existed, the state would always have pursued prosecution and conviction. Unfortunately, it was not always the case that, where there was evidence, the state did pursue prosecution and secure conviction. That is one reason why the Bill is flawed, even on its own terms, and if we accept the premise under which Mr Weir and the DUP are presenting it.

The fact is that the judicial record and the official record on many events that happened in our country over the past 40-odd years is incomplete and is, in some ways, totally wrong. I am mindful, for example, of the experience of the Bloody Sunday families — those who lost loved ones on that day at the hands of the British Army and those who were injured. For many decades, they were branded by the state as being not innocent. It was only after a long campaign that were they vindicated. People should be mindful of that when considering this type of measure.

Dr Farry: I thank Mr Callaghan for his point, which he has made eloquently. However, it is important to make the point on which I am focusing at this stage, which is the conceptual response. It is important to make a conceptual difference between how we regard someone as a victim and how we regard people — if relevant or not — as being perpetrators and responsible. I am making the point that there are mechanisms available for dealing with perpetrators.

Withdrawing the status of victim from people who find themselves in that circumstance should not be regarded as a back-door form of punishment. If people are to be punished for what they have done in the Troubles, there

should be mechanisms for that, whether it is a criminal conviction and a time of imprisonment. If we, for political and pragmatic reasons, have moved forward with early releases, we should look for some form of truth and justice in how people deal with the families who have suffered as a consequence of their actions. That is how we can address responsibility for violence. If someone is a victim, there are different ways to address that.

Perhaps the current legislation is well intentioned: perhaps it is cynical. However, I do not believe that this is a constructive or effective way of moving forward on an incredibly difficult debate. With deep regret, my party cannot support it, and I urge all parties in the Chamber to come back so that we can have a proper debate, not just on the definition of a victim but on the whole issue of victims in this society, and, indeed, the wider issue of how we deal with the past.

Mr Bell: The only time when perpetrators should come before victims is in the dictionary; that is the only time that a perpetrator should be placed in front of a victim. We expected this attitude from Sinn Féin: we did not expect it from the SDLP and the Alliance Party.

This debate is about distinction. It is about saying that there is a distinction between those who terrorise and those who are terrorised. It is about saying that there is a distinction between the guilty and the innocent. It is about saying that there is no moral equivalence between the people who, in the course of terrorist murder, torture and ethnic cleansing in Northern Ireland — and let us not use sanitised words like “conflict” — perpetrated those actions and those who were the innocent victims of them. The Bill says, posthumously, to those people who were murdered by terrorists, who had booby traps placed inside their corpses, that those responsible are morally different from the innocent victims. That is the difference.

There is a distinction, and it is shameful that the SDLP and the Alliance Party have come to the help of the people who are guilty of the most heinous crimes in Northern Ireland, because that is exactly what they have done. It is a debate on which I come to the SDLP more in sorrow than in anger.

The SDLP Members know in their hearts that they are on the wrong side in this one. They know that there is a difference between UDA

and IRA murderers and their innocent victims. They know it in their hearts.

Mr Speaker: The Member should not point across the Chamber at other Members. I am happy enough for the Member to point his finger at me, but he should not do so at Members across the Chamber.

Mr Bell: I will not point my finger, but I will point the argument, Mr Speaker.

The SDLP knows that there is a difference between the UDA and IRA murderers and their innocent victims. That is why Dolores Kelly was correct when she said that there is no moral equivalence between the murdered and the murderer. However, when a genuine attempt was made in legislation to make that distinction, the SDLP, with the support of the Alliance Party, dropped the ball. There is no moral equivalence. Today, the SDLP and the Alliance Party will stand accused not of moral equivalence, but of moral repugnance, because they have elevated the terrorists, those guilty of ethnic cleansing and the torturers to the same level as the innocent, and they will not make the distinction between them.

Two events stand out: one carried out by loyalist terrorists, the other by republican terrorists. If I may, Mr Speaker, I will refer to ‘Lost Lives’. I refer to the death on 13 January 1980 of a civilian Protestant postmaster in Blackwatertown. There, Protestants were guilty of nothing other than running a business. When ordered by republican terrorists to sell their business, they refused. In many cases, when terrorists — the people whom the SDLP and the Alliance Party think are on the same level as the innocent people — ordered people to sell their businesses, there was only one bidder. John Brown refused to sell his business.

John Brown's family bought the business in Blackwatertown from my grandfather. My grandfather moved from the business because my aunt drowned in the Blackwater River. No longer able to live beside the river in which his daughter drowned, he sold the business to Brown. Republican terrorists ordered John Brown to sell his business, but he refused. It was nothing short of a campaign of ethnic cleansing. What happened? The INLA came in, carried out a raid and murdered John Brown. These were the words of Seamus Mallon —

Mr Speaker: Order. The Member should take his seat. I take it that, at some point, the Member

will try to refer to the Bill. I have given great latitude to Members, and they should not abuse it. I say to the Member that, as far as possible, he should try to relate what he says to the Bill that is before the House.

Mr Bell: I was trying, Mr Speaker, to make the point that the Bill must make a distinction between those guilty of the ethnic cleansing and murder of John Brown and the innocent people who are on a different level. That is the point that I am trying to get across, and it is central to the Bill.

Seamus Mallon of the SDLP said that Mr Brown was:

“one of the best-liked and most respected men in the area”.

The Republican Clubs said that the murder was the work of “narrow-minded sectarian bigots”. A Protestant businessman, who had bought my grandfather’s business, was murdered in cold blood because he had to be ethnically cleansed from the border area.

My point is that the Bill should draw a distinction between those who were murdered in my family’s former business on the border in Northern Ireland and those who carried out the murder. That is central to the Bill. For people to state that the people who carried out that ethnic cleansing should be on a par with the innocent is morally repugnant.

I have another example, of which Mrs Kelly will be aware. It is central to my contention that there is a difference between terrorist murderers and those whom they murdered. The Bill should reflect that difference. It should reflect that distinction, and it should reflect that there is no moral equivalence.

When I was mayor of Craigavon, the honourable work of Mr McGoldrick was being highlighted in a BBC programme. The BBC asked whether it could film in the council chamber and the facilities there, and I agreed that that could happen. Mr McGoldrick had dedicated his life to helping children in Romania following the cold-blooded sectarian murder of his son in Craigavon by loyalist terrorists.

As I went to speak, a little child ran into my arms. That child was called Andrew. He is a couple of years different in age to my own son, Andrew. He came into my arms and it was only then that it dawned on me that this was the

grandson of Mr McGoldrick. This was the child in his mother’s womb when his father, who was a mature student and a graduate, working as a taxi driver to earn a few pounds to support his family, was taken and murdered in a cold-blooded fashion. I held that child in my arms —

Dr Farry: Will the Member give way?

Mr Bell: I will in a second; let me finish my point.

As I held that child in my arms, I realised the gross unfairness for victims that should be central to this Bill. My son and Andrew McGoldrick should have had the same opportunities, the right to a father. They both had the right to the love and care of a father, but terrorists took that away from Andrew McGoldrick. Some people have killed a Bill that should have said that there is a difference between those who murdered and those who were murdered.

Dr Farry: I am grateful to Mr Bell for giving way, but, frankly, this point has to be made: the LVF has been quite rightly singled out as being the butchers of Mr McGoldrick, but is Mr Bell prepared to recognise the context in which that murder occurred? People were brought out on the streets, tensions were whipped up over a dispute around people walking down a piece of road, and the selfsame people who were involved in that murder were involved and present on the streets, making —

Mr Speaker: Order. Once again, I remind Members that we are almost going down the road of another argument. I am very conscious that even interventions should, as far as possible, relate to the Bill. I will allow the Member to continue if that is the direction in which he is going.

Dr Farry: I am grateful for that, Mr Speaker, and I am fully aware of the dangers of how far we open this up. However, it is important to make the point that, when we refer to perpetrators, there are those who pulled the trigger, and there are those who created the context in which those murders occurred, which was the hysteria on the streets of Northern Ireland at that time. There are also those who claim to be democratic politicians who use the presence of those people on the streets — and, indeed, at Drumcree — to get their way in a parade. That was the context in which that murder occurred. When we talk about perpetrators in Northern Ireland, it is never black and white.

Mr Bell: I was trying to draw a difference between the innocent child and those who murdered his father. I find it shameful that the Alliance Party could come forward as the apologists for murder in this House. The people responsible for the murder were not other people; do not apologise for them. Do not try to give them legitimacy. The people who were responsible for the murder of Mr McGoldrick were the people who pulled the trigger, and there was no justification for it. The Alliance Party should not try to give them justification for it.

Mr Speaker: Order. I ask the Member, once again, not to point across the Chamber. It is very discourteous to other Members. I understand that this debate is quite emotional for some Members on all sides of the House. I ask the Member to continue.

Mr Bell: I am pointing the argument at the Alliance Party, which many will find shameful, for trying to provide some sort of excuse or veneer for what was a cold-blooded sectarian murder. That party does not need to be an apologist. It does not need to do the work of the IRA's little helpers. What the UDA did was shameful, and what the IRA did was shameful, and the point of this Bill is to put in place a distinction that the Alliance Party wants to blur.

In a sense, it has been said here today that the victims are being led up a garden path, but they are being led up a garden path with one hand in that of the SDLP and the other hand in that of the Alliance Party, which today wishes to come to give excuses for murder.

There was no excuse for murder then, and there is no excuse for it now. Throughout our communities, the vast majority of people — Catholic, Protestant, unionist or nationalist; from all backgrounds — draw a distinction between terrorist and innocent victim, and they believe that that distinction should be made in a Bill. It should be there.

6.00 pm

Despite the fact that it is not there, we will come back to it. Nobody is going to walk away from this. Just because the Alliance Party and the SDLP seek to kill a Bill that would draw such a distinction, do not think for a second that this debate is over. It will not be over, because justice is on the side of making a distinction, and I believe that society demands that a

distinction be made between those guilty of heinous crimes and their innocent victims.

There have been calls here for truth inquiries. I ask those Members to stand up and say that terrorists in republican or loyalist organisations will be clear and tell the truth about the torture that they committed. Remember that in no circumstances can torture be amnestied under European human rights law. Therefore, is Sinn Féin saying that the IRA and loyalist paramilitaries who tortured people —

Mr Molloy: Will the Member give way?

Mr Bell: Hold on a second. Let me finish my point. Is Sinn Féin today saying that those in the IRA — let us be clear about it — who were guilty of torture should come forward now and tell the truth, then face the justice demanded under international human rights law? Should they be jailed for torture?

Mr Molloy: Will the Member accept that the only people who have actually been found guilty of torture and inhuman treatment are those at Castlereagh holding centre under the name of the RUC? Going back to his previous point, will the Member also accept some responsibility for being one of those at Drumcree who paraded up and down the road and blocked the —

Mr Speaker: Order. I have repeatedly said to the House that even Members' interventions must closely relate to the Bill. I would prefer that Members do not go down a road that has absolutely nothing to with the Bill.

Mr Molloy: If the Member will give way again, I will explain. I believe that it is part of the Bill. Mr Bell made the point about comparison. The comparison is that those who stood with Billy Wright, making a case for him being a victim, are the same people who, through this Bill, are trying to justify what he did.

Mr Bell: Mr Speaker, I think that the answer is that I can put my hand on the Bible and say, before God, that I have never pulled a trigger, nor have I planted a bomb, nor have I ever tortured anybody. I may be guilty of many things, but I am not guilty of murder, I am not guilty of torture, and I am not guilty of bombing. The question that I asked, which was not answered, was whether the Member will call for those in the IRA who committed torture to tell the truth and face what the law demands under European international human rights law, without any

amnesty. That is the question that will remain unanswered.

Mrs D Kelly: I support his call for truth, but will the Member also step up to the challenge of calling for the truth from the British Government about the murder of many of my constituents in Upper Bann under the alleged shoot-to-kill policy? The British Government and the British Army have been found guilty of breaching human rights in respect of shoot to kill.

Mr Bell: We have consistently said that, where there is evidence of anybody being guilty of murder, manslaughter or torture, that evidence should be brought forward, and they should face a court of law. When the history of Northern Ireland is properly scrutinised, it will show that the vast majority of the members of the security forces and the British state acted with dignity and integrity. More loyalist than republican terrorists were prosecuted, despite the fact that republican terrorists murdered more Roman Catholics than loyalist terrorists and the British Army put together. If we are being fair —

Mr D Bradley: First, I say to the Member that the SDLP has never condoned or promoted murder and never will. In fact, it has done the opposite. We have condemned murder on every occasion on which it has occurred. Indeed, members of our party were murdered during the Troubles.

One of the Bill's weaknesses is that it allows certain perpetrators to become victims. The Glenanne gang, which murdered scores of people in County Armagh, contained members of the security forces. We debated that in the House. The information about that gang came from RUC constable Weir in an affidavit. Those members of the security forces will probably never be convicted of an offence in connection with any conflict-related incident or of being a member of a proscribed organisation. Even though they were involved in the most horrific of acts, they are still, if they wish, free to claim to be victims. That is a major weakness of the Bill. That is just one of the reasons why the SDLP will not support it.

Mr Bell: I think —

Mrs Foster: Will the Member give way?

Mr Bell: Yes.

Mrs Foster: Part of the difficulty in my constituency of Fermanagh and South Tyrone in relation to the Member's point is that there was

a 3% clear-up rate for terrorist atrocities. I am the victim of violence; my family was the victim of violence. We were ethnically cleansed out of Rosslea. We were moved because my father was proud to wear the uniform of the Royal Ulster Constabulary, something of which I will be eternally proud.

I listened to Dr Farry make some sort of equivalence between those who created a political context and those who murdered people. Is that Alliance Party policy now? It is some shift from how it dealt with things in the past. It is absolutely disgraceful if that is now its policy. There is a difference between perpetrators and victims — innocent victims — and it is a disgrace that the House cannot see that difference today and put on record that we will always support the innocent victims, no matter who the perpetrators were. Those people, whether UVF, LVF or whatever alphabetical arrangement one wants to use, were terrorists. We are here for the innocent victims. It is a disgrace that parties across the way do not see that.

Mr Bell: The honourable Member makes her point very well about the need for distinction. To answer Mr Bradley, I acknowledge that the SDLP suffered as a result of terrorism. The honourable Member for North Belfast, Mr Maginness, had his offices bombed by terrorists. I cannot understand why the SDLP now wants to hold the hand of the people who planted that bomb. It wants to hold the hand of the people who murdered innocent Roman Catholics and place them on a par with innocent victims. That is what we cannot understand.

Mr McDevitt: I understand why the Member may feel a sense of frustration about how the debate is going. However, the DUP might be better served reflecting on the wider context in which the debate is taking place. The DUP failed, before it came to the House, to convince many from its community who represent victims of the merits of this debate. It is impossible for us to move forward in a sensible and mature way if we simply seek to put our partisan political opinion above the interests of a sector in which all sides of the House have invested so much. It might have been better to seek Executive support through the Office of the First Minister and deputy First Minister.

We keep hearing about the stability of the new arrangement and the integrity that the two large

parties have brought to the new partnership in the Executive. I think that Members on all sides of the House feel that there are many parts of the Bill that deserve serious and honest debate. Many of us — I think that I speak for Members on all sides of the House — feel that many aspects of this private Member's Bill deserve serious and honest debate. Rather than trying to bring the Bill over the heads of the other parties in the House, of the victims' forum and of the very many people whom we have all consulted and spoken to and who do not feel that this is the right time or way, would it not have been better if the DUP had put those same energies, which I applaud because this is a serious and important debate, into trying to convince the Executive to take a mature position on the issue?

Mr Bell: The Member for —

Mrs Foster: How many times did the DUP seek meetings with the SDLP to discuss the matter? How many times did the SDLP bring us different wording that would have satisfied the proposals put forward here today? This is hugely disappointing. We tried to engage with the SDLP. There is no point in the SDLP abdicating its responsibility. It is a political party here, just like every other party is. The SDLP is trying to abdicate its responsibility and let somebody else deal with it. We approached the SDLP, and you know that that is the case. I know that the Member might not have been in the Assembly at that time. Nevertheless, the reality is that we had discussions with the SDLP about that matter. It is, therefore, hugely disappointing that it did not come forward and say that it had concerns about the Bill.

Mr McDevitt: Will the Member give way?

Mr Bell: I will make some progress, then I will.

The SDLP has effectively dropped the ball on this one. There was an opportunity to make a distinction in the Bill.

Mr McDevitt: Will the Member give way?

Mr Bell: I will give way in a moment; just let me make some progress and listen to my point. There was an opportunity before the SDLP and the Alliance Party scuppered it. There was an opportunity to draw a distinction between those who were bombing SDLP offices and those who were bombed and between those who were terrorists and those who were terrorised. The

honourable Member is an excellent wordsmith, but he cannot spare the SDLP blushes on this one. It has shielded terrorists from facing the full force of scrutiny and from being held to account for what they did to innocent people. However, what is most shameful of all is that it has elevated terrorists to the same plane as innocent victims.

Mr McDevitt: I appreciate the Member giving way. I will briefly address a couple of Mrs Foster's points as well.

I am happy to report to Mrs Foster that the SDLP was more than happy to engage in two if not three meetings over the past six weeks to discuss the Bill, and she will be glad to hear that I was party to them all. Two things were obvious from that engagement. The first was that sufficient consensus had not been achieved in the victims' sector. I say that with the greatest respect to colleagues opposite, because I do not think that this debate should be in any way denigrated; it is deeply serious and important. However, it was obvious from the information that colleagues provided that that had not been achieved. The second thing that was obvious was that there was no opportunity for political consensus.

It is my party's policy that the debate about victims should be informed by the views and wishes of the victims themselves. It is deeply upsetting that we are practically four years into this so-called new arrangement and that, during that time, the Office of the First Minister and deputy First Minister did not invest political capital into ensuring that the proper framework existed for the victims' sector.

I have some sympathy for the Members opposite, who maybe feel frustrated and have, therefore, brought a private Member's Bill to the House. However, what they will not be able to achieve through the Bill on the Floor of the House is the same thing that they have failed to achieve through the Victims' Commission, the forum and their role in the Executive, which is to create an argument that is capable of support, not on a political level but on victims' sectoral level.

6.15 pm

Mr Bell: The Member fails to convince anybody that there is no difference between those who were murdered and those who murdered. I pointed out to the SDLP that this Bill clearly draws a distinction between those who brought

bombs to SDLP offices and those who were the victims of those bombs. That is the distinction that we need, and it is the one that is missing.

I have listened to and watched politics very carefully for the better part of 25 years, since my adolescence. As chairman of the politics society when I was 16, I used to invite Mr Maginness of the SDLP to meetings in order to sit at his feet and learn from his wisdom. I know how strong the stance he took against terrorism was, and I know that he is a victim of terrorism. I wanted the Bill to go through because I draw a distinction between Alban Maginness, the victim of terrorism, and those who carried the bomb to his office. That is the distinction that I draw, and that is the distinction that should have been made in the Bill.

That is the opportunity that the SDLP has missed, and it is an opportunity that, I think, people would have expected the Alliance Party and the SDLP to take. Let us face it: that distinction could have been made, and, indeed, it should have been made. However, it has not been made. We can go on indefinitely, so let us draw the debate to a conclusion. All those who suffered as a result of ethnic cleansing, whether it came from loyalist or republican terrorists, deserve better than for the SDLP and the Alliance Party to kill a Bill that would have drawn the distinction between the killers of their loved ones and innocent people.

Mr A Maskey: I thank the Member for giving way. He has been very patient and very indulgent of all the Members who sought to intervene.

My comment is a response to a point that the Member made. I think that it would be good if we could return to the central and real issue, which is the Bill. I know, Mr Speaker, that you have tried to do that all afternoon. I hope that not too many victims or victims' organisations are listening to the debate, because I do not think that we are doing great justice to the issue. That is notwithstanding the fact, as you pointed out, Mr Speaker, that these debates are very important and emotional for many people. They are probably emotional for everybody, but perhaps others show it more. Nevertheless, as I said, I do not think that we are shedding any additional light on victims' needs or on the fact that each and every Member and all the parties have said repeatedly that they will always make sure that victims are retained at the heart of any of our discussions. Therefore, I would prefer

it if the debate were shortened, rather than prolonged unnecessarily.

The Member invited people, certainly those in my party, to seek truth from those who had anything to say. I cannot remember exactly what he said, so I will not paraphrase the Member's words. It is very rare for me to speak as a victim, but I presume that, under the current rules and regulations, I would be classified as a victim. I want to discuss my case, because I want to establish the complexity of the matter for all in our society.

I stand as a victim, because I was injured. I am lucky to be alive, and I am grateful for that and that I am here to speak on this matter. However, the fact is that, in my case, we had a Brian Nelson, who was a proclaimed British agent, as a representative in the UDA. We had a trial in which Mr Nelson was convicted of conspiracy to murder me and other individuals, who were all named at the trial. We also had Brigadier Gordon Kerr, who was a very senior British military operative. He gave evidence to the court in a very truncated statement, to the effect that this man did tremendous work and saved many lives and it was unfortunate that he had to stand trial at all. Of course, Mr Nelson went on to be sentenced to, I think, 10 years. This is an important point that I am trying to make: Mr Nelson went on to be sentenced to, I think, 10 years, very little of which he served in prison. The then Attorney General, Sir Patrick Mayhew, did the deal with Mr Nelson. This is all a matter of public record, but it is important to recall that Brigadier Gordon Kerr was able, along with Brian Nelson, to strike a deal with the then Attorney General to have basically no trial. We had an admission of guilt, and a short prison sentence was handed down, of which, as I said, Mr Nelson served hardly a year or two. I would want to know what Brigadier Gordon Kerr knew about the rest of the murders, who was involved, where the chain of command was and where the command and control went. People like me and many others would present evidence that would say that that trail of murder, because it was state murder and state conspiracy to murder, went to the heart of the British Cabinet. That was because the Attorney General was a member of the British Cabinet, which agreed and approved the deal that gave Mr Nelson a short sentence for those murders and for conspiracy to murder others, including me.

The point that I am making is that truth, which is what many victims want, is to be found in many corners. My party and I want a truth commission or process that affords all those who have something to say and the courage to say it an opportunity and avenue through which to say it.

If the DUP has its legislative way today, a lot of people will no longer be accepted as victims. The Member and the party opposite have to address that point. How will the concerns of people who are currently designated as victims — I know that members of the party opposite referred to innocent victims, whatever that might mean — be addressed? If the legislation proposed by the DUP were to be passed, many people who are currently acknowledged as victims will no longer be publicly, officially, formally and rightly acknowledged as such. Surely that is not what the Democratic Unionist Party wants as a result of legislation. I am simply offering one example out of many that highlight the complexity of the problem. I am suggesting that we have a rational discussion about the issue rather than going down the road of citing case after case. We could be here for a week, and, as I said, we are no longer doing any great service to the victims' community.

Mr Bell: Let me try to do justice to the Member's comments by rationally going through each of his points. Anybody who has been the victim of terrorism is a victim. I do not think that anybody outside the Chamber, looking on at the moral confusion here tonight, would find any difficulty in understanding the meaning of the term "innocent victim". It means that a person was innocent. It means that what happened to him or her cannot be justified. Whether an action was done under the initials of the IRA, the UVF or the UDA, an innocent victim is an innocent victim. It means exactly what it says on the tin: they are innocent victims. That is the central distinction in the Bill.

The Member referred to the actions of Brian Nelson and to his short sentence. However, it is difficult to think of anything that happened in Belfast without thinking of Jean McConville. Nobody served time for taking that single mother from her 10 children, stripping, torturing and murdering her in cold blood and for years denying her a funeral. When Members say that such and such a person was guilty of doing something to them but did not serve a long enough sentence, they would do well to think on the fact that, when they point at that person, three fingers point

back at them. Those three fingers scream for justice for the likes of Jean McConville, for whose murder nobody served time. That is the difference. I will conclude on that point, because I will not pick people out at random.

Let us be honest and straight: people in the Chamber are guilty of making victims of innocent people. The Bill draws the distinction between innocent victims of terrorism and those who were members of terrorist organisations or convicted of terrorism. The Jean McConvilles of this world cry out for justice, because those who take a mother, strip, torture and murder her and orphan her 10 children are different from the single mother who was murdered. The Bill should be taking that delineation forward.

Members referred to 'Lost Lives', which begins with the murder of John Patrick Scullion, a 28-year-old single Catholic man, and finishes, some 3,000 lives later, with the murder of Charles Bennett, a 22-year-old Catholic and part-time taxi driver, who was found in Belfast with his hands bound behind his back and a cloth tied around his head. That book does not include the murder of the innocent policeman in Craigavon and nor does it take account of the deaths of the two soldiers in Antrim, who were also innocent victims. I suggest that the people who took a person and blindfolded him, took his hands and tied them and then murdered him in cold blood are different from the innocent person who was murdered. There is no equivalence.

We started by saying that the Bill is attempting to make a distinction between a widow and a widow maker. There is a difference between those who were guilty of torture and those who were tortured. There is a difference between those who were guilty of ethnically cleansing my grandfather's business from the border and John Brown, an innocent victim, who was shot dead in cold blood. The Andrew McGoldricks of this world, who have been denied the right to the love and care of a father, are on a different moral plane from those who took an unarmed man up a laneway and murdered him in cold blood while his wife was pregnant with his child. There is a difference between those who committed murder and booby-trapped the corpse and the person who was murdered. There is no moral equivalence: that is certain, and it is out there, right across the community, from all sides.

The Bill has been set back temporarily because the SDLP and the Alliance Party have refused to step up to the plate, make the distinction and declare the moral position. I fear that many SDLP and Alliance Party voters will regard that not only as a failure to declare on the moral equivalence but as morally repugnant.

Mr Speaker: I am conscious of the fact that Mr Sheehan is the next Member to speak and that he is about to make his maiden speech. The convention is clear that maiden speeches should not be interrupted.

Mr Sheehan: Tá mé iontach sásta a bheith ag labhairt anseo inniu ar an Bhille thábhachtach seo. Leis an fhírinne a rá, tá sé tábhachtach don chomhphobal iomlán.

I am very happy to speak on the Bill. It is important to us all and, indeed, to the whole community. If we are to speak about victims and survivors and discuss a Bill that deals with victims and survivors, we need to place the debate in some sort of context. I do not want to go too far back in history, but, if we take 1969 as our starting point, it was not that someone put something in the water. The conflict erupted because of the political conditions here.

The most recent research by Ruth Jamieson of Queen's University estimates that, between 1970 and 1998, 40,000 people spent time in prison as a result of the conflict. If we add to that the people who served in the UDR, the RUC, the British Army and the Prison Service and the people who provided ancillary services to all those bodies, we can see that it was not a small group of people that was involved in the conflict. In fact, the people involved formed quite a sizeable proportion of the population. If we take the people in prison who were involved and translate that figure to the present-day male population between the ages of 50 and 65, we see that it represents more than 20%. Let us dismiss the myth that a small minority of people was involved in the conflict. A large number of people were directly involved.

I listened to some Members talk about perpetrators and about torture and about how members of their community, particularly those who wore the crown on their hat, provided protection. I do not want to indulge in "whataboutery", but, in 1969, in what was supposed to be a major city in a western European democracy, the police force, which people on the opposite Benches would say was there to protect the people, drove along

Divis Street firing indiscriminately from heavy machine guns into high-rise flats. That resulted in a number of deaths, among them that of a nine-year-old child, Patrick Rooney. We know who the victim was in that instance, but who was the perpetrator?

Was he questioned about his crime? Were those with him questioned? Did they serve time in prison? Were they charged? No; not at all.

6.30 pm

If we are going to talk about victims, let us talk about all victims. Let us talk about 1981, when a RUC Land Rover stopped at the bottom of Linden Street on the Falls Road. A young mother was passing on her way to the corner shop to get milk when one of the RUC officers opened the hatch, put a plastic-bullet gun out of it and shot her at point-blank range in the head and killed her. How long did he do in prison? Not a day. Not only did they kill that woman, they then lied through their teeth about it. If an international camera crew had not been in the vicinity to prove that the RUC was telling lies about that killing, it would have continued to deny it.

We could talk all day about different victims, but let us concentrate on the Bill. It makes no improvement to the current legislation. The current definition of victims and survivors is fair because it enshrines in legislation the equality of victims and is totally inclusive of all victims. The Members on the other side of the House should, at some stage, remove the scales from their eyes and recognise that there was a conflict here, which was a political conflict, and that, as a result, terrible things happened and people became victims.

I make no secret of my past. I listened to the Member on the other side describe how she was proud of the fact that her father was a member of the RUC. I accept that. I am also proud of my involvement in the conflict, and I make no secret of that. I am not ashamed of the IRA. However, it did things that were wrong; there is no doubt about that. However, Members on the other side of the House seem to think that those who served with the crown on their hats could do no wrong.

A reference was made earlier to a recent newspaper article in which a commentator said that he does not believe that the IRA is interested in any truth recovery process. As someone who has had close connections with

the IRA and who knows many republicans, I know that republicans have no fear of outlining their role in the conflict in an international independent truth recovery process. Our party president has said the same thing. I look forward to the day when members of the RUC, the UDR, the RIR, the British Army, MI5, the force reconnaissance unit and all the other shadowy organisations that were involved in killing people, providing weapons to kill people, and so on come forward and tell of their role in the conflict. I do not see anybody breaking the doors down to do that.

The 2006 legislation, as it stands, recognises the grief and pain and the sense of loss of all victims equally. This Bill makes a political football out of victims. If we are in a post-conflict situation, Members should not try to open old wounds. If we are talking honestly and sincerely about dealing with the past and moving forward, victims should not be a political football. The Bill is clearly an attempt to create a hierarchy of victims. I say to those, particularly on the opposite side of the House — I say it sincerely in an offer of reaching out — that there is absolutely nothing to be gained from trying to create a hierarchy of victims.

Natural justice dictates that that should not happen. The British or unionist victims of the conflict should not be given a position over and above victims from the republican or nationalist community, and, likewise, republican and nationalist victims should not be given a place over and above victims from the British or unionist community. All victims should be equal.

The Bill is divisive and is not in line with the views of many of the victims' groups and organisations or, indeed, with the views of the families of victims. There was an armed conflict for 30 years here, and, as a result, there were and are many victims and survivors. All deserve equal treatment. All victims need to be included in legislation, and the Bill does not provide for that.

Mr Givan: I rise with my mind baffled but not surprised at the warped and perverted thinking that some people have about the history of what has taken place during our Province's conflict. I do not have the intimate experience that some other Members have had of having lived through the Troubles. They refer to 1969, and, having been born in 1981, I cannot speak of my experience of that. However, from speaking to my parents and other family

members, I know that, in 1969, there was a struggle for equality. Social exclusion was taking place, and I accept that big house unionism was not operating the state in a way that it should have been operating. People from my community — a working-class community — felt that disadvantage, but when that issue was lifted up, sectarianised and taken forward as a campaign on the rights of the Catholic, nationalist, republican community, it was lost on the working-class, unionist, loyalist community. When we talk about the history —

Mr A Maginness: Will the Member give way on that point?

Mr Givan: I will give way, yes.

Mr A Maginness: The civil rights movement was not about Catholics, republicans or nationalism. It was about civil rights for everybody, and the whole intent was to create in Northern Ireland a just and open society in which everybody would be equal. It was a peaceful movement that wanted to achieve its aims through peaceful protest and agitation. That was its genesis and its nature, and that is what it attempted to do.

Mr Givan: There is no doubt that that movement morphed into a movement that was taken forward by violent, physical republican action forces. There is no doubt that the excuses that were being given at that time, and, quite rightly, there were reasons —

Mr A Maginness: Will the Member give way?

Mr Givan: I am not going to give way again. I have only got into my speech. I am not giving way.

There is no doubt that the issues that other Members gave as a reason for the terrorist campaign and on which the civil rights movement campaigned acted as a catalyst — obviously not for some of the people involved in the civil rights movement — for physical force republicans to take forward their campaign of terrorism. That is how members of the community that I come from perceive it.

We need to get back to the starting point of the Bill and what it seeks to identify, which is: what is a real victim? The Bill, which is sponsored by Peter Weir, has sought to identify what a real victim is. There cannot be any equivalence between a perpetrator and someone who has suffered, and I am sure that Members across the Chamber, except for those from one political party, will agree with me on that.

If this debate has brought the focus back to the issue of the definition of a victim, I hope that we can work together, and that Members from the SDLP will refer to that in their contributions. We have made efforts to try to create a definition. The Alliance Party needs to be brought on board on the back of what it has said so that we can get a definition that we can all agree and work together on, because there is absolutely no doubt that we will not be able to get agreement with Sinn Féin on what a real victim is.

I am quite content with the position that I am taking. However, I find it unbelievable that Members of the SDLP and the Alliance Party are content to oppose the Bill. Having listened to what the Sinn Féin Member for Mid Ulster and the Sinn Féin Member for West Belfast said, I cannot comprehend how the SDLP and the Alliance Party can comfortably sit there in agreement with those Members' definition of a victim, rather than joining with us. Let us take this matter forward and try to get a definition that we can agree on, because we will not get agreement from the Sinn Féin Benches.

It is wrong and regrettable that the SDLP Member for South Belfast has, in my view, sought to play politics with the issue of a definition of a victim. He said that it should be a matter for the Office of the First Minister and deputy First Minister to bring forward legislation and take it through the Executive, but he knows full well that the deputy First Minister would never agree to the definition that we want to put forward. However, that does not prevent the Assembly from making a decision, through this private Member's Bill, on the creation of a definition. Sinn Féin cannot block that; it does not have the numbers to do so. Sinn Féin has been able to block this only because the SDLP came on board in lodging a petition of concern.

Mr McDevitt: Never mind dancing on the head of the pin with that argument, does the Member concede that he and his party do not have the support of the majority of the credible victims' representatives? I do not want to put those people's names on record because that would be unfair, but I am talking about people from both communities who we all hold in the deepest and highest regard, and who do not come to the victims debate with a political agenda, as others in this House may do, but with a genuine determination to do what is right by those who were caught up in our Troubles.

The problem with the piece of legislation before us is that it does not enjoy their support.

If Mr Givan is saying that it is time to start a much more mature and serious debate about not just the question of victims — I am going to stray slightly from the principles of the Bill, Mr Speaker — but the question of the past generally, I am sure that I speak for my colleagues when I say that he will find us open and willing to engage. However, that debate must extend well beyond the confines of the Chamber, be pervasive throughout our communities, not be tainted by partisan politics and, in so far as we can possibly make it, be victim led.

Mr Givan: I thank the Member for his intervention. If he is indicating that the SDLP is willing to look at creating a definition, we would welcome that. We regret that we have had to bring matters to this point because the SDLP, for whatever reason, was not able to come forward, working with us, to find a definition that we could mutually agree to.

Mr Weir: Mention was made of the views of victims. The reality is that there is a wide range of victims, and no single group or individual can claim, as some probably have in the past, to speak on behalf of all victims. I suspect that, on this issue, as with others, there is a very mixed view as to what that definition should be.

During the consultation on the Bill, the vast majority of responses were positive. Therefore, painting the Bill as running against the consensus of views is an erroneous assumption on behalf of some Members opposite.

If there were an attempt to improve the Bill, we would welcome it. However, I would have thought that the way to improve a Bill was to table amendments at Consideration Stage; not to kill it at this point, as some Members opposite seem to want. In all the discussions that I and my predecessor have had about the Bill, we have yet to get an amendment from anyone, in particular from the SDLP. There does not appear to be a wealth of ideas coming from that side of the House.

6.45 pm

Mr Givan: I thank the Member for his intervention. He is right; the SDLP in particular needs to step up to the plate on the issue, rather than operating the pan-nationalist front that we saw today. We regret that SDLP

Members have not been able to find it in themselves to step forward and give leadership to the nationalist community on the issue, and, although I recognise that the electoral landscape may make it difficult for them to do that, they should step forward. However, perhaps I detected some division in the SDLP on the issue, or a difference of thinking among some of its Members. Conall McDevitt, a Member for South Belfast, shook his head just now, as his colleague Declan O'Loan, a Member for North Antrim, did earlier when my colleague Jonathan Bell said that in their heart of hearts, SDLP Members know that they are on the wrong side of the issue. Mr O'Loan shook his head vociferously, but we all know his position.

It does not surprise me that Mr O'Loan wants to come into line with Sinn Féin thinking; he wants his party to disband and join forces with Sinn Féin. However, I expect other SDLP Members to take control of their own affairs and work with us in a constructive manner to deal with the issue. I give credit to Mr McDevitt where credit is due. He has done good work on the issue of sexual abuse by members of religious organisations. I have no doubt that he sees no moral equivalence in the sufferers of that abuse and the perpetrators, and he must apply that equally to what happened during the terrorist campaign. A terrorist and a victim of terrorism cannot have the same moral equivalence, and the SDLP must be consistent on the issue across the spectrum of what is a victim, because that is what we need to define.

I regret that we must have this debate in the first place, because it never should have got to this point. I alluded earlier to the genesis of the definition of a victim, the Bloomfield report. The then First Minister, David Trimble, took forward that report and issued the consultation paper on it, which included the definition. The Assembly was then suspended and direct rule Ministers put in place what was consulted on.

Tom Elliott gave a good speech, and I had no problem in agreeing with his position. However, when I look back at the past actions of his party I must ask myself, if we are to be consistent on the issue of victims, why it allowed the release of terrorist prisoners from the Maze prison. I was only 16 years old when those releases occurred. However, I remember going to the car park of the Maze prison and watching prisoners being released. Some of those prisoners had committed the most heinous crimes, and even

at that age, I found it difficult to stomach that happening. Mr Elliott should reflect on how we got to this point, as we never should have been here. Nevertheless, I welcome the position that he has now taken on the definition of a victim.

It did not surprise or shock me when I heard some of the comments from the Members on the opposite Benches about members of the RUC and the security forces. However, I know that their families will view the language that was used by those Members as repugnant. If individual members of an organisation act outside the law they should be pursued by the full rigours of the law, whether they are members of the security forces or not. They should be pursued by the law, and justice should be allowed to be done.

Mr Molloy: Will the Member clarify his position on those who worked for the forces of the state and were guided by MI5 or central government to carry out murders in collusion with loyalist murder gangs?

Mr Givan: The Member has made that point continually in every contribution. It is notable that on not one occasion has he referred to the actions of republican paramilitaries during the Troubles. That speaks volumes for the individual, more so than any other comment he has made.

Mr Molloy: Answer the question.

Mr Speaker: Order.

Mr Givan: It is what he has not said that is important. I repeat that, if someone was in the security forces and broke the law, that person should be pursued by the full rigours of the law. The perpetrators of what took place, whether loyalist or republican, are perpetrators and not victims. The Bill seeks to provide clarity and to define a victim. Members need to reflect on their contributions in the Chamber.

Dr Farry: I am grateful to the Member for giving way. I caught him just before the end of his speech. I appreciate, as he will appreciate, that there is a difference of opinion in the House. Perhaps his speech reflects a potential willingness of parties to engage on this issue. In recognition that moving the Bill today is not the right way to go about that, is the DUP prepared to consider withdrawing it and opening a further round of discussions with parties to see whether a compromise solution can be found

that is capable of receiving broad-based support in this society and enabling us to move forward on a shared basis?

Mr Givan: I thank the Member for his intervention. However, the answer is no: we will not withdraw the Bill.

Mr Weir: I am sure that Mr Farry has some very imaginative solutions, even though he has not shared any of those with us. He had the opportunity to speak earlier, and I did not hear him suggesting any changes in that regard. If there is a feeling that better wording or a better route can be found, surely the way to progress is to pass the Bill at Second Stage and then to put forward amendments, through either discussions or parties, at Consideration Stage. That is the whole point of amendments. Indeed, by voting against it, the Member helps to prevent that discussion taking place.

Mr Givan: I thank the Member for his contribution. I am sure that the Alliance Party will reflect on what has been suggested. Hopefully, it will vote with us on the Bill tomorrow morning and then table amendments. Let us work up a definition that we can all agree on.

The DUP has made strenuous efforts with the SDLP to try to create a definition with which that party is comfortable. Is the SDLP really comfortable with what the Member for West Belfast said about being proud of his association with the IRA and about the current legislation providing equality for all victims as it ensures that everybody is included? Is the SDLP really comfortable being in line with that school of thought on the definition of a victim? As my colleague said earlier, when the SDLP searches in its heart of hearts, it will realise that that is not where it wants to be.

We will continue to pursue this until we get the end result, and I appeal to the SDLP to join us. Let us get a definition that we can agree on. Let us not play politics with the issue. Let us not say that it is the responsibility of OFMDFM and that it is that bigger political game that the SDLP wants to highlight. Let us get to the real issue, put the victim first and get a definition that we can all sign up to.

Mr Kinahan: I am pleased to speak on this subject, but I do not feel that much of today's debate has got us anywhere. There is an element of both sides taking their positions with the upcoming election in mind. Debates that

end up in a DUP/Sinn Féin slanging match are particularly unhelpful. That does not show the Assembly at its best. It sends out the wrong signal, not just to Northern Ireland but to the rest of Europe and the world. We have to find a way forward from that.

We have a problem with the definition; however, we need a definition so that we can move forward. We need a definition because there are legitimate victims, whether they are members of the armed forces, police officers or civilians. We all have a view on what constitutes a legitimate victim, but we must find a way forward. That is the test for all of us; it is something that we must try to solve. The answer will not necessarily be found in the Chamber; it may be something that is better worked out outside.

As many Members know, I served in west Belfast in 1983. It was a great insult when all of us who served here in the army were branded earlier. I was trained to come here to look after everybody; in this case, everybody in west Belfast. My job was to keep the soldiers interested when they went outside the gate of the barracks, because the ones who were not interested found themselves being shot or bombed. It was necessary to explain to them that the people outside the gate were normal people; they were people whom we had originally come here to protect before the political ball ran in many different directions and made our job almost impossible. My job in those days was to make sure that soldiers did not overstep the mark, knew what was happening outside, remained alert and stopped any terrorist activity that they might see.

I have many statistics before me: 3,500 people killed or 40,000 to 50,000 physically or psychologically injured. We heard that there were 40,000 prisoners, which is a figure that I struggle with, but I have not looked at the statistics. We know that many people suffered in Northern Ireland. I go back to my point: we need a definition for victims. The definition that we have does not work.

Today has not helped, because, as I said before, it has been a DUP/Sinn Féin sham. However, the people in the army who came here with genuine intentions need a definition. They do not want to be made equivalent to a terrorist; they are very different, whichever side one looks at it.

Mr A Maskey: I am curious why, on at least three occasions, the Member referred to the debate being a squabble or a sham between the DUP and Sinn Féin. The Bill was tabled by the DUP. There has been an exchange between the DUP and all the other parties in the Chamber. The exchanges got a little bit heated, although most of the time they were all right. Therefore why does the Member call the debate a fight between the DUP and Sinn Féin, when the tenor of the debate has shown that not to be the case? The Member should be serious about the issue instead of playing politics with it.

Mr Kinahan: The last thing that I want to do is play politics with the issue. The debate has improved in the past half hour. *[Interruption.]*

Mr Speaker: Order.

Mr Kinahan: Would the Member like me to give way so that I can understand what he just said?

Mr A Maskey: The Member is playing politics with the issue, because he keeps arguing that this is a dispute between Sinn Féin and the DUP when it clearly is not; if anything, the debate is between the DUP and all the other parties, including his own. Therefore if he is not playing politics with the issue, why does he characterise the Bill as a battle between Sinn Féin and the DUP when, as the debate has shown, it is not?

Mr Kinahan: Even if the Member is silent, it is still a battle that remains and is one that is being fought. I did not want to get into drama, war stories and battles about what happened in the past; like most Members, I want to see the debate move forward. It has been interesting to watch this debate, because there seems to be a will to resolve the issue.

7.00 pm

There may have been a very small number of servicepeople here who did things that were wrong. A huge number who came here did so to do their jobs, and to do them as best as they could. They were not murderers, thieves or whatever the rest of them are being depicted as having been. We must try to get that out of this debate when we move on.

I look forward to all of us finding a way to clarify what a victim is. However, today has done no justice to everything that went on. I look forward to seeing us all working in the future, and to the definition of "victim" being resolved. It is better to back the Bill and to find a definition, and then

to look for other ways to deal with the other issues.

Some of the things that are happening in the Office of the First Minister and deputy First Minister — and I have just been there — include the Armed Forces and Veterans Bill. It would be more helpful if Sinn Féin let that Bill go forward instead of blocking it, because it is a perfectly innocent Bill. We should then find other ways for other things. I support the Bill.

Mr A Maginness: I do not believe that we will ever agree on the history of the past 40 years, and repeating our own potted versions of history does not serve much purpose, because we will not agree on them. It is important to understand that, because there is an attempt here to establish a narrative or history that is purely one-sided. It does not matter where it is coming from — whether from that side or this side of the House — there is an attempt to corral everybody's history into the one, and that is wrong.

Mr T Clarke: I accept what the Member said: it is not about one side or the other. Surely if we could separate that issue, and look straight forward at what the Bill is really about — the definition of victim — it is the difference between right and wrong. Whether you are a Protestant or a Roman Catholic, if you have murdered somebody, you are not a victim, you are a perpetrator. It is the difference between right and wrong. We have to take the two labels out of the argument and focus just on the definition.

Mr A Maginness: I will come to that in due course. However, I am not certain of the purpose of the Bill as far as the DUP is concerned. Members on the DUP side have tried to explain, and so forth. The reality, however, is that the more that they explain, the less that I understand what they are attempting to do.

The Bill is quite deficient. If it is an attempt to make a sharp, black-and-white separation between perpetrator and victim, it does not succeed in doing that. It states:

"provided that individual has not been convicted of —

(i) an offence in connection with any conflict-related incident; or

(ii) being a member of a proscribed organisation."

I could well be a perpetrator. I could well have been a member of an IRA or UDA murder gang and not have been convicted. I could be a perpetrator and be a Member of this House. I could be outside this House and I could be conducting an ordinary business in the community. However, I am still that perpetrator. I still carried out the criminal offences, but I still have not been convicted of them.

In that sense, this Bill cannot cover the person who carried out those offences — those criminal acts. Indeed, they are still criminal acts, whether or not they were motivated by politics. Although the Nazis committed criminal acts, they were motivated by politics. Therefore, it is no excuse for Members on either side of the House to say that because somebody was politically motivated and felt that it was just and right to carry out a criminal act, that act, therefore, was not criminal.

Many people were involved in proscribed organisations but were never convicted of being members of such organisations. Indeed, for many years, a person could legally be a member of the Ulster Defence Association. I do not know when that organisation was declared illegal, but, for many years, someone could be a member of the UDA quite openly and still not be convicted of belonging to a paramilitary organisation. That was not the case for someone who was a member of the UVF or the IRA. Therefore, many members of society who were involved in paramilitary activity will be completely outside the provisions of the Bill, which is deficient in the way that it has been drafted. However, that is not my point. My point is that the intent is to separate perpetrators from victims in a legalistic sense. I think that it is probably impossible to do that.

If one looks at the history of the issue — Sir Ken Bloomfield's report, the victims unit, Bertha McDougall's work as the Interim Commissioner, the work of the Victims' Commission, and the work of the victims' forum — one will see that they have all failed to reach consensus on the definition of a victim. Their failure to reach a successful conclusion has not been because they have been politically motivated, nor has it been because they have been in some way maligned or have regarded perpetrators being more important than victims. Far from it; they were victims themselves. They failed because the issue was beyond reaching consensus. They could not find consensus, and they could not get

a definition of victim. That is the problem with this type of legislation, and that is the problem with the Bill. It does not define victim in the sense that even those in the DUP want to cover it. All they are attempting to do is to narrow the definition of victim, and they do so in the provisions unsuccessfully.

The SDLP feels, and I think that the Alliance Party will agree, that there is no moral equivalence between a victim and a perpetrator. That particular phrase came from Monsignor Denis Faul who hated injustice and fought for justice and for the rights of ordinary people.

Mr T Clarke: Following on from the point that you made about moral equivalence, would it not have been easier for your party to propose an amendment to the Bill to make it more suitable and to try to get consensus in the Chamber, rather than blocking it and killing it off? By killing it off, you are agreeing that the people who perpetrated murder are victims.

Mr A Maginness: I do not understand how you can come to that conclusion. My point is that it has eluded the collective minds of all those people whom I have quoted — people who have suffered, people who are experts in examining social issues and issues relating to victims — to come to a conclusion that is acceptable to all. It has defied them, yet they have tried strenuously to achieve a definition.

There is a definition in law under the 2006 Order. People have related the history of how we got there, and so forth. That is the law as it stands. People may well say that it is imperfect: nonetheless, if we move away from it, that creates all sorts of difficulties and opens up a lot of scenarios, which have been ventilated in the Chamber, that create anomalies and contradictions. For example, Mr Maskey told the House that he was a victim of a terrorist act. That is a fact. Others in the House have referred to Billy Wright and said that he was a victim. That is a fact. He was murdered in prison. It is difficult, therefore, to try to unify all those positions in order to reach something that is acceptable. Certainly, there are all sorts of examples of people who are perpetrators and victims. That is a fact. It is important that we realise that.

Sir Reg Empey: I thank the Member for giving way. In his maiden speech, the new Member for West Belfast, who has left the Chamber, gave an example in which he alleged that, in 1969,

shots were fired at Divis flats. He would say that the person who fired those shots had carried out an inappropriate or illegal action. I could point out that, under present arrangements, the relative, say, of the person who is responsible for the demise of the late Jean McConville — in that same block of flats — could, theoretically, be deemed to be a victim. That distils down the contradictions that exist in our community. I do not care who someone is: I have huge difficulty in reconciling the equality of those two positions.

Perhaps the Member could also reflect on the fact that many people, certainly on this side of the Chamber, feel that there is a continuous tidal wave of demands for inquiries. Inquiries have a place, but the truth is that in dealing with irregular terrorist forces and a democratic state, one keeps records and one does not. There is never really equivalence. Therefore, there is continuous pressure for what many people deem fundamentally to be the achievement of a political objective, which is to try to rewrite history in the narrative of what I deem to be terrorist organisations. However imperfect the Bill might be, there is, nevertheless, justification for saying that although what has come forward is not perfect, the truth is that if there is a vote in the morning, this is kaput as far as the Assembly is concerned.

Mr A Maginness: The Member is actually saying — I agree with him — that people in the Chamber and outside it want to write their own versions of history. That is constantly repeated. If the Assembly wants to try to tackle the past, there must be a mechanism by which to do so. The Eames/Bradley report outlined a mechanism, albeit that people had different views on. The more that one considers history, the more that one comes to the conclusion that some sort of mechanism or independent method to assess it is needed.

The fact is that people will propagandise all sorts of incidents, and they will continue to do so until such time as we have an independent mechanism that may bring about some sort of balance in dealing with and understanding our history.

7.15 pm

Sir Reg Empey referred to Mr Sheehan. Mr Sheehan gave a view of history that I cannot accept as accurate or correct. It certainly does not reflect my experience. During the course of the early Troubles, there was very little support for the Provisional IRA. In contemporary terms,

one could describe the IRA as being a micro-organisation. It did not have a political strategy at that time, nor did it have any mandate or electoral support. It is important to remind some Members of those facts.

I come back to the point about the provisions of the Bill.

Mr A Maskey: I regret that Mr Sheehan is absent from the Chamber. Will Alban Maginness inform the House of which part of Mr Sheehan's contribution he does not share and with which particular version of history, as he described it, that Mr Sheehan outlined this afternoon he does not agree? Is it the killing of Patrick Rooney in Divis or the killing of Nora McCabe on the Falls Road? I am curious to know which part of Mr Sheehan's version, as he described it, Alban Maginness disagrees with.

Mr A Maginness: In particular, I contest very strongly the claim that there was strong support for the Provisional IRA. It was clear that it did not have support and did not receive support. I do not want to go through the whole history, but the republican movement did not receive support until it started on the path to peace. That is one of the ironies of the situation. Mr Sheehan made his point very strongly that this was part of some popular movement in which the IRA took the leading role.

I will go back to the point about the provisions of the Bill. What about those who were unjustly or wrongly convicted of offences relating to the Troubles? We know of instances in which people were wrongly convicted. Some had their verdicts overturned, but others did not, and they still have the injustice of being convicted unjustly. What about those people?

Mr T Clarke: If the Member is looking for an answer, it will come by way of an amendment. If he believes that people who have had their convictions quashed should be included, that can be done by way of an amendment.

Mr A Maginness: I am not talking about those who had their convictions quashed. I am talking about those who cannot have their sentences or convictions overturned but who were innocent victims of injustice within the judicial system by reason of the fact that the police or the security forces gave evidence against them, and that evidence led, unjustly, to their conviction. That happened to people in the community.

The plight of those people has to be taken into consideration.

Some people in the security forces carried out all sorts of illegal activities, but they have never been brought to justice. Should they be left outside, as with the paramilitaries who have never been convicted? Should we leave those perpetrators outside the net and say that they could not be convicted because we could not get enough evidence to convict them? Again, I point to the deficiencies of the Bill.

I will conclude on this point. In trying to deal with the situation regarding victims, we should leave the task of defining victims up to those who suffered and who are in the best position to bring about a definition — that is, those who are involved in the victims' forum, those who have —

Mr Spratt: Will the Member give way?

Mr A Maginness: Yes.

Mr Spratt: Does the Member accept that there are many victims, in fact, thousands of victims, throughout the Province who are not involved in any groups and who have no voice in any forums or organisations? They are going to be left out. They have to be thought of as well in all this. It is an issue that I have raised regularly. Does the Member accept that there are thousands outside the net of the forum who have not even been spoken to by the Victims' Commission?

Mr A Maginness: I understand the point that the Member is making, and it is a reasonable point to make. However, we in the House, and, indeed, those in the Office of the First Minister and deputy First Minister, have brought about a situation in which there is a victims' forum and a Victims' Commission. We have relied on them to look at certain issues, in particular — OFMDFM has said this quite openly — at the definition of a victim. Indeed, OFMDFM relied on the expectation that the victims' forum would look at that and come to a successful conclusion by reaching a consensus on the definition. We cannot now simply go back on that and say, "By the way, there are people out there whom we really have to look at again".

It is important that we rely on an authoritative body of opinion within the victims' community, for want of a better term. I believe that that is the best way forward. Thus far, they have not reached that successful conclusion, and,

with respect to the proposers of the Bill, the Bill would be better left until such time as the victims' forum comes to such a conclusion.

Ms M Anderson: Go raibh míle maith agat, a Cheann Comhairle. I, too, oppose the Bill, as other members of my party have done. One of the objectives of the Assembly should be healing, both for direct victims and for society in general. If we look back and reflect on the 2006 Order that established the Commission for Victims and Survivors with the purpose of promoting the general interests of victims and survivors, we can see that that was established to assist in the healing process. The processes that we should be involved in within the Chamber should contribute to peace-building and reconciliation. That should be the ultimate aim, but the Bill does not bring us near to that aim at all.

In responding to the Bill, it is important to state that republicans are very conscious of the hurt and pain that has been caused by the conflict here. The universal nature of that is self-evident, regardless of the political allegiance, if any, of those hurt and killed and their families. Republicans are aware that we caused hurt and pain to people in this society. However, I wonder whether anyone from the Benches opposite who was a member of the UDR, the RUC, the British Army or any of those organisations that caused hurt and pain has ever acknowledged, in this Chamber or elsewhere, the hurt and pain that those organisations caused to people and families in this society. I have never heard that acknowledgement, and it would be welcome if we could hear it.

We have consistently rejected the attempts to create and to sustain a hierarchy of victims, yet the Bill attempts to do just that. As far as republicans are concerned, all victims and survivors must be treated on the basis of equality. Clause 1, however, attempts to treat some victims differently. I am greatly saddened that we are debating this Bill and the changes that it proposes. I am saddened that any party would seek to exploit the suffering of victims for selfish, party political reasons.

Clause 1 aims to amend the existing Order by narrowing the interpretation of victims and survivors to exclude anyone with a conflict-related conviction. The Bill should be seen for what it is: a blatant attempt to rewrite the narrative of the conflict. Without doubt, there

is huge denial, particularly within political unionism, about what transpired in the North. At times, some political unionists have been ambivalent or in denial about their relationship with, support for or tolerance of violent unionists. Before he died, David Ervine told us in an interview that he could describe the very colour of the wallpaper in the homes of some Members on the Benches opposite. In the past, some political unionists were quietly satisfied to have had loyalists doing what some of them would describe as their dirty work.

Clause 1 is further evidence of that. By introducing the Bill and advocating that the definition of a victim should exclude anyone with a conflict-related conviction, the DUP is attempting to create a hierarchy of victims. It is important that we say clearly that it will not succeed. The days of using the Chamber as it was used in the past, for one community to assert its rights and needs over those of another, are gone.

Mr Weir: The Member portrays clause 1 as the attempt of one community to get one over on the other. However, clause 1, and indeed both clauses, applies whether the offence was perpetrated by a loyalist or a republican, on a loyalist or a republican, or on a Protestant or a Catholic. It does not single out republicanism, but those who committed criminal acts from whatever source.

Ms M Anderson: I thank the Member for that contribution, but he will not be surprised to learn that I do not agree with how he defined "victim". Through clause 1, the DUP wants to assist in sustaining the prevalent British institutional culture, which has not only been one of impunity, but of actively suppressing the truth about the British involvement, and that of their agents, in the conflict. We have had the Stalker-Sampson inquiry, and there is much more to which we could refer in relation to that.

We will not allow the DUP to whitewash the pain and grief of thousands of bereaved relatives and injured people simply because they do not fit into its blinkered view and definition of what constitutes a victim, as outlined in clause 1. I have to question whether the DUP really thought that we would allow it to tell people who are victims, as currently defined, that, should the Bill pass, they will not be viewed as such in the future. I do not believe that the DUP thought

that that was going to happen, or that the proposer believed that it would happen.

The DUP is aware that its Bill needs cross-community support, and the proposer of the motion has already stated that. Both my party and the SDLP are on record as stating that they will not support that narrow and exclusive definition, which would discriminate against thousands of people here in the North and across this island.

The current definition of a victim is broad and inclusive, and that is what clause 1 is trying to amend. The current definition is an acknowledgement that victims and survivors have all suffered due to the conflict.

7.30 pm

The grief, pain and sense of loss experienced by victims and survivors are the same regardless of circumstances. The pain of an IRA widow, mother and father, whose loved one was killed during the conflict is exactly the same as that felt by the widow, mother and father of an RUC man killed during the same conflict. The definition in the 2006 Order is accepted and used by all public bodies meeting the needs of victims.

The DUP knows that this Bill will be defeated. I believe that the only reason why it is being pursued is because the DUP wants to engage in some kind of cruel theatrics, which exploit, in many ways, the emotions of thousands of people who were bereaved or injured during the conflict. That is exactly what DUP Members are doing, and I think they should be absolutely ashamed of themselves.

As demonstrated in clause 1, the DUP fails to recognise that all sides engaged in the conflict, including the state, and carried out actions that created suffering and victims. Even in the wake of the Saville report, Gregory Campbell, a member of the DUP, could not acknowledge the huge wrong that had been inflicted on the people of his own city. Clause 1 would, effectively, ignore thousands of victims and survivors from the nationalist community in the same way as Gregory Campbell ignored the innocent victims of Bloody Sunday, as outlined in his press statement, entitled 'Gregory Campbell responds to Saville Report', which, I am sorry to say, is still on the DUP website. He does not mention the victims of Bloody Sunday once. They are not even acknowledged. Instead, he goes on to brand the Saville Inquiry a "sorry

saga" and praises the British Army for the fine job that it did in the North.

Let us stop and reflect on that. Try telling it to the family of Emma Groves, a mother of 11 children, who lost her eyes after being struck in the face by a rubber bullet fired by the British Army while she was standing in her living room.

I suppose that the proposed Bill would not apply to the UDR, of which some Members on the Benches opposite were members. Yet some of that regime were involved in incidents and were not convicted, perhaps despite clear evidence of involvement. Of course, the UDR is not a proscribed organisation. Again, those people would escape the adverse ramifications of this Bill. However, UDR members supplied weapons used in 1989 in the killing of Pat Finucane; and let us not forget those members who were implicated in murders carried out by the Shankill butchers.

Clause 1 gives some indication of the DUP's attitude towards nationalist victims and their families. Even when those people have been vindicated in the eyes of the world, some members of the DUP would rather whitewash their existence completely. That is what I believe they are trying to do with this negative and divisive Bill. The fact is that the terrible conflict that we came through created victims on all sides; and the DUP should recognise that and join with those of us who are engaged seriously in genuine peace-building and conflict resolution.

It is not easy. It is difficult, and Members may laugh, but it is very — *[Interruption.]*

Mr Speaker: Order.

Ms M Anderson: It is what we are all charged with doing, and it is something that we should all take seriously, as opposed to being flippant about it. Cynical stunts such as this Bill are aimed at pandering to the base instinct of some of their backwoodsmen and backwoodswomen, rather than at reflecting any genuine concern for victims.

The Bill is a cynical exercise in exploiting the grief and suffering of victims. It is an absolute insult. It is a shame to many of the victims of state violence and collusion, and it will not succeed. If its sponsor had any real thought, care and concern for victims and survivors, he would withdraw the Bill. He has already said that he is not prepared to do that, but he is absolutely

causing distress to many people out there. Perhaps he does not care about that either.

By necessity, reconciliation is a long-term project. The building of a united, equal and harmonious society demands that we deal with difficult issues in an inclusive way. That is a necessary, significant and important part of dealing with the past and of looking after victims and their families — all the victims and all their families — as well as the survivors. Therefore, I oppose the Bill. Go raibh míle maith agat.

Mr McDevitt: I have been somewhat encouraged by the tone of the majority of the debate. I get a sense that, although we strongly disagree about how to deal with the issue, and we particularly disagree about the way in which the DUP proposes to deal with it, there is a strong sense and an acknowledgement that this is an issue with which we must come to terms.

It is in that spirit that I will make some remarks. Much of what I intended to say has been said, and I will save you, Mr Speaker, and colleagues the benefit of my repeating that for the record. I will let it stand there.

Some Members: Hear, hear. *[Laughter.]*

Mr McDevitt: However, something that has not been mentioned is, I suppose, the Bill's wider context. The Bill has come to the House because there has been a failure at the heart of our Government. The Bill reflects the collective failure of the Office of the First Minister and deputy First Minister under the stewardship of Sinn Féin and the DUP. It is illustrative of the fundamental problem with the partnership at the heart of our Executive. That problem makes it practically impossible for us to have an informed debate on any aspect of the past.

Mr O'Dowd: The Member started his contribution by talking about the failure at the heart of Government to agree on the definition of a victim. However, other Members of his party have already stated that, for instance, the victims' forum, which represents victims from across our society, has not agreed on the definition of a victim and that the current legislation is the best attempt at defining a victim. Why does he bother spending his time bringing up the old SDLP argument that everything is Sinn Féin's fault? He adds on comments about the DUP to sound more liberal, but he really wants to get in a dig at Sinn Féin. That just does not make sense.

Mr McDevitt: I am grateful to Mr O'Dowd for taking the opportunity to make that point, which I am sure that he was going to make anyway. I did not say that the failure to agree a definition was the problem. I said that that was the question and that the problem was an inability to deal with the past.

Of course, the past is the wider context in which the issue sits. If we do not deal with it at some stage during the political lifetime of many of us in the House, I fear that the issue will come back to haunt the next generation of legislators, the generation after that or the generation after that again. It is an issue that we know does not go away, because it has come back to haunt the country where I had the great pleasure of spending much of my childhood — Spain — 70 years after the civil war there. It is not the victims who are looking for some truth; it is the grandchildren of the victims.

As colleagues have said, there is no moral equivalence in any victim/perpetrator conflict narrative. The truth is that it is not the same for someone to have been entirely accidentally caught up in events that led to their injury or death as to have been an actor and then become a victim. However, that dichotomy will not be squared on the Floor of the House in a six-page Bill because — and to this extent, Mr O'Dowd has a fair point — very many people who are entirely divested of political baggage and are interested only in trying to work for the best interests of victims have been unable to square it. That was Mr Maginness's point.

Many of those people have raised issues that we should reflect on here tonight. One of the most profound issues, which was raised by the Commission for Victims and Survivors, is the intergenerational impact of conflict. As is the case in Spain, there are small children today who may not realise the hurt, sorrow, sadness or impact that an episode in a previous generation has had, or will have, on them until they are much older. In having this conversation, it is incumbent on all of us to understand that we must, at every step of the way, stay right by the needs and desires of the living generation of victims; the many — I agree with Mr Spratt — and not necessarily just the few who find themselves in organisations and are able to advocate their position.

We must also bear in mind the impact on future generations. We must bear in mind the fact that

this House exists to build statutes that are equal, to make laws that are fair and also to bring a new era, spirit and culture of good relations to our region. The victims issue or the definition of “victim” cannot be divested from the challenge to build a new and reconciled North.

Is there a debate to be had? There sure is. Does that debate require high-level political input? It sure does. Is it incumbent on all of us to find in ourselves the space to begin to have that conversation? It is. However, it must be at a certain standard and in a certain context, which is the past and its legacy. We do not want our children to grow up being taught an imperfect or half-hearted history and learning on street corners or through prejudiced older people a very wrong history. None of us wants the living generation of survivors of the conflict — the victims whom the DUP seeks to define in the Bill — to go to their graves angry that peace meant something to everyone but them; that it meant something to all of the other people who they could see benefiting from a peace process, a new Government and all that was going on, but they felt left behind.

The only way in which we will do that is by transcending our political debate from narrow definitions so that we are able to have a conversation about broad principles — of independent, acknowledged history; of good relations not just for today but for future generations; of truth and justice; of reconciliation for all; of fair and honest support for those who found themselves victims of our conflict in whatever context — and an understanding that, in doing that, we are not trying to engage in any exercise of moral equivalence. We are simply trying to make the North in 20 years better than the one that we enjoy today.

7.45 pm

If parties in the House are interested in that type of debate — the same type that we should have had about the cohesion, sharing and integration strategy, which could not even mention victims; another product of the Office of the First Minister and deputy First Minister — we will welcome that. I just regret that we have tried to bring this debate to the House through a simple definition on the head of a Bill. That is putting the cart before the horse and starting at the wrong place. I hope that we can leave here tonight upbeat about the positives that have come from this debate. There is a determination

to move this debate on, while acknowledging that this is probably not the best place to start.

Mr O'Loan: I apologise for missing part of the debate earlier and hope that I do not simply replicate what has already been said. The fundamental word that comes to my mind when I confront the Bill is "reconciliation". That is the foundational priority of the Assembly, ahead of any priority around the economy, the Health Service or the education system. If we are not contributing to reconciliation in society, we are not contributing to those other objectives either. I query whether the proposed legislation contributes to reconciliation.

At times, I can be optimistic about the Assembly's contribution, such as when it faced the murders of the soldiers at Massereene Barracks in a very united way. At other times, I despair of where the Assembly is. When I see this Bill, I am closer to despair than to hope. When I see the Bill's sponsor, Peter Weir, who is an educated and intelligent man and a lawyer, and think of the hours that he, in conjunction with his party, has spent researching and, supposedly at any rate, consulting on the Bill, working with the Bill Office and deciding where an intervention might be useful across the legislative framework, it does not give me much hope for the Assembly's future when we then end up with this Bill. On the other hand, I hope that there will be better days.

There are various reasons why we should be concerned about the content of the Bill and its proposal to exclude those who have convictions. The definition of a conviction is very wide-ranging:

"an offence in connection with any conflict-related incident".

That seems to be very wide-ranging indeed. I presume that it could include something as simple as rioting. If, for example, a young person was convicted over throwing a stone and subsequently knee-capped by the IRA, would the DUP exclude that individual from being represented by the Victims' Commission and from using any of the services that it provides? I would not choose to do that.

Then there are those who have been wrongly convicted, and we know that there have been quite a number of those instances. We know that, under former law, it was relatively easy to get convictions, often with just the evidence

of two police officers. That could not happen now. We know that some people who have been convicted cannot get their convictions overturned. We also know that the Criminal Cases Review Commission prioritises and takes only cases of a high level of seriousness. Many others who have been wrongfully convicted simply have to live with that situation; under the Bill, they would be deprived.

There are particular issues for young people. I referred to the example of rioting, but there are others. There are young people whom others sent to war. There are young people who were vulnerable and, as a result, were particularly targeted. There are young people who were impressionable. I recall one incident in the Troubles when a child of one of the most notorious loyalist paramilitaries was charged over an incident involving a pipe bomb. I remember thinking, what chance in life did that young person have? The DUP would exclude that young person and any other such young person from the services that the Victims' Commission would provide. I have to say that I most certainly would not choose to do that.

There are young people who got involved in paramilitary activity after they saw their homes being ripped apart and other things that happened improperly. Those acts were initially denied but were later found, by public examination, to be the case. Some young people saw other improper behaviour on the part of security forces but saw no apparent redress for it. Unwisely, but to some degree understandably, they got involved with paramilitarism. We need to have some understanding of and sympathy for those in that situation.

There are also those who have changed their ways and regret what they did.

Mr Weir: I thank the Member for giving way. I have to say that I am very concerned with the line down which he is going. It seems to verge very closely to being a degree of justification for people having been involved in criminality and violence. Will the Member not accept that, whatever has happened on either side, there is no excuse whatsoever for anyone to have been involved in criminal or terrorist behaviour during the Troubles? There is no justification and no excuse for it.

Mr O'Loan: The Member is right to say that there is absolutely no moral justification. This party was confronted with the same

circumstances as others, and it took a very different decision to others. It decided that, despite what we might call the provocations that were put in front of it, it would set its face against a violent route. That does not mean that we cannot have some understanding of those perhaps vulnerable and impressionable people who did choose that route. It also does not mean that we cannot have some recognition for those who have now recognised the wrongness of what they did and, in some cases, are attempting to provide some redress. Recently, a number of graves of the disappeared have been discovered. They were discovered because some people are giving information that they were not prepared to give previously. Is it not possible to believe that there are some people who now, decades later, are living with their very troubled conscience and are prepared to attempt to give something back for the wrong that they did in the past? It is right to recognise that some of that is going on, and we should not attempt to trample on it by enacting legislation of this type.

Mr Elliott: I thank the Member for giving way. Does the Member accept that, although some people may be tackling their conscience and coming forward with some information, many, many more are not? If they were, we would have a great deal more openness and a society that is closer than it is to having a truth-recovery operation. However, that cannot take place while most of those who carried out the dastardly deeds do not accept their responsibility or have the conscience to tell people what actually happened.

Mr O'Loan: I agree to a large extent and will talk more broadly about dealing with the past. It is right that there is a great responsibility on many more people than have exercised that responsibility.

I have raised some difficult cases by discussing those who were wrongly convicted or who have changed their ways. That is the case, even if there were not one person in those categories, which there is. Even if not a single person were in those categories, I would still say that this is a bad Bill. It is not a Bill that will contribute to reconciliation or to bringing our society together. It is a Bill that is about exclusion, when what we need is to find ways in which to include each other. The Bill does not do that.

I find the DUP's stance, in introducing the Bill, to be self-righteous in tone. As others have pointed out, the DUP fails to recognise its history of political intransigence. Its members do not appear to be asking themselves to what extent they contributed to the climate that in some way contributed to the scenes of recent years. The point has already been made, and I have answered it: despite facing provocation, this party rightly took a non-violent stance. However, we have not all forgotten the days of firearm certificates being waved in the moonlight on mountainsides. We have not forgotten the Third Force or the red berets. All those things happened and were part of the reality, and the DUP needs to face that.

The Bill makes no contribution to dealing with the past, which is a broader task than providing properly for victims of the Troubles, although that is one essential ingredient. Stephen Farry brought up the murder of Billy Wright, which is a useful and important example that illustrates a particular weakness of the DUP in this debate. The Victims and Survivors (Northern Ireland) Order 2006 confers a duty on a Commissioner for Victims and Survivors to:

"keep under review the adequacy and effectiveness of law and practice affecting the interests of victims and survivors."

According to this Bill, the DUP would take that duty and responsibility away from a commissioner. Yet, it regards it as appropriate and right to question law and practice around the killing of Billy Wright. Even without the Billy Wright case, which is apposite in illustrating the point, the same principle would apply, and that is why the Bill is not a good Bill.

Although dealing with the past is a major challenge for us all, it is a particular challenge for the DUP and Sinn Féin, because acknowledging the truth is a fundamental and vital ingredient of doing so. Truth be told, neither of those parties is comfortable with seeking the truth. I have illustrated a number of areas of the past in which members of the DUP are not comfortable with examining their consciences. I could add the blanket support that the party gave to actions of the security forces, even when those forces were very much in the wrong. Speaking for Sinn Féin, Pat Sheehan told us that the republican movement is very comfortable with addressing the past: just set up an international commission and it will be

there to tell the truth. I imagine the first day, when the Sinn Féin president appears before the international commission and tells it that he was not a member of the IRA. We are expected to believe that the republican movement is ready to deal objectively with its contribution over the past 30 or 40 years. The truth is that both those parties are highly selective in addressing the truth.

We have a big job to establish the truth of the past and make a contribution to reconciliation. I go back to the first words that I used: this debate is about the contribution that the Assembly can make to reconciliation. Mr Speaker, the Bill does not make that contribution.

Mr Attwood: I also apologise because, save towards the end of the debate, I did not hear the contributions because I had other duties. Because of that, my response will be somewhat limited.

A number of Members referred to the issue of a hierarchy of victims, and I want to deal with that point. However, a more critical issue is the hierarchy of responsibility. Although I agree with Martina Anderson that there is equality in the pain endured by victims and survivors, whatever the circumstances in which that state arose, in my view, when accounting for the past, there is no equality of responsibility across our community. Unless a way can be found to address the issues associated with the hierarchy of responsibility and the accountability of those who know most about the past, the pain of victims will never be dealt with fully.

8.00 pm

This debate and this Bill, whatever its emotion and content, may give some people in the community and some in certain parties a sense of reassurance that there is a hierarchy of victims and that there is not equality among victims, but it does not, in any other way, add to dealing with victimhood, survivors and the past. The critical issue is that those who did the worst, who know the most and who tell the least have the biggest responsibility to answer for what happened in this part of Ireland over the past forty years.

The heads of Special Branch, the commanders of the British Army, the directors general of MI5 and the leaderships of the IRA, the UDA, the UVF and the other terror organisations have the highest level of responsibility to account for the past. They are the people who, time after time,

suppressed accountability for the past. If we are to break through this issue, the leaderships of all those organisations have to personally and organisationally account for what they did and what they allowed to happen over the past 30 and 40 years. Unless that is the premise on which we deal with the past, the past will end up being dealt with in a selective, partial and exclusive way. That is the watershed moment. That will be the breakthrough, if it ever comes. Unless the commanders of the IRA and the UVF — we all know who they are — and the heads of Special Branch, the British Army and directors of MI5 in Northern Ireland — we know who they are — account in full for what happened, victims will never have the opportunity for the healing, truth and justice that they seek.

I do not travel in hope that that standard will be fulfilled. Look how long it took for Nuala O'Loan to eventually expose the fact that elements in Special Branch were running agents who were involved in a large number of murders and that the paymaster of those agents was MI5. Look how long it took for Nuala O'Loan to get at the truth of what MI5 knew was happening in Northern Ireland because it was paying agents through Special Branch and the RUC. Look at the time it has taken to locate those whose bodies were stolen from their families and buried in secret graves in unknown places. Look at how many years of struggling and campaigning it took for the minimum of the return of the body of a deceased family member to be fulfilled. Even still, there are bodies that remain unlocated. A hierarchy of responsibility self-evidently exists among those who were in command and control of state and illegal organisations and were responsible for the excesses and the terror of the past. I do not travel in hope that they will live up to their responsibility, given those real circumstances.

I find it somewhat ironic that Sinn Féin complains today about legislation that begins to put some definition around who does and does not qualify for opportunities or entitlements arising from the past. That problem did not arise when the IRA, not Sinn Féin, entered into the negotiations with the British Government at Hillsborough that led to the production of the on-the-runs legislation. That legislation would have resulted in anyone who, at any time, was convicted of a scheduled offence, whether that person was a member of a state or an illegal terrorist organisation, having to serve only two years in prison, if that. When it came

to those people accounting for their offences, victims and survivors would not even have been entitled to be in the courtroom to hear what was transpiring. Therefore, given the IRA's past form and hearing Sinn Féin today and how it worked with the British Government to bring about the obscenity that was the on-the-run legislation, I feel that its position seems to be utterly confused and contradictory.

At the end of the day, whatever model the Secretary of State and others are thinking of imposing on the people of Northern Ireland to deal with the past, we are at a very risky and critical moment. We are at a very vulnerable moment, at which the British Government and the other forces that I referred to in the state and in illegal organisations will again conspire to suppress the truth of the past and, despite all their fine words, deny the justice that people are entitled to. Unless people mobilise and make it very clear to the British Government and to the other conspirators who, in my view, want to suppress the truth of the past, we may, in the next short while, have a mechanism to deal with the past that, at its heart, does not oblige those who know the most to account for and to take responsibility for what they did.

I agree with some comments made by some of my colleagues. I worked with a small number of lifers. Those people served many long years in prison yet were totally innocent. Because of the quirks of our legal system, their cases have not yet been referred to the Criminal Cases Review Commission, and, as a consequence, under the law of the land, they remain convicted of involvement in murder. However, they were innocent. I know them to be innocent, the Prison Service knows them to be innocent, and anybody who is asked knows them to be innocent. Under this legislation, people who were utterly innocent yet were convicted of crime will not benefit.

Similarly, as Mr O'Loan indicated — the point was misunderstood by the DUP Benches — I differentiate between those who were detained at the Secretary of State's pleasure because of their involvement in terror organisations. I differentiate the young children who were preyed on by the commanders of terror organisations. I differentiate them when it comes to the issue of whether or not they are a victim. We need to understand that, across our society, people who were preyed on by godfathers of terror because they were under the age of criminal

responsibility did things that resulted in them spending long terms in prison. Certainly, I, for one, want that to be clear.

The danger is that this legislation will rip the moral and wider authority of the victims' forum and victims generally from under their feet. We struggled in the Chamber over the past two, three and four years to bring about a victims' forum. Whatever the engineering around that, it, nonetheless, put victims at the heart of the debate on dealing with the past. Although it has been uncomfortable and uneasy, they have been able to sustain their relationships with one another from across the range of grief and pain. However, as Declan O'Loan properly pointed out, we, in the Chamber, are again attempting to usurp the authority of those people at a time when, in my view, they are demonstrating that they are more fit for purpose than the political community in trying to advance the needs of victims and survivors.

I understand that there are people in the DUP who will never rest easily until the point of differentiation between victims is acknowledged. I do not deny that, and I have some sympathy with it. I do not view all those who may have been involved in conflict in the same way. I see the point and the principle of trying to differentiate between those who were convicted of scheduled or conflict-related offences, whatever that might mean, and other victims. I can understand the thinking, but I do not appreciate or accept the outworking. To do that at this time is the political world potentially — for partial, exclusive or narrow reasons — taking the issue of victims and warping it in a way that runs contrary to the good work that victims are trying to advance.

I shall conclude by making a couple of observations on what Martina Anderson said. First, there is clearly some confusion in what she took the legislation to mean. She rightly said that the pain of the widow of a police officer was no different from the pain of a widow of a paramilitary. As I said, I can appreciate that, but that is not the Bill's purpose. Neither the widow of a paramilitary nor the widow of a police officer would fall subject to the Bill. It is not a relevant consideration. It may be part of the wider narrative, but it is not relevant to the intention of the Bill in any shape or form.

The second observation is deeply revealing of a mindset. Ms Anderson rightly outlined

the grievance and grief that many people in our society feel because of the use of plastic bullets, of elements of the UDR, of collusion and of the British Army. She rightly outlined that narrative, but not once in her contribution did she utter the word "IRA". Not once did that come from her mouth. In naming all those that offended —

Mr O'Dowd: Will the Member give way?

Mr Attwood: I will in a second. In naming many of the organisations that offended against the people of Ireland, Ms Anderson did not seem to see the obligation or the need to articulate, except in passing and in general, the fact that the IRA, an organisation to which I presume she claims some loyalty, and other organisations on the terrorist side had also been responsible for pain.

Mr O'Dowd: No matter how hard the Member hits his finger on the Bench, it does not make him right. It may look good on television and sound good on the airwaves, but it does not make him right.

If he had been listening to Martina Anderson, he would have heard her say clearly that republicans caused hurt in this society and that we have responsibilities around that. He may be technically right that she did not emphasise the IRA, but everyone who wants to be reasonable knew exactly whom Martina Anderson was talking about when she acknowledged that. Other republicans have said that, and indeed Pat Sheehan, in his first speech in the Chamber, stated that the IRA had done things wrong. I emphasise again: republicans caused hurt. We are also part of the peace-building process on this island, and whether the Member likes that or not is irrelevant. Let us deal with the facts: republicans have acknowledged their role in the past, and we also have to ensure that we have a role in the future.

Mr Attwood: I thank the Member for his contribution, the first bit of which was plain silly. I shall respond to his second point: if there is to be a full, proportionate, balanced and proper debate on the issue, the obligation has to be to name the scale of the issue. Martina Anderson's speech, except for one passing reference, did not name the IRA or, for that matter, any other terror organisation. The scale of the responsibility and the content of the narrative were all about state violence and state terror. The Hansard report will demonstrate that the entire balance of her speech was about the obligations of

those in state organisations that have been responsible for grief, pain and illegal activities.

8.15 pm

We have to have a full debate. I hear what the Member said, and I will read the Hansard report to get a sense of whether Mr Sheehan and other Sinn Féin Members outlined the scale not just of the state's obligation for the past but the responsibility of republican and loyalist terror organisations and, in particular, the fact that 1,500 people lost their life at the hands of one organisation alone; namely the IRA. Unless that is acknowledged and talked about, Sinn Féin Members are open to the charge that they, like some in the DUP, are being narrow, partial and exclusive. As Mr O'Loan said, any narrative that is narrow, partial and exclusive ill serves the true interests of our society and the process of national reconciliation.

Mr Weir: I had the opportunity to be here for the bulk of the debate, missing only a little of Alban Maginness's speech. I will, I am sure, derive much excitement and pleasure from reading —

Mr A Maginness: Mr Bell will tell you all about it.

Mr Weir: I can either receive it from Mr Bell or read it tomorrow in Hansard with a certain level of intensity. I am sure that it will be up to the Member's usual standards.

At the outset, I thank all who contributed to the debate. It is probably a fair comment that, at times, more heat than light was generated, which is perhaps not surprising given the sensitivities of the issue. Nevertheless, I thank everyone who contributed, even the Members with whom I would vehemently but not violently disagree, which comes to the heart of the issue. I thank the Members who even managed, at times, to touch on the contents of the Bill. We did occasionally stray in that direction, but, generally speaking, there was always somebody to divert whichever Member was speaking away from the Bill relatively quickly. Nevertheless, some Members did, at least, get into the substance of the Bill, while others were perhaps a little more tangential in their contribution.

As time is marching on, I will keep my remarks relatively brief and try to deal with just some of the issues that came up.

Not surprisingly, we got the usual diatribe against the security forces from the Sinn Féin Benches opposite. I agree with at least one

point that Mr Molloy made, although perhaps not in the way that he meant it. He said that this is a sensitive issue and accused me and the DUP of trying to exclude people. I hold my hands up to being guilty of that. The purpose of the Bill is to exclude criminals and paramilitaries from the definition of a victim. I make no excuse for that whatsoever and suspect that some Members opposite may have been able to smoke that out from some of the contributions made during the debate.

We also got a diatribe about putting things in context. Along with Paul Givan, I do not remember the 1960s; there may be others in the Chamber who do. However, regardless of what happened on whatever side, there was no excuse at any stage for violence, terrorism or criminality. That is the fundamental point.

Leaving aside the many attacks —

Mr O'Dowd: Are the DUP Members now standing in front of us professing to be pacifists? At no stage during the conflict did I ever hear the DUP say that state violence or the use of violence was wrong. The DUP is not opposed to the use of violence; it is opposed to republican violence, and there is a distinct difference in that. That is where the problem with the Bill is. This evening, the DUP has presented its Members as the moral authority on who is or is not an innocent victim. However, the complexity of the scenario surely suggests that we, as political participants in the conflict, have no right to stand in a debating chamber and decide who is innocent and who is not. There is no way that the DUP can stand in front of Members of this Chamber and say that its Members were or are pacifists. They were not.

Mr Weir: There is no excuse for violence, and I reiterate that. It is, perhaps, appropriate that we are talking about a Bill that deals with victims, because Sinn Féin Members always desire to wrap themselves in the blanket of victimhood. They are always the oppressed, and the sense of almost paranoia percolates down so that they think that the Bill focuses solely on republicanism, when it clearly does not. That was the tenor of the remarks that were made, but the Bill distinguishes between victims and those who were convicted of conflict-related offences or those who were members of proscribed organisations.

Mr Molloy: Will the Member give way?

Mr Weir: I am getting to the stage when I have heard enough from your party, and I want to plough on. The reality is that the Bill does not discriminate between Catholics and Protestants, loyalists and republicans and unionists and nationalists. It draws a clear distinction between victims and perpetrators, which is how it should be.

I do not claim that the Bill will deal with all the issues of the past. As I said at the outset, anyone who can give me a blueprint that satisfactorily deals with every issue of the past is a wise person, but I suspect that he or she does not exist. I also do not claim that the Bill is perfect. By definition, perpetrators cannot be victims, and the only route that we can take is on the basis of convictions. That will mean that there will be those who have committed heinous criminal acts who will fall outside this, because the law was not there to convict them. That applies to individuals in the security forces, loyalists and republicans. Indeed, my colleague Arlene Foster referred to the conviction and clear-up rate in Fermanagh of around 3%. It is difficult to draw up any definition that will ensure that all those people will be considered.

I took some personal exception to Martina Anderson saying that I should be ashamed of myself for bringing the Bill to the House. I am not someone who generally dwells on pride, but, quite frankly, I am not ashamed of myself. I am not someone who went out and killed, murdered or inflicted violence on people, nor was any member of my family. Throughout my life, I have always condemned violence and never condoned it; therefore, I am not ashamed of myself. There are others who were involved in violence who should look into their conscience before they start to throw allegations of that nature around.

I expressed my disappointment at the position adopted by the SDLP. However, Members from that party did occasionally sprinkle some valid points into the debate. Señor de Valera or Conall McDevitt, the honourable Member for Madrid south, made a valid point —

Mr McDevitt: It was Malaga actually.

Mr Weir: OK, Malaga south, then. Mr McDevitt made a valid point when he said that we must come to terms with our past, and, if we fail to do so, it is likely to haunt future generations. That is correct, and it is one of the reasons why we brought the Bill to the House. If we simply perpetuate a myth that, in essence, suggests that, in some shape or form, we were all

responsible for what happened and that we are all victims in some shape or form, we will fudge the past. Unless we face up to what happened in this country during the Troubles, we will not lance that boil, and the wide-ranging definition of victim will be a festering sore until it is properly dealt with.

I and most of my colleagues do not claim to be the font of all knowledge, although I cannot speak for all of them; perhaps some do. However, there may be better wording that could be brought forward, and the indication that the Bill should be the start of a debate should be welcomed. As the Bill is at Second Stage, I find it strange to think that people may have better ideas. I have yet to hear better ideas on definitions from the SDLP or the Alliance Party, but I will be generous to those parties and accept that they may have in mind some remarkable wording. Surely, to put that to the test, we should allow the Bill to progress at least beyond Second Stage. Evidence could then be teased out at Consideration Stage, and we will see whether the SDLP or the Alliance Party have ideas on a better form of wording. Let them come forward with suggestions, and let us deal with those in a proper debate. I have a feeling that the reason why they are trying to stop the Bill at this stage is that neither party has come up with a better form of wording.

As a number of Members said, the problem with the current definition is that it creates moral equivalence between perpetrators and victims. It fudges the issue. We have to face up to the reality of our past. The SDLP asked, "Why not simply leave this to the victims' forum?". With the best will in the world, any victims' forum, however well constructed, will by necessity contain only a relatively small number of people. It will not contain the totality of victims. Indeed, many victims see themselves purely as individuals and not linked to any organisation or representative group.

If no changes are made, the status quo will remain. Is there a single person who believes that consensus can be reached as regards the definition of a victim any more than there will be a consensus view in the House? Ultimately, we have to bring truth to the process. I do not think that the status quo is a particularly good approach.

The Bill is a single issue Bill, and OFMDFM has been mentioned. I have to say that a lot of work

has been done and resources put in — much greater than had existed previously — to deal with the real needs of victims. I suspect some on the opposite side of the House may even agree with that. The victims' forum may be able to do work on the practical side, but there will not be consensus on the definition.

I was disappointed by the Alliance Party's approach. It at least had the good grace to express reluctance in voting against the Bill. Nevertheless, I suspect that that party will go into the wrong Lobby tomorrow morning, thereby trying to curtail the debate before we get properly started. I took exception to one of Mr Farry's points. The gist of what he said was that we should not:

"make the perfect the enemy of the good".

I find great difficulty in regarding the current definition as good in any way. It falls a long way short of good. We may provide a good definition that is not perfect, but I am disappointed by the Alliance Party's attitude on the issue.

I welcome the contributions of the Ulster Unionist Party, particularly that of its leader. I was a little bit confused as to where Danny Kinahan was going for a while, but he eventually got to the point that he does not see a great deal of moral equivalence. Mr Elliott spoke about the need to focus on the real victims and his own role in the security forces, and he said that none of the violence could be justified. The issue needs to be dealt with properly. I do not say this in an accusatory way, but, as has been mentioned, the origins go back to around 2000. An opportunity was missed at that stage, and the situation was reinforced by direct rule.

It is telling that, on a couple of occasions, Sinn Féin representatives said how satisfied they were with the current definition. They felt that the definition was right and did not need to be changed. I simply ask some of the Members who are considering voting against the Bill whether having a definition that Sinn Féin regards as the perfect solution is a balanced situation. Is that something that the other parties are happy to buy into? Unfortunately, some of the other parties are shielding the position of Sinn Féin to a certain degree. The Bill will not solve every problem from the past, but its contents go a certain way to doing so.

8.30 pm

The Alliance Party, in particular, and, to some extent, the SDLP made reference to Billy Wright and others. If a distinction is drawn between a victim and a perpetrator, once someone has been defined as not being a victim, it does not mean that all of their rights evaporate. For example, the Bill has no impact on people who are carers, irrespective of whether they are victims. It has no impact on security benefits and in no way does it denigrate the right of anyone to proper protection when in the custody of the state.

There were clearly failings that led to the murder of Billy Wright. It was right that those failings were investigated, and it was right that they were part of a public inquiry, because even someone who does not fall into a particular definition of a victim has a right to be protected by the state. The current definition of a victim — Members have given a range of examples — means that the Shankill bomber, Sean Kelly, for example, is on a par with the victims he created. What applies to Sean Kelly can apply to any number of people who committed paramilitary acts, whether they were members of the IRA, the UVF, the UDA, the INLA or whatever descriptor they used.

The Bill is an attempt to bring a little truth and honesty into the process of getting a definition of a victim. The Bill is trying to eliminate the moral equivalence that exists at present. Although Damascus is quite a distance away for some Members, if a Damascus conversion does not happen tomorrow, we will bring back this issue.

I urge Members to have the openness of mind to at least continue the debate on the legislation and to offer us the much better way forward that they seem to be able to talk about but not to put into action. I commend the Bill to the House.

Mr Speaker: I remind Members that a valid petition of concern has been presented in relation to the Bill. Therefore, the vote on the Bill will be the first item of business in the House tomorrow morning.

Adjourned at 8.33 pm.

Northern Ireland Assembly

Tuesday 14 December 2010

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

Members observed two minutes' silence.

Private Members' Business

Victims and Survivors (Disqualification) Bill: Petition of Concern

Motion proposed [13 December 2010]:

*That the Second Stage of the Victims and Survivors
(Disqualification) Bill [NIA 6/10] be agreed. —
[Mr Weir.]*

Mr Speaker: As Members will already know, a valid petition of concern was presented yesterday in relation to the Second Stage of the Victims and Survivors (Disqualification) Bill. Members will also understand that under Standing Order 28 the vote could be taken only this morning. The vote will be on a cross-community basis. If that is clear, we will proceed to the vote.

Question put.

The Assembly divided: Ayes 48; Noes 47.

AYES

UNIONIST:

*Mr S Anderson, Mr Armstrong, Lord Bannside,
Mr Beggs, Mr Bell, Mr Bresland, Lord Browne,
Mr Buchanan, Mr Campbell, Mr T Clarke,
Mr Cobain, Mr Craig, Mr Cree, Mr Easton,
Mr Elliott, Sir Reg Empey, Mrs Foster, Mr Frew,
Mr Gardiner, Mr Gibson, Mr Girvan, Mr Givan,
Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin,
Mr Kennedy, Mr Kinahan, Mr McCallister,
Mr McClarty, Mr B McCrea, Mr I McCrea,
Mr McFarland, Mr McGimpsey, Miss McIlveen,
Mr McNarry, Mr McQuillan, Lord Morrow, Mr
Moutray, Mr Newton, Mr Poots, Mr G Robinson,
Mr K Robinson, Mr Ross, Mr Spratt, Mr Storey,
Mr Weir, Mr S Wilson.*

*Tellers for the Ayes: Mr Buchanan and
Miss McIlveen.*

NOES

NATIONALIST:

*Ms M Anderson, Mr Attwood, Mr Boylan,
Mr D Bradley, Mrs M Bradley, Mr PJ Bradley,
Mr Brady, Mr Burns, Mr Callaghan, Mr W Clarke,
Mr Dallat, Mr Doherty, Mr Gallagher, Mrs D Kelly,
Mr G Kelly, Mr Leonard, Mr A Maginness,
Mr A Maskey, Mr P Maskey, Mr F McCann,
Ms J McCann, Mr McCartney, Mr McDevitt,
Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone,
Mr M McGuinness, Mr McLaughlin, Mr Molloy,
Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mr O'Loan,
Mrs O'Neill, Mr P Ramsey, Ms S Ramsey,
Ms Ritchie, Ms Ruane, Mr Sheehan.*

UNIONIST:

Ms Purvis.

OTHER:

*Dr Deeny, Dr Farry, Ms Lo, Mr Lyttle, Mr McCarthy,
Mr B Wilson.*

Tellers for the Noes: Mr Brady and Mr Burns.

<i>Total votes</i>	<i>95</i>	<i>Total Ayes</i>	<i>48 [50.5]</i>
<i>Nationalist Votes</i>	<i>40</i>	<i>Nationalist Ayes</i>	<i>0 [0.0]</i>
<i>Unionist Votes</i>	<i>49</i>	<i>Unionist Ayes</i>	<i>48 [98.0]</i>
<i>Other Votes</i>	<i>6</i>	<i>Other Ayes</i>	<i>0 [0.0]</i>

Question accordingly negatived (cross-community vote).

Mr Speaker: The Second Stage of the Victims and Survivors (Disqualification) Bill is not agreed. The Bill falls. I ask the House to take its ease as we move into the next item of business.
[Interruption.]

Order. I ask Members to leave the Chamber in an orderly fashion.

Ministerial Statement

North/South Ministerial Council: Health and Food Safety Sectoral Format

Mr Speaker: I have received notice from the Minister of Health, Social Services and Public Safety that he wishes to make a statement.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I wish to make the following statement on the eleventh North/South Ministerial Council (NSMC) meeting in health and food safety sectoral format, which took place in the Canal Court Hotel in Newry on Wednesday 10 November 2010.

The Executive were represented by me, as Minister of Health, Social Services and Public Safety, and Michelle Gildernew MP MLA, Minister of Agriculture and Rural Development. The statement has been endorsed by Minister Gildernew. The Irish Government were represented by Barry Andrews TD, Minister for Children and Youth Affairs. I chaired the meeting, at which we welcomed some major cross-border developments in the field of child protection.

The Council welcomes the launch of the North/South child protection hub, which is a dedicated online resource to be used by policymakers, professional practitioners, researchers and educators to share and improve knowledge, develop evidence-based practice and, ultimately, assist the safeguarding of vulnerable children. We also received a demonstration of the hub, illustrating its breadth and ease of use.

Ministers also welcomed the launch of the child protection communication strategy and communiqué. The strategy aims to promote public awareness and assist everyone in their duty to safeguard children. Those aspirations are encapsulated in the communiqué, which sets out ways in which co-operation will be taken forward to protect children, safeguard their welfare, exchange information and ideas, share good practice, develop protocols and ensure promotion of common public messages.

We also noted ongoing progress on a range of child protection issues, including work to develop a joint protocol dealing with children in care and those on the child protection register who move between jurisdictions, where there are particular concerns. A progress report on other areas of co-operation in health was also received.

Under that heading, we noted the revised projected timescale for the development of a new satellite radiotherapy centre at Altnagelvin Hospital. We also noted that a conference on population-based cancer research in Ireland was held in Dublin in October 2010 and that arrangements were in place for a conference in Belfast on the value of health economics for future cancer services. That conference took place in November.

We then discussed ongoing co-operation on health promotion, drug and alcohol misuse, and men's health and physical activity. It was noted that the 'Drug Use in Ireland and Northern Ireland' drug prevalence survey that is currently being undertaken will, for the first time, contain information on mephedrone and other so-called legal highs. Ministers also noted that, to date, the arrangements for cross-border paediatric congenital cardiac surgery and interventional cardiology in Northern Ireland have been working very well.

With regard to the all-Ireland plan on suicide prevention, we noted the potential impact of the current economic crisis on suicide and agreed to the inclusion of a new action — suicide and the economic downturn — within the rolling action plan. We also welcomed the establishment of the new media-monitoring service in Northern Ireland and the completion of the all-island evaluation of applied suicide intervention skills training (ASIST).

Ministers discussed the range of research activities that are being taken forward by SafeFood, which include the cross-sectional population study on dietary salt intake, the qualitative research that is targeting the information needs of vulnerable and hard-to-reach groups on food safety and the number of new attitudinal research projects that are under way. The Council noted the continuing success of SafeFood's promotional activities and welcomed its sponsorship of an event in Belfast that focused on tackling obesity in young people. We then reviewed progress on finalising the corporate plan 2011-13, the business plan 2011 and agreed that they will be brought forward for approval at a future NSMC meeting.

Mr Easton: I welcome the Health Minister's announcement and the child protection and suicide prevention issues that were raised. In the light of the downturn in the economy of the Irish Republic and the cuts that are happening

there, will the Irish Government be able to keep their commitments on those projects and issues? Did the Minister raise the issue of cutting the health budgets of the North/South bodies?

The Minister of Health, Social Services and Public Safety: As I indicated on a previous occasion, the efficiencies required by the Department of Finance and Personnel (DFP) have been applied to North/South bodies and they have been put in place to save money. As far as the North/South bodies are concerned, the Member knows that they are established by international treaty, so there is an element of requirement there.

The Member mentioned the ability of the Dublin Government to invest in schemes in Northern Ireland, and he is aware that the main project is the road scheme in the west of the Province, which does not fall within my remit. The one that interests me is the Altnagelvin radiotherapy unit. To date, I have had no indication from Dublin that it is unable to pay for its portion of the development.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. It is particularly timely that it refers to child protection issues, given that we are about to debate the Safeguarding Board Bill.

The Minister suggested that there was a report on other areas of co-operation in health. Will the Minister provide an update to the House on any discussions he has had on moving forward on and eventually publishing the North/South feasibility study?

The Minister of Health, Social Services and Public Safety: I have laid out carefully in each of my statements and reports to the House exactly where we are as far as North/South working is concerned. I have covered, for example, radiotherapy, suicide, out-of-hours services, health co-operation and A&E services. Work in those areas continues.

I do not need a feasibility study. I am not going down the road of a feasibility study that was sponsored jointly by a direct rule Minister and the Dublin Government a number of years ago, because I am not prepared to engage in further bureaucracy on this issue. It is unnecessary. The principle, as far as I am concerned, is where we can co-operate for mutual benefit. Where I can see benefit to the population in Northern Ireland, for whom I have responsibility, I am

prepared to be very supportive within resource limits and probity.

Mr McCallister: I welcome the Minister's statement on those various issues, particularly on child protection and suicide. He mentioned men's health, obesity and salt intake in food. Has the Republic of Ireland showed any interest in the model that he has set up in Northern Ireland, namely a Public Health Agency dedicated to addressing those issues?

The Minister of Health, Social Services and Public Safety: It is fair to say that all Administrations in these islands are looking very carefully at the experience of the Public Health Agency. In London, Andrew Lansley has talked about changing the name of the National Health Service to the national public health service, because of the understanding of the need to be very proactive in prevention and in supporting the population to effectively support themselves.

There are areas of work around food safety that we can usefully take forward together. One of those is salt intake, and another is obesity, and there is also the diabetes time bomb that affects all of us. It is part of the work that I take forward on a North/South basis, as well as with Administrations in London, Cardiff and Edinburgh.

Mr Gallagher: I thank the Minister for his statement covering some crucial issues for the health sector on the island. I understand that work is in progress on children in care or on the child protection register who move between jurisdictions; however, will the Minister tell us which health authorities in Northern Ireland will be involved in taking that process forward? Will it be the health trusts or the Department? Where exactly will the responsibility lie?

The Minister of Health, Social Services and Public Safety: Ultimately, responsibility lies with the Department and the Minister reporting to this House. We are working on arrangements for child protection. A number of subgroups have been set up that consider internet safety, movement of children, media awareness, research, and vetting and barring, and we are taking forward those areas.

I am about to introduce the Consideration Stage of the Safeguarding Board Bill, which Members will be aware of, as it has been through the Committee. That is another step that we are

taking forward in Northern Ireland to address those particular issues. The aim is to bring the agencies responsible for delivering services together to work together. Of course, agencies are working together in the Irish Republic as well: child protection does not stop because there is a border. Perpetrators and vulnerable children are just as likely, as Members are aware, to move across the border, therefore we have regular and routine arrangements set up to enable meetings among officials to ensure that we keep on top of the issue.

Dr Deeny: I, too, welcome the Minister's statement. I am delighted to hear that those important health issues are discussed between North and South across this island. I welcome the online North/South child protection hub, but I would like to have some idea how it would work in practice. For example, as someone who works in a practice close to the border, if one of my colleagues in primary care was aware that someone might move, and people can move very quickly, would that person inform the Department of Health in the South, which would then inform the Department of Health here? I am worried that the delay may lead to a perpetrator of child abuse carrying out a crime here in the North before we know about it.

One point made by the Ministers' Department, agencies down South and people across the medical profession is that to have a top-rate and first-class paediatric hospital that would be renowned across the world would require a population of 5 million. It has previously been mentioned that such a facility would be in Dublin. Was that discussed at the recent meeting?

The Minister of Health, Social Services and Public Safety: The paediatric hospital has not been discussed. We have the Royal Belfast Hospital for Sick Children, and I have made no secret of the fact that one of the key elements that I would love to see and have the capital for would be the redevelopment of that site.

11.00 am

North/South co-operation lies in the highly specialised discipline of paediatric cardiac surgery. There is a small demand for that in Northern Ireland, where, every year, around 100 babies are born with heart defects. The survival rate before the advent of paediatric cardiac surgery was around 20%. In the 20 years of the skills of cardiac surgery being applied, we have seen that survival rate jump to 80%, a truly

magnificent improvement and a testimony to the skills of the surgeons involved and to the Health Service that provides that service. However, it is a service that is vulnerable because of the small numbers involved and the need to keep up skill levels. Therefore, we co-operate in that area.

The child protection hub is a dedicated Internet resource for policymakers, professionals and researchers. It gives them one-stop access to daily updated information from the UK, the Republic of Ireland and further afield, including Europe, so that they are up to date with developments. As far as the movement of sex offenders across borders is concerned, we are in the process of developing a protocol on the movement of children. That is moving forward.

Ms S Ramsey: I join Members in welcoming the Minister's statement. I also welcome the all-Ireland approach taken on some issues, particularly child protection. I support the Minister's statement that perpetrators do not see a border. We should ensure that there is no border in our approach to tackling child protection and suicide.

Considering the fact that we will debate the Safeguarding Board Bill later today, will the Minister give more detail about the progress being made on child protection issues? Will he also give more detail on how practitioners will be able to utilise the hub? Specifically on suicide, I take on board the current economic crisis facing us, particularly in the Twenty-six Counties. How will the all-Ireland action plan impact on local action plans, considering that some action plans in the North seem to be more advanced than others? How will it affect, for example, the Derry action plan versus the Belfast action plan?

The Minister of Health, Social Services and Public Safety: Joint work on suicide is going on all the time in areas such as training, media monitoring, self-harm, data collection, public awareness campaigns and so on. It is about working together in promoting the issues and recognising the increased risks associated with the current economic climate. The reality is that unemployment and the economic recession promote suicide, and that is another issue that we look at. We are working together, and, as I have reported in the past, we have been taking steps to deal with that. In Northern Ireland, we have our own Protect Life strategy. Through that, we are also working on a rolling programme

of all-Ireland actions related to information, the Internet, research and the type of public information that Members will have seen; for example, the mask advert that has been shown on television.

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

Our work is about ensuring that the entire population, North and South, gets a coherent and consistent message. On the other issues, as I said, the hub provides access, through the Internet, for practitioners to get up-to-date information from policymakers, professionals and researchers. It is a one-stop shop that is updated daily. It provides information for each jurisdiction on child protection, court cases and experiences of cases. It does not provide a register of sex offenders, for example, because that would not be appropriate. Generally speaking, the information that it provides is available elsewhere, but this brings it together at one accessible point.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. Go raibh maith agat don Aire as an ráiteas sin.

I thank the Minister for his statement. He is to be commended for the broad scope of work, as has been reported to the House, that is being undertaken. Protecting and developing health and well-being is of clear mutual benefit to the communities north and south of the border on the island. With specific reference to the satellite radiotherapy centre at Altnagelvin Area Hospital, will the Minister outline in more detail the revised time frame for that project, particularly bearing in mind the budgetary frameworks north and south of the border? As Budget deliberations, particularly in the North, move forward, will he assure the House of his ongoing commitment to the project and its high priority?

The Minister of Health, Social Services and Public Safety: That project is dependent on the Budget. Investment is required to build any development, and there are resource implications as far as running costs are concerned. The reality is that demand in that area is rising all the time. Currently, each day, roughly 250 patients in Northern Ireland receive radiotherapy at the cancer centre, and that number will continue to rise.

We observe a protocol whereby people do not wait. If a person ends up on a waiting list, he or

she could come to harm, so we do not operate waiting lists. We need to plan for that objective in the future, which means an expansion of radiotherapy. To that end, I am looking at the cancer centre in Belfast as well as at expanding the service through the provision of a satellite radiotherapy centre at Altnagelvin. The business case is through, and I am all set to go. We hear all sorts of rumours, one way or the other, about the Budget. I am not aware of where we are in that regard. To allow me to go forward, I need to know where my budget stands, but, setting budgetary considerations to one side, I am all set. It is my priority because, if we do not go ahead with that type of development and others, cancer patients will, in future, be put on waiting lists and could come to harm.

So far, I have heard nothing from the Irish Republic to say that it is having difficulties with the part of the development that would affect it, but we will have to await developments. I hope that those developments will become obvious sooner rather than later, because they are inclined to defer the project.

Executive Committee Business

Safeguarding Board Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of Health, Social Services and Public Safety, Mr Michael McGimpsey, to move the Consideration Stage of the Safeguarding Board Bill.

Moved. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Mr Deputy 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 will be three debates, and we will debate the amendments in each group in turn.

The first debate will be on amendment Nos 1, 2, 7, 8, 9 and 23, which deal with the establishment of the Safeguarding Board and its committees. The second debate will be on amendment Nos 3 to 6 and 10 to 22, which deal with the powers and duties of the Safeguarding Board and its committees. The Minister of Health, Social Services and Public Safety, Mr Michael McGimpsey, has indicated that he wishes to speak to clause 12 stand part. Therefore, there will be a third debate at the appropriate point in the Bill.

Once the debate on each group is completed, any further 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.

Clause 1 (Safeguarding Board for Northern Ireland)

Mr Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 7, 8, 9 and 23. These amendments deal with the membership and resources of the board and its committees and with removal from office.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I beg to move amendment No 1: In page 2, line 7, at end insert

“(including the circumstances in which they cease to hold office or may be removed or suspended from office)”.

The following amendments stood on the Marshalled List:

No 2: In page 2, line 9, at end insert

“(including provision as to which person or body provides the staff, premises or expenses)”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 7: In clause 7, page 4, line 10, at end insert

“(including the circumstances in which they cease to hold office or may be removed or suspended from office)”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 8: In clause 7, page 4, line 13, at end insert

“(including provision as to which person or body provides the staff, premises or expenses)”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 9: In clause 7, page 4, line 13, at end insert

“(4A) Regulations may provide that committees and sub-committees must include such representatives of such relevant persons or bodies as may be prescribed or such other persons as may be prescribed.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 23: After clause 12, insert the following new clause:

“Minor or consequential amendments

12A.—(1) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership of the Assembly), insert at the appropriate place—

‘Chair of the Safeguarding Board for Northern Ireland.’.

(2) In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation), insert at the appropriate place—

‘The Safeguarding Board for Northern Ireland.’.

(3) In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (offices and bodies which are public authorities for the purposes of the Act), insert at the appropriate place—

‘The Safeguarding Board for Northern Ireland.’ — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

The Minister of Health, Social Services and Public Safety: Amendment No 1 is intended to provide clarity by stating that regulations may provide for the circumstances in which the

chair or members of the SBNI would cease to hold office or would be removed or suspended from office. The amendment has been tabled as a result of discussions with the Health Committee, and I am thankful to the Committee for its input.

Amendment No 2 has been included to give greater clarity to the Bill by stating that regulations may include provisions as to which person or body provides the staff, premises or expenses for the Safeguarding Board for Northern Ireland.

Amendment No 7 has been included in line with amendment No 1 to give greater clarity to the Bill by stating that regulations may provide for the circumstances in which the chair or members of committees and subcommittees of the SBNI would cease to hold office or would be removed or suspended from office.

Amendment No 8 is in line with amendment No 2 and is intended to give clarity by stating that regulations may include provision as to which person or body provides the staff, premises or expenses for the committees and subcommittees of the SBNI. In a similar vein, amendment No 9 is intended to give further clarity by stating that regulations may include provision about the core membership of representatives on committees and subcommittees.

Finally, amendment No 23 means that the SBNI will be included in schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 and in Part VII of schedule 1 to the Freedom of Information Act 2000. It also includes the chair of the SBNI in Part III of schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, which means that the chair of the SBNI will be disqualified from membership of the Northern Ireland Assembly.

The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill):

Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee, I welcome the Consideration Stage of this Bill, which is timely and welcome. Having looked closely at the Bill and at what it has to offer, I am confident that it will take us a significant step forward in strengthening safeguarding arrangements and, hence, protecting our children and young people. It will do that by placing a fundamentally important part of child protection and its workings on

a statutory footing through the creation of a safeguarding board, the SBNI.

The Bill was referred to the Committee on 22 June. To ensure that there was enough time to scrutinise the wide-scoping legislation, the Committee sought an extension to 17 December. However, I am pleased to say that we finished ahead of schedule thanks to the hard work of members and the co-operation of departmental officials. The Committee received written submissions from 36 organisations and individuals, and it took oral evidence from those representing the widest possible range of interests in the time that was available to it. The Committee's report was concluded on 25 November.

11.15 am

The Committee's detailed scrutiny led to it recommending that the Department amend 10 of the 17 clauses, and I am pleased to report that the Minister accepted all those recommendations, which are reflected in the amendments that we are considering today. I thank the Minister for his co-operative approach and for taking on board the Committee's recommendations, and I am sure that my Committee colleagues will support me in noting the good working relationship that was established between the Committee and departmental officials during Committee Stage. We feel that that helped the process along and paid dividends when it came to agreeing recommendations and amendments. On behalf of the Committee, I also thank the Committee office team for its hard work in putting together the report.

Before I talk specifically about the first group of amendments, I shall provide a brief synopsis of the work undertaken by the Committee and an overview of the key issues that we identified as we scrutinised the Bill. There were major issues around the freedom of the SBNI to publish documents; the power of the Department to issue directions to the SBNI; the matter of how the SBNI will consult and communicate with children and young people; and the membership of the SBNI. I shall return to all those issues later.

Another important issue considered by the Committee, the appointment and salary of the chairperson of the SBNI, does not relate to the amendments that have been tabled. Many people who gave evidence to the Committee regarded the role of the chairperson as pivotal to the success of the SBNI. Time and again,

witnesses emphasised that the chairperson must possess the ability to provide strong leadership and to manage and bring together agencies from a wide range of organisations. The chairperson will require a relevant knowledge base and must be able to command the respect of the board, which will comprise senior representative agencies. There was also acknowledgement that the chairperson of the SBNI will become the public face of child protection.

The method of appointing the chairperson of the SBNI is set out in clause 1(2), which states that the chairperson will be appointed by the Department through the public appointments process. In late September 2010, during Committee Stage, the Department advertised the post of chairperson designate for the SBNI, with a closing date for applications of 21 October 2010. The Committee was very concerned that the Department had begun the appointment process before the Committee had agreed that it was content with clause 1(2). During evidence-taking, the Committee was made aware of alternative models for appointing a chairperson that have been used in England for local safeguarding children boards. Under those models, boards are involved to a greater or lesser degree in the selection of a chairperson. Other witnesses, including the Department, favoured using the public appointments process. Their view was that it would mean that the chairperson would be independent of any person sitting on the board by virtue of not being employed by any of the agencies represented and by the fact that board members would not be responsible for the chairperson's appointment. After listening to the evidence, the Committee came to the view that the public appointments process was, indeed, the most appropriate method for appointing the chairperson of the SBNI.

As I said, the Department advertised the post of chairperson designate in late September, during Committee Stage. The salary that the Department proposed to pay the chairperson caused considerable concern and debate among witnesses and Committee members. The Department set a salary at £17,060 per annum for a two-to-three-day week. Many witnesses believed that the remuneration offered was far too low to attract the right candidate. The Committee also heard from expert witnesses with experience of systems in England, where chairpersons of local safeguarding children boards are paid between £500 and £800 a day.

The Department's rationale for setting the salary at £17,060 per annum was that it is the same as that paid to the chairpersons of RQIA and the Social Care Council. It also pointed out that the chairperson will have at his or her disposal the director and assistant director, who will be paid £67,000 and £57,000 per annum respectively. The Department advised that the chairperson will line manage and direct the work of the director and assistant director, and, therefore, it sees the chairperson as giving strategic direction, with operational and administrative work being carried out by others. However, given all that, the Committee expressed concerns about the proposed arrangements, including the potential difficulty for the chairperson in directing and line managing a director and assistant director who will be on a significantly larger salary than the chairperson and the potential for the chairperson to become merely a figurehead.

The Committee wrote to three witnesses with experience of safeguarding boards in England for their views on the matter. The witnesses raised serious concerns about the Department's approach. The Committee also asked the Department to provide a list of salary scales for chairpersons of other public bodies, and it noted that many chairpersons receive pro rata more than the salary proposed for the chairperson of the SBNI. The Committee, therefore, agreed to write to the Minister to request that the Department halt the appointment process for the chairperson designate and re-advertise the post at a higher salary. The Minister replied to the Committee, stating that he was aware of the Committee's concerns and would do as it suggested. The Committee welcomed the Minister's response and requested that it be consulted again before the post was re-advertised. I understand that the Minister has agreed to that request.

I will now comment on the first group of amendments. Amendment No 1 ensures that there will be provisions for suspending or removing the chairperson or members of the Safeguarding Board should the need arise. Amendment No 7 has a similar effect in relation to chairpersons and members of committees and subcommittees. In a perfect world, we would hope that such a provision would never have to be implemented. However, the issue was brought to the Committee's attention during an evidence session with Professor Jan Horwath, who has significant experience of and

expertise in safeguarding boards in England. We welcome the input of Professor Horwath and all those who assisted the Committee. The role of the chairperson, in particular, will be pivotal in the operation of the Safeguarding Board. Therefore, it is important that mechanisms exist for removing a person from office if he or she is not performing as required. The Committee, therefore, welcomes amendment Nos 1 and 7.

Amendment Nos 2 and 8 were proposed by the Department and deal with the practicalities of the provision of staff, premises and expenses for the Safeguarding Board and its committees and subcommittees. Similarly, amendment No 9, which was suggested by the Department, stipulates that regulations will prescribe the membership of committees and subcommittees. Amendment No 23 is a technical amendment. The Committee welcomes all the amendments in the first group.

Mr Easton: The Consideration Stage of the Safeguarding Board Bill is a significant moment for the protection of children in Northern Ireland. Amendment No 1 addresses the membership of the SBNI. The Safeguarding Board must include representatives from the Health and Social Care Board, the Regional Agency for Public Health and Social Well-being, the health and social care trusts, the Police Service of Northern Ireland, the Probation Board for Northern Ireland, the Youth Justice Agency, education and library boards, district councils, the National Society for the Prevention of Cruelty to Children and such other relevant persons or bodies as may be prescribed. Perhaps the Minister will clarify first whether amendment No 1 means that, should any representative of such bodies resign from, leave or be removed or suspended from those bodies, they would continue to hold their position on the Safeguarding Board despite no longer being with the relevant organisation. Secondly, will he clarify whether the decision to allow such a person to remain on the board is up to the organisation concerned or the individual member?

Clause 1(2)(c) stipulates that there will be no more than four and no fewer than two independent members of the Safeguarding Board. No independent member can have any link with any of the organisations that I mentioned, and those are listed in clause 1(3). They include, as noted in amendment No 2, those who provide premises, such as a landlord, or fund the expenses of the members

of the organisations listed. That is a welcome amendment, because those members must be fully independent.

Amendment No 7 deals with the membership of subcommittees set up within and by the board. It follows amendment No 1 in relation to membership of the board held by those on the prescribed list of representatives. Again, is membership of the subcommittees of the Safeguarding Board individual-dependent or organisation-dependent? If such persons are no longer linked to the prescribed organisation, how can they continue as members of the SBNI?

Amendment No 8 refers to the regulations governing the establishment of subcommittees by the Safeguarding Board and states that the board must make provision for the establishment of such subcommittees. I support that. Amendment No 9 refers to the regulations governing committees and subcommittees set up by the Safeguarding Board. The amendment suggests that the regulations may seek to ensure that certain persons and representatives of certain bodies are members of particular subcommittees. We welcome that.

Amendment No 23 will create a new clause 12A. New clause 12A(1) will disqualify the chairperson of the SBNI from standing for the Northern Ireland Assembly while holding office. We welcome that. Clause 12A(2) will insert the SBNI into schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 and will, therefore, allow the SBNI to be open to investigation by the Commissioner for Complaints. We also welcome that.

The third part of amendment No 23 opens the SBNI to requests for information under the Freedom of Information Act 2000. People will, therefore, be able to request and acquire information from the board in line with practice in other public agencies. That amendment is welcome and acceptable, as it ensures that the SBNI complies with the legislation that governs public office and agencies.

Mr Gallagher: The SDLP welcomes the provisions of the Bill, particularly those that are under discussion in this debate. In Committee, there was widespread recognition that serious child neglect and child abuse remain a feature of our society. We feel that the Bill will go a good deal of the way towards helping us, as a society, to get to grips with the problems that I have mentioned.

We welcome the Department's amendment to clause 7 in relation to an individual whose membership of the board might have to cease. We are particularly satisfied with the parts of that clause that set up panels with the ability to review child deaths and carry out case management reviews.

Dr Deeny: I, too, welcome the Bill. Our children are our most precious possessions, and we must send out a message from the Chamber that we will do all that we can to protect them. The Deputy Chairperson has said it all. I have felt all along that, as chair of the very important Safeguarding Board is a vital and extremely responsible position, we must make sure that the right person is chosen. I had my concerns about the remuneration for that post, and, hopefully, measures will be taken to deal with that issue. It is a very responsible position.

This was an example where, as the Deputy Chairperson said, even after discussions, Committee Stage was still completed before time. That is down to good work and is a good example of how a Committee, the Minister and Department officials work well together. They were flexible, listened to our views and were very understanding. We, too, listened to their views, and together we have come up with the amendments that the Minister has referred to. I welcome them all.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. Like all Members who have spoken, I welcome the Bill's Consideration Stage. The general principles of the Bill are probably some of the most fundamental issues in child protection that have come from the Department and the Assembly in a long time.

The Deputy Chairperson and other Members have covered a lot of the issues and the specifics. However, the Bill needs to be welcomed. Taking on board the issues that arose in Committee, we need to recognise that the Minister was listening, the Committee was listening and officials were listening. Together, we all came to the one point on child protection and safeguarding issues. To me, that sends out a clear message that, when things are done properly in this place, devolution works and works at its best. We took on board the issues that the NGOs raised with us, and, through our relationship with officials and the Department, we are now at the stage where there is no battle and the Minister has tabled amendments. If we had not

listened, we could have had a serious battle in the House today.

The key issue throughout all of this is independence. That came up at every opportunity and was raised with us by a large group of organisations and individuals. My instinct was that, if the Safeguarding Board did not have independence, who is to say that we could not be accused of pushing things under the carpet or of keeping things behind closed doors?

11.30 am

The Bill shows that we have learned the lessons of some of the most horrendous incidents of child abuse in England and Scotland, and in Ireland. We need to move forward and to ensure daily that we have taken on board the incidents and reports, and that we have learned our lessons. At every opportunity, we need to ensure the protection of children wherever they are, whether that is in the family, in institutions, in school, and so on. That is paramount to all this, so I am delighted that the Bill is here.

The other key issue in the Bill is the relationship between the Department and the board. A number of Members talked about the chairperson's appointment. The Committee raised that concern, and I appreciate the fact that the Minister has taken on board our points. When I and other Committee members heard that the publication of the annual report would happen only once the Department gave its approval, we asked what it was trying to hide. That point has been taken on board. We can learn lessons each year from the annual report. It will be up to us as legislators to take on board any concerns that are raised from it.

The Bill's general principles are to be welcomed. As I said, it has an important role to play in child protection, and as constituency representatives and legislators, we need to ensure that we move forward with the key principle of ensuring that safeguarding our children and young people is the byword of the Assembly. I welcome the Bill.

The Minister of Health, Social Services and Public Safety:

I thank everyone who has contributed to the debate. It is fair to say that we all agree that there was a positive relationship between the Department and the Committee. We listened carefully to what the Committee said on the points that we have talked about, and we were able to accommodate the Committee's views on a number of issues.

For example, because of the Committee's views on the appointment of the chairperson and concerns about remuneration, we stopped the recruitment process. There are options in front of me on that and to allow us to go forward on a different level of remuneration.

There will be regulations on the membership of the board as it is set up and, of course, those regulations will refer to the stakeholder bodies. Those include the board, the agency, trusts, the police, the Probation Board, the Youth Justice Agency, and they will have a general duty to co-operate. Regulations need to be drafted to deal with a situation in which someone who has been placed on the board by one of the bodies as its representative leaves the organisation. The same will apply to membership of subcommittees. The board will have an independent chairperson who will have direct accountability to the Minister, and that is very important.

There was strong support for the general principle of bringing together on a statutory basis, for the first time, key operational agencies from the voluntary and statutory sectors to work together at a strategic level. That is key and very important. The amendments have been agreed with the Health Committee, and I thank it for supporting those proposed amendments during its scrutiny of the Bill.

Question, That amendment No 1 be made, put and agreed to.

Amendment No 2 made: In page 2, line 9, at end insert

"(including provision as to which person or body provides the staff, premises or expenses)". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Clause 3 (Functions of the Safeguarding Board)

Mr Deputy Speaker: We now come to the second group of amendments for debate. With amendment No 3, it will be convenient to debate the other group two amendments — amendment Nos 4 to 6 and amendment Nos 10 to 22 — as set out on the Marshalled List. The amendments deal with the powers and duties of the board and its committees.

The Minister of Health, Social Services and Public Safety: I beg to move amendment No 3: In page 3, line 1, leave out "take reasonable steps to".

The following amendments stood on the Marshalled List:

No 4: In page 3, line 10, leave out "the approval of" and insert "consultation with". — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 5: In clause 5, page 3, line 30, leave out subsection (1) and insert

"(1) Regulations may make provision as to the exercise by the Safeguarding Board of any of its functions (including provision as to further duties to be imposed, procedures to be followed and the manner in which the Board is to exercise its functions)." — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 6: In clause 6, page 3, line 35, leave out subsection (1) and insert

"(1) The Safeguarding Board must, 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." — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 10: In clause 8, page 4, line 28, leave out subsection (2) and insert

"(2) Regulations may make provision as to the exercise by committees and sub-committees of any of their functions (including provision as to further duties to be imposed, procedures to be followed and the manner in which a committee or sub-committee is to exercise its functions)." — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 11: Leave out clause 9 and insert

"Annual report of committees

9. Each committee must, within such period after the end of each financial year as the Safeguarding Board may direct, prepare and send to the Safeguarding Board a report in such form, and containing such information, as may be prescribed." — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 12: In clause 10, page 4, line 37, after "Board" insert "and each committee and sub-

committee". — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 13: In clause 10, page 4, line 39, after "Board" insert "or a committee or sub-committee". — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 14: In clause 10, page 4, line 41, after "Board" insert ", committees and sub-committees". — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 15: In clause 10, page 5, line 1, after "Board" insert "or a committee or sub-committee". — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 16: In clause 10, page 5, line 4, after "Board" insert "or a committee or sub-committee". — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 17: In clause 11, page 5, line 12, after "Board" insert

"or a committee or sub-committee (as the case may be)". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 18: In clause 11, page 5, line 14, after "complied with" insert

"as soon as reasonably practicable after receipt of such a request". — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

No 19: In clause 11, page 5, line 17, after "Board" insert "or a committee or sub-committee". — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 20: In clause 11, page 5, line 21, after "Board" insert "or a committee or sub-committee". — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 21: In clause 11, page 5, line 32, after "Board" insert "or a committee or sub-committee". — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

No 22: In clause 11, page 5, line 34, after "Board" insert "or a committee or sub-committee". — *[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

The Minister of Health, Social Services and Public Safety: Amendment No 3 is intended to strengthen the clause by placing a duty on the Safeguarding Board for Northern Ireland to

promote communication with children and young people. I am particularly thankful to the Health Committee for suggesting this amendment during its scrutiny of the Bill.

Amendment No 4 is included to reflect a concern that was raised by the Health Committee during its scrutiny of the Bill. The effect of the amendment is to require SBNI to consult with the Department, rather than seek the approval of the Department, before publishing any matter concerning the safeguarding and promoting of the welfare of children.

I refer members to clause 3(10):

"The Safeguarding Board may also engage in any other activity that facilitates, or is conducive to, the achievement of its objective."

Although no amendment is proposed to this provision, I wish to state that it provides SBNI with a very wide-ranging power and, as such, will allow SBNI to undertake reviews other than case management reviews (CMRs). I refer to clause 3 because I gave an undertaking to the Health Committee that I would make a statement to this effect at Consideration Stage. It is also my intention to bring forward regulations under clause 3(4) that will clearly set out the threshold for CMRs and the requirement for action planning and the implementation of lessons learned.

Amendment No 5 is intended to allow for regulations to address the procedure and manner in which SBNI is to exercise its functions.

Amendment No 6 is intended to provide clarity by stating that regulations may prescribe the content of SBNI's annual report and the timescale in which it is to be produced. I also wish to inform the House that the regulations relating to the information to be contained in SBNI's annual report will include details of any directions that the Department issues to SBNI, along with a list of reports submitted to the Department for publication. Again, I say that because I gave an undertaking to the Health Committee that I would make a statement to this effect at Consideration Stage.

Amendment No 10 mirrors amendment No 5, in so far as regulations may also address the procedure and manner in which the committees and subcommittees of SBNI are to exercise their functions.

Amendment No 11 mirrors amendment No 6, in so far as regulations may prescribe the

content of reports of SBNI committees and the timescale in which those are to be produced.

Amendment Nos 12 to 17 are included to make it clear that reference to SBNI includes its committees and subcommittees.

Amendment No 18 is intended to clarify that any request for information made by SBNI should be complied with in a reasonable time frame.

Amendment Nos 19 to 22 are similar to amendment Nos 12 to 17 in that they are intended to make it clear that reference to SBNI includes its committees and subcommittees.

The Deputy Chairperson of the Committee for Health, Social Services and Public Safety: Go

raibh maith agat, a LeasCheann Comhairle. I want to comment on the second group of amendments on behalf of the Committee.

Amendment No 3 relates to clause 3(7) and concerns communication between the Safeguarding Board and children and young people. That was an issue on which the Committee received many representations. The majority of stakeholders, particularly the children's charities, were concerned that the clause, as originally drafted, was too weak and did not go far enough to ensure that consultation with children and young people will take place in a meaningful way. To some extent, the Committee was reassured by the Department's explanation that it will draft detailed regulations to set out how SBNI must consult children and young people. However, it still wants to see the wording in the Bill strengthened. After much discussion, the Department agreed to remove the phrase "take reasonable steps to", and the Committee welcomed that amendment.

Amendment No 4 relates to clause 3(9)(c) and deals with SBNI publications. That clause caused serious concerns for many of the groups that the Committee heard from. Those groups included Children in Northern Ireland (CiNI), the Parents Advice Centre, the NSPCC, the Children's Commissioner, Barnardo's, and others. There was a fear that the provision could be used by the Department to have a veto on SBNI's functioning and independence and could be used to suppress critical reports.

Given the concern, the Committee commissioned the Assembly's Research and Library Service to produce a paper on the matter, which reviewed

how other public bodies are linked to their relevant sponsor Departments. The paper found that the Department of Health, Social Services and Public Safety has similar powers of approval in relation to the RQIA and the Patient and Client Council. However, OFMDFM does not have the power to approve the publications of the Commissioner for Children and Young People. Again, there was a lengthy debate with the departmental officials on that issue over a number of weeks. They argued that the clause was a safety mechanism and not a censoring device and that it was required to ensure that reports are factually accurate and do not include statements that will raise the possibility of any legal challenge.

The Department initially proposed to amend clause 6 to state that the annual report will list, with dates, any reports submitted by SBNI to the Department for publication and which reports have been published. However, the Committee questioned why clause 3(9)(c) could not be amended to refer to "consultation" with the Department rather than "approval." The Committee was also concerned that the proposed amendment to clause 6 would not deal with a situation in which the Department asks for a report to be amended. The Department stated that communications between SBNI and the Department would be recorded in the minutes of board meetings, but Committee members made the point that someone would need to carefully scrutinise the proceedings of SBNI to pick up on such a scenario. Therefore, after much discussion, the Department finally agreed to amend clause 3(9)(c) as proposed by the Committee, by using the term "consultation" as opposed to "approval." The Committee was content with that proposed amendment.

Amendment Nos 12, 13, 14, 15, 16, 17, 19, 20, 21 and 22 ensure that various provisions relate to the committees and subcommittees of the Safeguarding Board. That is important as much of the work at a local level will be carried out by the committees, not least the five panels that will exist in the five trust areas and the child death overview panel. The operation of those panels will be vital, and it is right that the way in which they are expected to operate is set out in primary legislation. The Committee welcomes those amendments.

Amendment No 18 relates to clause 11, which deals with information that may be requested from other bodies by the Safeguarding Board.

The amendment specifies that a request for information must be complied with within a reasonable time frame. That issue was raised with the Committee by a number of groups, including the PSNI. The Committee agreed that it was content with the amendment as drafted.

Mr Easton: Amendment No 3 will remove the words “take reasonable steps to” from clause 3(7). Clause 3 sets out the functions of the Safeguarding Board, and if the amendment is passed, it would mean that the Safeguarding Board must promote communication between the board and children and young persons. The amendment will ensure that the words “reasonable steps” cannot be misread. Instead, a function of the board will be to ensure that there is communication between the board and the people whom it is set up to protect. Therefore, there is no ambiguity on that issue, which is to be welcomed.

Amendment No 4 will remove the words “the approval of” from clause 3(9)(c) and replace them with “consultation with.” That relates to the board’s independence, and, as the word “approval” is too strong, it has been replaced by “consultation.” The board is to be independent of the Department, so that change is to be welcomed.

Amendment No 5 bulks up the original wording of clause 5 and makes it clearer. That is acceptable.

11.45 am

We also welcome amendment No 6, which is purely administrative and expands the original wording. Amendment No 10 is also purely administrative and expands the original wording regarding the functions of committees and subcommittees. Amendment No 11 replaces the original clause 9 with a more detailed and comprehensive explanation of the duty of committees. Under the direction of the board, each committee must submit a yearly report of its functions. That will allow the board to oversee the work that the committees undertook in the previous year. We welcome that.

Amendment Nos 12 to 17 propose a more specific form of wording regarding committees and subcommittees that are contained and function under the board in their co-operation with persons or bodies. It makes every level of the board accountable. There are no issues

here. It enhances the legislation and ensures that there are no quarrels.

Amendment No 18 relates to the supply of information to the board. Again, there are no issues here. It is administrative and strengthens the wording, stating “as soon as reasonably practicable”. Finally, amendment Nos 19 to 22 are similar to amendment Nos 12 to 17 in that the words are changed to include committees and subcommittees. That strengthens the wording and provides clarity in case of dispute.

The Minister of Health, Social Services

and Public Safety: I thank Members for their contributions on the second group of amendments. Similarly, I extend my gratitude to the Committee for its valuable input and helpful suggestions during the scrutiny of the Bill.

Question, That amendment No 3 be made, put and agreed to.

Amendment No 4 made: In page 3, line 10, leave out “the approval of” and insert “consultation with”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 ordered to stand part of the Bill.

Clause 5 (Functions of Safeguarding Board — general)

Amendment No 5 made: In page 3, line 30, leave out subsection (1) and insert

“(1) Regulations may make provision as to the exercise by the Safeguarding Board of any of its functions (including provision as to further duties to be imposed, procedures to be followed and the manner in which the Board is to exercise its functions).” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 (Annual report of Safeguarding Board)

Amendment No 6 made: In page 3, line 35, leave out subsection (1) and insert

“(1) The Safeguarding Board must, 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.” — [The

Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 (Committees and sub-committees)

Amendment No 7 made: In page 4, line 10, at end insert

“(including the circumstances in which they cease to hold office or may be removed or suspended from office)”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 8 made: In page 4, line 13, at end insert

“(including provision as to which person or body provides the staff, premises or expenses)”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 9 made: In page 4, line 13, at end insert

“(4A) Regulations may provide that committees and sub-committees must include such representatives of such relevant persons or bodies as may be prescribed or such other persons as may be prescribed.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 (Functions of committees and sub-committees)

Amendment No 10 made: In page 4, line 28, leave out subsection (2) and insert

“(2) Regulations may make provision as to the exercise by committees and sub-committees of any of their functions (including provision as to further duties to be imposed, procedures to be followed and the manner in which a committee or sub-committee is to exercise its functions).” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 (Annual report of committees)

Amendment No 11 made: Leave out clause 9 and insert

“Annual report of committees

9. Each committee must, within such period after the end of each financial year as the Safeguarding Board may direct, prepare and send to the Safeguarding Board a report in such form, and containing such information, as may be prescribed.” — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 (Duty to co-operate)

Amendment No 12 made: In page 4, line 37, after “Board” insert “and each committee and sub-committee”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 13 made: In page 4, line 39, after “Board” insert “or a committee or sub-committee”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 14 made: In page 4, line 41, after “Board” insert “, committees and sub-committees”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 15 made: In page 5, line 1, after “Board” insert “or a committee or sub-committee”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 16 made: In page 5, line 4, after “Board” insert “or a committee or sub-committee”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 (Supply of information requested by Safeguarding Board)

Amendment No 17 made: In page 5, line 12, after “Board” insert

“or a committee or sub-committee (as the case may be)”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 18 made: In page 5, line 14, after “complied with” insert

“as soon as reasonably practicable after receipt of such a request”. — [The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]

Amendment No 19 made: In page 5, line 17, after “Board” insert “or a committee or sub-

committee". — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

Amendment No 20 made: In page 5, line 21, after "Board" insert "or a committee or sub-committee". — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

Mr Deputy Speaker: Amendment Nos 21 and 22 to clause 11 are technical in nature and are consequential to amendment No 17.

Amendment No 21 made: In page 5, line 32, after "Board" insert "or a committee or sub-committee". — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

Amendment No 22 made: In page 5, line 34, after "Board" insert "or a committee or sub-committee". — [*The Minister of Health, Social Services and Public Safety (Mr McGimpsey).*]

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 (Arrangements to safeguard and promote welfare of children)

Mr Deputy Speaker: No amendments have been tabled to clause 12, but the Minister has indicated that he wishes to speak to the clause stand part.

Question proposed, That the clause stand part of the Bill.

The Minister of Health, Social Services and Public Safety: I refer Members to clause 12, which requires core members of SBNI to make arrangements for ensuring that their functions are exercised while having due regard to the need to safeguard and promote the welfare of children. Although there are no amendments to the clause, I wish to state that I intend to develop guidance that will set out SBNI's expectations for member agencies where this duty is concerned. The guidance will be agency specific and will be developed in conjunction with the relevant agencies. I gave an undertaking to the Health Committee that I would make a statement to that effect at Consideration Stage.

The Deputy Chairperson of the Committee for Health, Social Services and Public Safety: Go raibh maith agat, a LeasCheann Comhairle. Clause 12(3) caused concern among groups about how it might be interpreted. The NSPCC in particular felt that that could impede its

ability to act independently in the interests of children and when challenging on matters of safeguarding and child protection.

In its evidence, the Department advised the Committee that it will issue guidance on what it expects of member agencies in delivering on that duty. The Committee wrote to the Minister asking him to make a statement to the House to assure the Committee that the Department will develop guidance for member agencies regarding clause 12. Therefore, I welcome the Minister's statement and his reassurance that that will actually happen.

Mr Easton: Concerns were raised at the Committee and among groups such as the NSPCC about how the clause could impede on their ability to act independently in the interests of children and when challenging government on matters of safeguarding and child protection. The Department stated that it would issue guidance on what it expects of member agencies in delivering on that duty. The Committee asked the Minister to make a statement to the House to clarify the clause. He agreed to do that, and that was clearly his intention in holding a separate debate on the issue. He has, therefore, clarified that matter in the House.

The clause is complex and needs examining. Will stakeholders, such as charities that have been established to work independently for the protection of children, be given freedom to criticise government guidance, for example? The clause states that, when exercising the duty, members must give:

"due regard to any guidance given to them for the purpose by the Department."

I support clause 12.

Mr McCallister: The concerns mentioned by fellow members of the Health Committee are welcome and have been noted. I think that the guidance that the Minister is going to publish is important, because no one here would want or expect those charities to withhold any criticism where criticism is necessary. The interests of us all are best served by ensuring that the Bill works as effectively as possible. Where there are problems, particularly in the initial stages of getting the Safeguarding Board up and running, it is important that those are highlighted. I do not think that any of us here, including the

Minister, would want anything other than for the board to work smoothly.

The way in which the Bill progressed has been an example of the Assembly working at its finest. Amendments from the Committee have been taken on board and there has been close working with the Department and the Minister.

12.00 noon

Question, That the clause stand part of the Bill, put and agreed to.

Clause 12 ordered to stand part of the Bill.

Amendment No 23 made: After clause 12, insert the following new clause:

“Minor or consequential amendments

12A.—(1) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership of the Assembly), insert at the appropriate place—

‘Chair of the Safeguarding Board for Northern Ireland.’.

(2) In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation), insert at the appropriate place—

‘The Safeguarding Board for Northern Ireland.’.

(3) In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (offices and bodies which are public authorities for the purposes of the Act), insert at the appropriate place—

*‘The Safeguarding Board for Northern Ireland’.” —
[The Minister of Health, Social Services and Public Safety (Mr McGimpsey).]*

New clause ordered to stand part of the Bill.

Clauses 13 to 17 ordered to stand part of the Bill.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Safeguarding Board Bill. The Bill stands referred to the Speaker.

Damages (Asbestos-related Conditions) Bill: First Stage

The Minister of Finance and Personnel

(Mr S Wilson): I beg to introduce the Damages (Asbestos-related Conditions) Bill [NIA 10/10], which is a Bill to provide that certain asbestos-related conditions are actionable personal injuries; 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.

Construction Contracts (Amendment) Bill: Further Consideration Stage

Mr Deputy Speaker: I call the Minister of Finance and Personnel to move the Further Consideration Stage of the Construction Contracts (Amendment) Bill.

Moved. — [The Minister of Finance and Personnel (Mr S Wilson).]

Mr Deputy Speaker: No amendments have been selected, so there is no opportunity to discuss the Construction Contracts (Amendment) Bill today. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded. The Bill stands referred to the Speaker.

Student Loans (Amendment) Bill: Final Stage

The Minister for Employment and Learning (Mr Kennedy): I beg to move

That the Student Loans (Amendment) Bill [NIA 22/09] do now pass.

This is a technical Bill, which amends the Education (Student Support) (Northern Ireland) Order 1998 and the Education (Student Loans) (Northern Ireland) Order 1990 by extending regulation-making powers to provide that a student loan made to a Northern Ireland borrower who enters an individual voluntary agreement (IVA) in Northern Ireland will be exempt from that IVA. It is important that we protect public money, and the amendment will align the treatment of student loans in relation to IVAs with that which applies to bankruptcy.

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

There was no opposition to the proposals through the public consultation or subsequent Assembly processes. I thank the Chairperson of the Committee for Employment and Learning and the Committee members for their assistance with the Bill. As usual, they gave it careful scrutiny, and did effective work to ensure that the consultation was carried out thoroughly and involved representatives of student bodies, including the student unions of Queen's University and the University of Ulster. I am also grateful to Assembly Members for their support during the legislative process.

The Chairperson of the Committee for Employment and Learning (Mrs D Kelly): I

support the motion. I thank the Minister for his explanation of the process that brought us to this stage, and I do not propose to regurgitate everything that he said. It is a short technical Bill that closes a loophole.

As members are aware, the Committee received a draft version of the Bill, which it considered at its meeting on 19 June 2010. The Bill's First Stage was on Tuesday 25 May 2010. Its Committee Stage began on Wednesday 23 June 2010 and ended on 3 November 2010, when the Committee ordered its report to be printed. As I indicated at the outset, the Bill is short and technical. I am satisfied that the Committee gave it all due scrutiny and consideration. I thank the Minister for his comments. The Committee would also like to

thank the departmental officials in the Bill team who briefed the Committee and were more than happy to discuss any issues that members raised. I also want to thank the Minister and his predecessor for making officials available and for their own co-operation.

Members have not highlighted any difficulties with the Bill in the pre-legislative stage or at Committee Stage. Members are also aware that there were no objections in the responses to the Department's consultation on individual voluntary arrangements with respect to student loans, which ran for 13 weeks from July to October 2009. The Committee has approached the Bill as it does all work that comes from the Department for Employment and Learning. Members seek to co-operate closely with the Minister and his Department where possible to ensure that the Committee's views are heard and respected. Where appropriate, members will seek to undertake constructive dialogue with the Minister and his Department with the aim of achieving consensus and progress.

As has been highlighted, two sorts of student loan for people in higher education are paid for from public funds; mortgage-style loans for living costs for students prior to 1998 and income-contingent repayment loans for fees and living costs for students since 1998. Members will also be aware that student loans are currently excluded by provisions in regulations from a borrower's bankruptcy debts. That means that upon discharge from bankruptcy, the borrower is still liable to repay the student loan. Individual voluntary arrangements were created by the Insolvency (NI) Order 1989. They are intended to be a more flexible alternative to bankruptcy that avoids some of the restrictions that apply to a bankrupt. At present, the treatment of student loans under an IVA differs from their treatment under a bankruptcy. The Department considers that to be an anomalous situation.

Members are aware that student loans are made in non-commercial terms, with low interest rates and the obligation to repay being linked to a borrower's income level. In addition, as student loans are paid out of and subsidised by public funds, the Department does not consider it appropriate to allow borrowers to reduce or limit their liability to repay by entering into IVAs. The Student Loans (Amendment) Bill extends the Department's regulation-making powers under the Education (Student Support) (NI) Order 1998 to allow provisions to be made to exclude student

loans from IVAs. The Department rejected the option of doing nothing. The Committee is content that the Bill will ensure consistency of treatment of student loans under bankruptcy.

The Bill contains two clauses. The second clause sets its short title. The first clause contains its provisions. The clause amends the 1998 Order and the Education (Student Loans) (NI) Order 1990 by extending regulation-making powers to provide that a student loan that is made to a borrower who enters an IVA will be treated in a similar way to how one is currently treated under bankruptcy.

The Committee commenced its scrutiny of the Bill on 9 June 2010 with a briefing from departmental officials on the circumstances that had necessitated the introduction of that amending legislation. The Department also provided details of all the responses that were received in the public consultation on the policy proposals. During the briefing, officials detailed the increasing number of student loans being included in IVAs since the legal precedent had been set and the resultant loss to the public purse. The Committee requested further information from officials on the number of people domiciled in Northern Ireland who had had student loans written off by the Student Loans Company under IVAs. That was provided by the Department on 29 September 2010.

On 15 September 2010, the Committee was briefed by the Northern Ireland Assembly Legal Services on the inequality that currently exists between debtors who enter into IVA arrangements and those who are involved in bankruptcy proceedings. The briefing clarified the differences between IVAs and bankruptcy. It explained how repayment of student loans could be impacted by different forms of debt management.

On 22 September 2010, the Committee heard oral evidence from representatives of the National Union of Students-Union of Students in Ireland (NUS-USI). NUS-USI welcomed the Bill's provisions. It agreed that, in the interests of fairness, the amount of a student loan that is due for repayment should not be reduced under an IVA.

The NUS-USI stresses that the financial sustainability of the student loans system is crucial to allowing many young people to enter third-level education and that resources in the higher education sector could be used more

effectively than to meet the shortfall in student loan repayments due to IVAs.

The Committee is content with the Bill as drafted and supports the motion.

Mr Lyttle: As a member of the Committee for Employment and Learning, I thank the Chairperson for her summary of the Committee's position. I support the Bill on behalf of the Alliance Party.

As stated by the Chairperson, the purpose of the Bill is to close a legislative loophole in order to ensure that student loans are fully recoverable and not reduced or written off in any way by the inappropriate use of individual voluntary arrangements. Therefore, it is sensible and fair legislation. It has received the support of student representative bodies on account of the more consistent treatment of loans and efficient use of public funds for higher education that it will provide.

Unfortunately, however, the increasing number of students and recent graduates who have been applying for IVAs to cope with student debt is demonstrative of the increased financial pressures that are being experienced by those wishing to access higher education. It is important, therefore, that we do not lose sight of the fact that there is an increasing level of student debt and graduate unemployment in Northern Ireland, and those are areas that the Minister, the Executive and the Assembly will have to work together to address.

Higher education is a key driver for economic growth and widened participation in society. We must, therefore, prioritise public investment in the sector to ensure that higher education remains free at point of entry and that we have fair and financially sustainable student finance systems in place if we are to allow young people from all backgrounds to benefit from third-level education and if we are to produce the skilled workforce that is needed to grow a modern knowledge-based economy. Therefore, I welcome the fairer and more efficient public investment in our higher education and student finance system that the Bill will ensure. The Alliance Party supports the motion on those grounds.

The Minister for Employment and Learning (Mr Kennedy): I thank the Chairperson of the Committee for Employment and Learning and Mr Lyttle for their contribution to the debate. The Committee has played an important part

in advancing the Bill. The Bill is short and technical, but it is important. It will ensure that publicly funded student loans will not be reduced by their inclusion in individual voluntary arrangements.

Once the Bill receives Royal Assent, an amendment will be required to an existing statutory rule. That amendment will be subject to negative resolution.

I reinforce my thanks to the Chairperson of the Committee and to Mr Lyttle. I agree very much with the sentiment that we should be working together not only on student debt but on student fees in the future, and we will do that. I look forward to the co-operation of the Committee for Employment and Learning, and Members. I commend the Bill to the Assembly.

Question put and agreed to.

Resolved:

That the Student Loans (Amendment) Bill [NIA 22/09] do now pass.

Tourism (Amendment) Bill: Final Stage

Mr Deputy Speaker: The Minister of Enterprise, Trade and Investment has informed me that she is unable to attend today's debate due to a funeral. The Minister of the Environment will move the Final Stage of the Bill on her behalf.

The Minister of the Environment (Mr Poots): I beg to move

That the Tourism (Amendment) Bill [NIA 30/09] do now pass.

Mr Deputy Speaker: I call Mr Alban Maginness.

The Minister of the Environment: Excuse me.

Mr Deputy Speaker: Sorry. I call the Minister.

The Minister of the Environment: As was said at the Second Stage of the Tourism (Amendment) Bill, the Bill is intended to amend the Tourism (Northern Ireland) Order 1992, which provides the Northern Ireland Tourist Board with the powers to encourage the development of the tourist industry in Northern Ireland. The amendments proposed in the Bill fall under three main headings. The first proposes easing the regulation on tourist accommodation and businesses by changing the frequency of the Northern Ireland Tourist Board's statutory inspection of tourist accommodation.

The second proposes a change in the mechanism for appointing the chairperson of the board, and the third provides for the transfer of tourist accommodation grants from Invest Northern Ireland to the Northern Ireland Tourist Board. Each change represents a positive step forward in tourism. I thank the Chairperson and members of the Committee for Enterprise, Trade and Investment for their careful scrutiny of the Bill and Members for their general support in its progress.

12.15 pm

The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness): I thank Minister Poots for moving the Final Stage of the Tourism (Amendment) Bill. The Committee considered the principles of the Bill to be to change the frequency of the statutory inspections of tourism accommodation and certification; to change the mechanism for appointing the chairperson of the tourist board; and to make provision for the potential transfer of tourist accommodation

grants from Invest Northern Ireland to the Northern Ireland Tourist Board.

The Committee's main concerns related to the frequency of inspections, as many organisations expressed the view that the move to a four-yearly inspection from a yearly inspection might be too long and might affect the standard of tourist accommodation. However, the Department responded that, in most cases, there is little significant change in tourist accommodation, as certification is mostly infrastructure based. The change to four years would, therefore, not risk a reduction in quality and would reduce the regulatory burden that is placed on the accommodation providers, as well as reducing the overall fees for inspection.

The Committee was content with that response and was reassured that there are powers in clause 1 to change the frequency of statutory inspections through subordinate legislation. That was a suggestion from the Committee that the Department agreed to incorporate in the Bill.

There were no concerns regarding the proposed mechanism for appointing the chairperson of the Tourist Board, which was welcomed by most organisations, as it was felt that the proposed mechanism would enhance public confidence. The provision to permit transfer of tourist accommodation grants from Invest Northern Ireland to the Northern Ireland Tourist Board was a proposal that arose as a result of a recommendation in the report on the independent review of economic policy. Again, it seems a sensible and reasonable provision, and the Committee raised no concerns.

Finally, I thank Minister Arlene Foster and her Department for their work on the Bill and the helpful interaction with the Committee during scrutiny of the Bill. I also thank the Committee staff, who put their usual diligent work into helping us with the Bill.

Mr Deputy Speaker: I call the Minister of the Environment, Mr Edwin Poots, on behalf of the Minister of Enterprise, Trade and Investment, to conclude the Final Stage.

The Minister of the Environment: I am grateful to the Chairperson of the Committee who has contributed to the debate and raised some valuable points, which will be taken note of. I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Tourism (Amendment) Bill [NIA 30/09] do now pass.

Mr Deputy Speaker: I ask Members to take their ease for a few moments while we get reorganised.

Planning Bill: Second Stage

The Minister of the Environment (Mr Poots): I beg to move

That the Second Stage of the Planning Bill [NIA 7/10] be agreed.

Planning impacts on all our lives. We use it to shape our communities, protect and enhance our natural and historic environment and promote regeneration and growth. We are using planning to help us make Northern Ireland a better place to live, work and invest.

On 30 November, I announced in the House my proposals for the reorganisation of local government and my plans for a fundamental overhaul of the planning system. That will pave the way for the transfer of functions to the new 11 councils within a timescale and in circumstances to be determined by the Executive.

The Planning Bill sets out proposals to transform our planning system. It provides for a transfer of better, faster development plans and development management functions to councils. That means that the councils will be the planning authorities. They will have professional planners to advise them but it will be the councillors themselves who are responsible for the decisions. It will be up to councils, working with local people, to create a clear vision of what the council area should look like in the future. They will use their local development plans to show everyone how that vision will be realised and what types of development will go where. The councils will also consider planning applications and decide what can be built.

The transformation is fundamental to the development of local accountable democracy. It puts power and responsibility for the development of local areas exactly where it should be: in the hands of locally elected representatives accountable to the people. Councils will share those responsibilities with Ministers and Departments. For example, the Department for Regional Development will retain responsibility for the regional development strategy and the Department of the Environment will retain responsibility for strategic planning policies, and together those provide the policy framework within which councils will operate. The Department of the Environment will advise the councils on what practical aspects of planning it will have oversight of and performance management

responsibilities for. It will also determine the most complex planning applications.

My Department's land-use planning responsibilities are set out in Part 1. Planning is about shaping places, but it also shapes the daily lives of residents, businesspeople, workers and commuters. It impacts on their well-being. Councillors and planners need to work together to understand community needs, wants and aspirations. The Bill, therefore, requires councils to publish a statement of community involvement, explaining to the community why it is important for them to become involved with the planning processes and how they can contribute. Councils will be required, through Part 2, to bring forward 15-year local development plans that take account of the regional development strategy of planning policies and other relevant plans, policies and guidance. At the beginning of the process, the council will agree with the Department of the Environment a reasonable timetable within which its plan will be produced. Councils will be given the flexibility to work together to develop a joint plan, should they wish to do so.

Although the plans will look 15 years ahead, they should always be up to date. Councils will be required to review them every five years and they will have the flexibility to review and amend their plans as often as they need to. Each local development plan will comprise two documents: a plan strategy and a local policies plan. The plan strategy will be prepared and adopted first. It will show the big picture. The plan strategy will set out the council's strategic vision for the future of the area, along with strategic objectives and policies and a strategy for growth. Once adopted, the plan strategy will provide certainty for the development of the local policies plan.

The local policies plan will set out the detail. That document will show where the various activities may be developed; for example, where there might be housing, commercial or industrial growth. In line with its statement of community involvement, each council will work with the community throughout the planning process. Rather than simply seeking views on issues, councils will present the public with options early in the process, so that there can be meaningful and constructive discussion. Throughout the process of developing both the plan strategy and the local policies plan, councils will need to conduct a sustainability appraisal. That will need to be

published. That means assessing the economic, social and environmental impacts of options and taking those impacts into account in the decision-making process. Plans will also be subject to equality impact screening and assessment as necessary.

Before they can be adopted, the plan strategy and the local policies plan will each need to be subjected to independent examination. The purpose of the examination will be to test how sound the plan document is. The examination will consider the soundness of its content and its alignment with government plans, policies and guidance. It will also consider the soundness of the process through which the plan document was produced.

The public and interested parties will have the opportunity to make representations to the examination. People who do so will need to demonstrate why a plan document is not sound. They will have to propose a solution to the problem — a pretty novel idea — that they have identified and to demonstrate how their proposal makes the plan document more sound. That is a fundamentally better way of examining development plans than currently exists. It is about careful consideration and reasoned argument set against criteria; a simple objection will not be enough.

I know that councils, individual councillors and planning staff will do their utmost to ensure that they produce sound local development plans that meet the needs of their communities and are right for their areas. However, as Minister, I need to recognise that there may be a time when things go wrong. I need to make sure that we have ways of dealing with that. That is why I have made sure that, in the Bill, the Department of the Environment retains powers of oversight and intervention in relation to local development plans. If it seems to the Department that a council is not making satisfactory progress with the development of its plan, or if the Department believes that a plan needs to be changed, it will be able to step in and take action.

I now turn to the second major element of planning development management. In Part 3 of my Bill, I have set out the arrangements under which development will be managed by councils —

Mr McCarthy: Will the Minister give way?

The Minister of the Environment: Not at this point; we will have a lot of opportunity to speak,

and I would rather deal with these items in the first instance so that Members have a good, wide context of the Bill.

In Part 3 of my Bill, I have set out the arrangements under which development will be managed by councils and the Department of the Environment. In crafting those arrangements, we strive to develop a system that is better and faster. Applicants need certainty. It does not matter whether they are building an extension or a multi-million pound headquarters; what they want to hear from the planning system is a clear “yes” or “no”. The proposals aim to channel resources towards the applications with the most economic and social significance, with decision-making mechanisms that are proportionate to the scale and the complexity of the proposed development. Part 3 of the Bill, therefore, envisages three tiers of development proposals, and it treats each tier in the most appropriate way.

The top tier is regionally significant applications. Those are development proposals whose realisation would impact on the whole of Northern Ireland or a substantial part of it. They include significant infrastructure, energy and industrial applications. Recent examples include the new hospital in Enniskillen and Down High School in Downpatrick. The Department will be able to prioritise regionally significant applications by having them submitted directly to it. It will also have the power to call in an application submitted to a council that may be of regional significance.

The second tier of applications are those described as “major” because they relate to projects that would have a significant impact on the council area in which they are to be developed. Major applications relate to developments such as large housing schemes or office developments, along with waste, energy or transport infrastructure.

The final tier comprises applications likely to impact on only the immediate locality. Those local applications include small offices or small residential and minor commercial or industrial developments.

Councils will determine major and local applications. Applicants submitting regionally significant or major applications will be required to demonstrate that they have engaged in pre-application community consultation with local communities. That means that developers

will have to display their proposals publicly, so that people can see what is intended and say what they think. The developers can then adapt their proposals to mitigate any negative impacts identified and to deal with community issues before they submit their applications. The outcome should be better, and applications should be dealt with faster.

Pre-application community consultation is not an optional extra. The Department and the councils may choose not to process applications if that consultation has not been done or has not been done to a set standard.

12.30 pm

Councillors are busy people. It is unrealistic to expect them to determine every planning application themselves. Therefore, the Bill requires councils to publish schemes setting out the types of application that councils will normally determine and those that would normally be delegated to planning officers for decision. The flexibility will exist to transfer an application between those two categories if the council sees fit to do so. As well as speeding up processing times and keeping down costs, that will free councillors to deal with complex or contentious cases more promptly.

Neither the Department nor the councils will have all the information and expertise that they need to properly consider applications. The legislative requirement to refer applications to expert organisations, such as the Health and Safety Executive, will be expanded. I am well aware of the delays caused when consultees take a long time to deliberate. The Bill removes that roadblock by requiring statutory consultees to reply within a specified time frame. A list of statutory consultees and the time frame will be set out in secondary legislation. The time frame will be proportionate to the development hierarchy but will be in the region of 28 days for the majority of applications.

The Bill will transfer to councils the powers to designate conservation areas and to control works on listed buildings. However, the powers to list or delist buildings of architectural or historic interest and of voluntary or compulsory acquisition of listed buildings will remain with the Department of the Environment. To further protect the built heritage, the Bill creates a new offence of partial demolition of an unlisted building in a conservation area,

and it encourages development to enhance conservation areas.

From time to time, councils will have development proposals that they wish to pursue on their own or jointly with others. In such situations, councils will make planning applications to the area planning office, just like anyone else, and they will be able to grant permission for those, where appropriate. Schemes of delegation to council officers will not include applications made by councils or council members or that relate to land that the council owns or in which it has an interest. To further safeguard councils and councillors, the Bill will give the Department powers to make regulations to put in place appropriate governance arrangements and to minimise any risk or conflict of interest.

Enforcement is an issue of concern to many Members and their constituents, and Part 5 of the Bill transfers to councils the power to enforce against planning breaches in their respective areas. However, the Department will retain powers to issue enforcement notices or stop notices but only after first consulting the council for the area. Councils will have new powers to issue fixed penalty notices for the offence of failing to comply with an enforcement notice or a breach of condition notice. That is a short, sharp remedy, and it is a proportionate and effective response, in line with our better regulation agenda.

Effective performance management will be crucial to the success of the development management system. My Department will, therefore, be responsible for assessing and reporting on councils' performance, including whether their decisions are made in accordance with the respective development plans and with any advice and guidance issued by the Department.

The Bill carries forward the Department's powers to set planning fees and charges and to provide grants and bursaries. However, it will also give the Department the power to make regulations that will allow councils to set their own fees and to allow fees to be transferred from one council to another. The Department will continue to set planning fees for the first three years but will then review the position and consider whether to transfer such powers to councils.

The independence of public inquiries, hearings, examinations and the appeals process is fundamental to our democratic and

accountable planning system. The Planning Appeals Commission will continue to conduct public inquiries and hearings to inform the Department's consideration of regionally significant planning applications. It will also hear appeals against councils' decisions on major and local planning applications and conduct examinations of local development plan documents. That is a considerable and varied workload. For example, it is quite likely that all the councils' planned strategies will be ready for independent examination at around the same time. To avoid delays, therefore, the Bill gives my Department the power to appoint independent persons in addition to the Planning Appeals Commission to conduct independent examination of planning strategies; local policies, plans and inquiries; and hearings on regionally significant planning applications. The Bill also reduces the time window for lodging appeals against councils' decisions on major and local applications from six months to four months. In addition, the Bill re-enacts legislation in a way that reflects the new roles and responsibilities of the Department and councils.

My Bill will transform our planning system and planning culture. For the first time, the people and businesses who are affected by development plans will have the right to influence the plans from the beginning. There will be open and effective dialogue between the plan makers and the public. Developers will need to listen to the views of the people in the community when drawing up applications. The new local development plans should be produced in a faster and more focused way. They will be responsive and flexible. Investors will get quicker responses to their applications, which will help them to achieve the certainty that they desire. The proposals in my Bill are vital to the future of our communities and our economy.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. Mar Chathaoirleach an Choiste Comhshaoil, cuirim fáilte roimh an Bhille Pheanála. As Chairperson of the Environment Committee, I welcome the Bill. However, I stress that I do so with caution. The Bill is massive: it has 248 clauses, seven schedules and, I think, 15 Parts. It is the largest Bill to come to the Assembly by some 66 clauses. It is not that we do not want the legislation; we do. We have been calling for it for many years, and we have been told to expect it for several. However, I question the wisdom of

introducing a Bill of such enormity at this late stage in the mandate.

As all Members know, the Environment Committee has worked through a number of Bills over the past few years. In all cases, the Department has acknowledged the added value provided by the Committee in its scrutiny. In all of the Bills that we have scrutinised, the Minister has taken on board recommendations made by the Committee and agreed that the Committee process led to better legislation in the long run. However, each Bill that came to the Committee required an extension beyond the 30-day statutory period, whether it was a three-clause private Member's Bill or a 78-clause departmental Bill.

Each report produced by the Committee on those Bills has been based on evidence that was called for and received from the individuals and organisations most affected by the legislation, whether in respect of implementation or impact — fiscal, social or environmental. Today, however, we are considering a 248-clause Bill that, if it is to be sure of having sufficient time to complete its legislative passage, has to be considered within the statutory 30-day period.

The Minister suggested that the Committee does not need to consult on the Bill because his Department has already conducted two consultations. I do not question for one minute the depth and integrity of the departmental consultations on planning reform, but they were focused on the policy principles of planning reform, not the legislation for implementing them. No one has yet been given an opportunity to comment on the Bill as drafted. In fact, no one saw it until very recently, because the Department kept such tight wraps on it.

When the Committee calls for evidence on the Bill, it will not be consulting on the policy principles, even though many organisations may take the opportunity to rehearse their arguments in that regard. What the Committee will be calling for is evidence on the clauses of the Bill. It will ask whether the Bill will do what the Department says it will, whether it will work in practice, whether anything has been overlooked and so on. The Committee will then challenge the Department to respond to the concerns raised. As I mentioned, the Committee has to date considered eight departmental Bills. That process, invariably, has led to the Committee recommending amendments in many cases —

in fact, I dare say most cases. The Minister has agreed to make most of those as well.

I do not believe that we can overlook this vital step in the scrutiny process. We must give anyone and everyone who is affected by the Bill the opportunity to comment on it. Only in that way can the Committee gather the information that it needs to properly scrutinise the Bill and to produce a proper evidence-based report.

Just before I move on to the policy principles of the Bill, I will remind the House of the length of the Committee Stages required for previous Bills that have come before the Environment Committee: 29 weeks for the Waste and Contaminated Land (Amendment) Bill; 28 weeks for the Goods Vehicles (Licensing of Operators) Bill; 15 weeks for the Local Government (Miscellaneous Provisions) Bill; 13 weeks for the Wildlife and Natural Environment Bill; and 30 weeks for the Local Government Finance Bill. I sat through every one of those Bills. Therefore, need I go on about the time frame?

None of those Bills was more than a fraction of the Bill before us today, and I would venture to say that none will have as much of an impact on citizens in the North. How would it look if the Committee were to add four weeks to that list for a Bill that is aimed at delivering a fundamental overhaul of the planning system? Given the lack of time for scrutiny, I ask the House to think long and hard before accepting the Bill today. Having made those points, I will comment on the policy proposals put forward in the Bill.

The Committee has been involved in the planning reform process from its beginning back in 2007. It conducted a stakeholder event on the planning reform consultation in November 2009, when members took the views of organisations such as the Rural Community Network, the Royal Institution of Chartered Surveyors, the Ulster Farmers' Union and Community Places, among others.

I wish to say from the outset that members expressed support for the devolution of planning matters to councils and for greater community involvement in the planning process. Although members welcomed the devolution of certain planning matters and the introduction of a bottom-up planning consultation, they expressed concern about the necessary checks, balances and integration mechanisms required to ensure an effective, efficient, fair and transparent planning system.

Once again, I must sound a note of caution. Although everyone is agreed that planning powers should be handed back to councils, it is assumed that that will not and should not happen until councils are working within a new statutory governance framework and an ethical standards regime that ensures equality and fair treatment for all. That may seem obvious to us all. However, here we are rushing through this 248-clause Bill to bring about devolution of powers to local government, while the Department has only just released its consultation on the policy proposals that will bring about those controls. The Committee has agreed that one should not progress without the other, so I again question the reasons why we are rushing the Bill through. Given the lack of governance arrangements for councils, I ask the Chamber to think long and hard about the Bill.

Members of the Committee agreed that planning policy must be open and transparent and needs to be seen as such. Devolution of planning powers to the new councils is to be welcomed, but greater clarity is required between local and regional plans. When the Committee received a briefing on the Bill on 25 November, the departmental officials emphasised that that would be the case, and I am sure that the Committee will keep an eye on it. Members are also of the opinion that an easily identified link between planning policy statements and the regional development strategy is required. They believe that planners may have to undergo induction training to ensure proper delivery of the reforms proposed in the Bill.

In their response to the Department on the planning reform proposals, members expressed concern over the time required for preparing and updating development plans. The Committee wishes to see development plans continually updated to reflect ongoing issues rather than becoming obsolete in the short term. It was also felt that any links between community planning and development plans needed to be clearly explained and communicated to the forthcoming new councils and the public alike. Departmental officials have told the Committee that local development plans will be drawn up by councils, and that is to be welcomed. However, we must ensure that the same delays in preparing and updating the plans are not allowed to continue.

12.45 pm

The Committee's views on planning management were similar to those that it expressed on planning policy. The Committee felt that planning management must be open and transparent and must be seen as such. It was also felt that a proper balance must be achieved in the management of major and minor planning applications, with appropriate and robust testing at each level. The proposal to require all major applications with significant planning effects to be brought to the Minister for consideration is welcome.

I note that third-party appeals are not included in the Bill. Members recognise that third-party appeals may have many attractions, but we are also mindful of the practical problems that such appeals could cause. We recognise that any third-party appeal mechanism needs to ensure that planning delays are kept to a minimum, and we consider that third-party appeals have a wider planning significance because they enable a system of ongoing review and introduce greater democracy and participation into the planning process. However, members recognise that any third-party appeal process should, for practical purposes, have limitations imposed. Therefore, we agreed that third-party appeals should be limited to original objectors, those with a significant interest, those who contribute to the original planning application and those who pass an agreed proximity test. Departmental officials recently informed the Committee that, although the issue is not dealt with in the Bill, it will be revisited in the future, and some members have a keen interest in progressing the matter further.

As with any Bill, enforcement is the most important aspect. Members were generally in favour of greater enforcement, which could include imposing higher fines, although there was concern that breaches in planning should not lead, in general, to criminal penalties. Members recognised that, for some limited major breaches in planning policy, such as the demolition of a building, criminal penalties might be a necessary deterrent.

I welcome the Bill, but, as I said, it is unfortunate that it came to us late in the day. Many individuals, organisations and, indeed, every Statutory Committee will want to express their thoughts on the Bill, but I cannot see how there will be sufficient time to do that

effectively. We need to ask ourselves whether we want planning reform legislation at any price or good, effective planning legislation that stands the test of scrutiny today and for many years to come. Moreover, should we even think about devolving responsibility to councils in the absence of a robust governance framework to ensure fair delivery? If the House decides to rush the legislation through Second Stage, I assure the Minister and his officials that the Committee will do all in its power to fulfil its scrutiny role. In general, the Bill seeks to deliver a fundamental and long-overdue overhaul of the planning system, so, on behalf of the Committee but with reservations, I support its principles.

With your indulgence, Mr Deputy Speaker, I shall say some words as a Member for Newry and Armagh. On the face of it, the Bill seems to be good legislation, and no doubt the Minister will respond to my numerous warnings about the time that it will take to carry out proper consultation on a 248-clause Bill. However, I would like the Minister to respond to this point: he proposes to introduce proper governance and a proper code of conduct, but when will those key elements be in place? They are essential to the Bill's progress.

Mr Deputy Speaker, I know that I should be talking about policy principles, but it is hard not to refer to specific clauses. I shall, however, talk about capacity building through the legislation. Obviously, the Bill has huge potential to shift powers, but what plans does it contain to provide councils and council staff with the proper training to implement the proposals?

I have touched on local government reform. Will the Minister indicate when the legislation that will flow from that reform will be introduced? If the Planning Bill passes Second Stage today, such legislation must be introduced either before the Bill goes through or in tandem with it.

I also want the Minister to address the issue of pre-application community discussion. Although it sounds fine that the Bill will allow for a front-loaded system, will it be just a talking shop or a method of bringing information through for material consideration, with no real kudos given to the significance of that material in terms of, say, objections? We do not want a process in which people get an opportunity to object to an application but are then out the door, not having been given a strong indication that their complaint has been taken on board.

We talked about third-party appeals. How do we identify an independent mechanism for people who have been given an opportunity to speak but feel that they have not been listened to? We have seen the challenges at the minute in terms of planning appeals. How can we have a more robust system for checking appeals? I also want the Minister to comment on the major and minor applications that are dealt with in clause 27. I have concerns about the call-in process that is dealt with in clause 29, and I want the Minister to address that.

With all that said, the Committee will not shirk its responsibilities in dealing with the Bill. It is a major piece of work for the Assembly, and we will take it as it comes.

Mr Buchanan: As a member of the Environment Committee, I support the Bill. It is the largest Bill to come before the House, and, therefore, will require quite a bit of scrutiny by the Committee. It will be a major bit of work. There is no doubt, however, that, as Northern Ireland moves forward under a stabilised devolved Government, the encouragement of economic growth is essential. A more modern, effective and efficient planning service is, therefore, vital as we seek to drive economic growth.

For far too long, some applications in the planning system have moved at a snail's pace, to an extent that has discouraged essential development and much-needed inward investment in Northern Ireland. Now that change is on the horizon, it is important that the Assembly and the Executive strive to create a planning system that is quicker, clearer and more accessible. I know that there are some concerns about how the planning system will be funded when it transfers to councils. I note that the Minister and the Department are already looking at and consulting on a more realistic fee structure, which, I hope, will help to alleviate any extra financial burden that could be placed on councils.

The transfer of many planning functions and decision-making responsibilities to district councils brings with it added responsibility. There is a risk of corruption in councils and inconsistency in decision-making between them. I have no doubt that some hard and unpopular decisions may have to be taken. It is, therefore, essential that proper governance arrangements be put in place by the Department, with clear and concise guidelines for councillors when it comes to making decisions. There has been

some aggravation in the current planning system over the consistency of approvals between districts. It is important that any new system will address that issue to ensure that there is absolute consistency in the decision-making process, so that we do not have something approved in one area while the same thing is refused in another area. We need to ensure that there is clear consistency among the different councils.

I welcome the community input into the formulation, in conjunction with the councils, of the local development plans. To develop a plan that will address the needs and aspirations of the local communities, that must kick off at an early stage in the process. Of course, if the benefits of those reforms are to be realised, there is also a need for proper capacity building for councils and councillors and for the monitoring of their performance. The Department must keep tight oversight of that.

I note the huge interest that was generated throughout the consultation process, and I commend the Department for listening to and acting on both the positive and negative responses. That resulted in the modification of a number of proposals in the Department's original consultation paper as it sought to address those concerns. I have no doubt that, at the end of the process, the Bill will not be perfect. However, I believe that it will provide the foundations on which to develop a model that we can transfer to district councils to bring about a change to the way in which planning is delivered.

I have heard some negative comments today about timelines, tight timescales, the huge size of the Bill and how it should be delayed. However, given the difficulties with the current planning system, there is no room for delay. We must continue with the reform of the planning system. To bring the decision-making process to a local level and to deliver planning in a way that meets the needs of local communities, it must be transferred to local councils. I commend the Bill to the House.

Mr Kinahan: Like many others, I welcome the chance to speak on one of the most important Bills to have come before the Assembly. We all want our planning system to be reformed, particularly so that it becomes dynamic and innovative and can help to sustain our economy. We all want it to work better and faster.

The House will hear from many Committee members today. We have an enormous Bill in

front of us, and it contains an enormous amount of very good and necessary legislation. We must congratulate the Minister and the Department on all the good things in the Bill and on all their hard work.

I apologise if a lot of what I say today is negative, but I want planning in Northern Ireland to work properly. As one colleague said to me when we were discussing the Bill, it is like setting sail in a ship that you know will sink. Why are we starting now? We have only 14 weeks left, including the three-week Christmas recess. It seems to me that the Bill has been put in front of us purely because the Minister wants to show that he has dealt with planning before the election. In fact, all he has done is to give us an enormous problem to deal with. It is a trap, and the buck has been passed to the Committee. We have to accept that. We want planning to work, and, therefore, we will do our best. However, if it fails, I am afraid that it will be the Minister's fault, and we will have done our best. We all must do things properly.

The normal system allows for a 30-day statutory period with two full Committee meetings a week. Remember that an election is imminent, and we will need members of the Committee to attend meetings to achieve our quorum. If we begin work on the Bill now, there will be no oral evidence, and we will have to, as Members have heard, get through 248 clauses and seven schedules in one day. Sometimes, we struggle to complete 20 clauses, and, with the great help of Mr Trevor Clarke and his many questions, it can take a little longer.

Mr T Clarke: I thank the Member for identifying to the House that I play my full part in the Committee's scrutiny. That is the full role that I am elected to do, rather than being there as a token gesture and leaving meetings early or not staying the course.

I have been elected by the people to scrutinise Bills, so, whether it is a Bill from a Minister from my or any other party, I am pleased to do that. I thank the Member for putting that on the record.

(Mr Speaker in the Chair)

1.00 pm

Mr Kinahan: That was meant only as a mild joke, because the Member does bring a great deal to the Committee, and he really does make sure that we scrutinise matters.

If we scrutinise matters in the same way that we have done in the past, it will take all those 14 weeks of scrutinising 248 clauses to get through it. The Wildlife and Natural Environment Bill has only 36 clauses, and our scrutiny has taken seven months.

We want proper written evidence, and, if we conduct our scrutiny normally, we will have four weeks for written evidence to come back. That includes the three weeks over Christmas, so we are unlikely to get good evidence back in that time. If we go the normal way, we can just get it through, but, to reiterate the point: that means no oral evidence, no proper written evidence and probably no chance to discuss the clauses as fully as we need. We really do need good wide-ranging scrutiny.

The Committee has seven or eight other Bills going through at the same time as well as normal Committee work. A two-week extension would give us two full days, allowing for one and a half days of oral evidence. That would give us between three and five presentations when there probably should be 20 or 30. We would be trying to get through 248 clauses in two days, which is a bit better, but we may have to consider whether we need to meet five days a week for two or three weeks to make sure that we do it properly. We can extend written evidence by a week to five weeks, but three of those weeks are still during recess. We can get the Bill through in time but not in a particularly good form. With a one-month extension, we could not get the Bill through at all unless we were to look at doing something like five days a week.

We know that wide consultation is needed on the Bill. We know that every council will be very concerned about all the matters that are in the Bill. There is a mass of stakeholders, and we need to give each of them a chance to give us evidence. The Committees and the Departments here need to have their say. Considering all the people who need to be consulted, it does not look as though we will be able to do it properly.

The Bill is designed to fit in with local government reform and with the future financing of councils. We know that those will not be put in place before the end of this Assembly mandate, so why on earth are we trying to do this in a hurry now, when it should be the first thing that the next Assembly does when it comes in? We need the Bill, and that is why we are doing it now, but it is so late in coming

to us. We have got this horribly wrong, but I reiterate that I, the Committee and everyone here will do our best to get it done properly. I hesitate to say this as it counters my argument slightly, but we may find a quick way of doing things in the current mandate, and that may become a way of doing things quickly on all the other Bills. We must be constructive in all that we do.

The Chairperson of the Committee for the Environment:

I take on board the Member's comments, but we must consult properly, take proper evidence and have a proper and informed discussion to come to a proper result, because this is a major piece of legislation. I know that the Minister will say that I sound a bit negative, but the Committee for the Environment will have completed its consideration of nine Bills, so we are well used to conducting scrutiny of legislation.

Mr Kinahan: I welcome that, and I take the point on board. We need to conduct the scrutiny properly, and when I suggest doing things quickly, I suggest looking at the other things that are outside our scrutiny to see how we can shorten how we do certain matters in the Assembly.

I said that I do not want to be negative all the way through the Bill, and I welcome so much in it, particularly the linking up of the regional development strategy, getting the community involved and councils drawing up local development plans with their planning strategies and having their local policy plans. However, that is a hell of a lot to throw at councils.

As we know, councils should have been given much more, one illustration of which is in the area of local transport and roads. We had plans, and I hope to see plans through the review of public administration (RPA) when it comes. As I have already said, we really should be doing this in tandem with the reform of local government and not before it.

Community involvement is one of the most important matters introduced in the Bill. However, that is not as easy as it looks. I welcome the idea of talking to the community, but who is the community and how will we get to speak with them? It is only local community groups? Will those groups be registering? How will we ensure that we are getting a full representation of the whole community? How will we deal with areas in which there is a gatekeeper, one community run by one person

where no one else gets a say? How will we open the door to getting everyone else involved? How will we deal with the zealot who does not want anything done in his backyard? A lot of complications come with it, but I welcome the fact that we are going to involve the community right from the beginning.

Another point is whether community groups will be able to bring in their own specialists. If they are, will councils be able to use the same specialists? Will there be conflicts of interest there?

I wish I could say that I have read every bit of the Bill and fully understood all that is in it. However, I can say that there is encouragement in the Bill to get councils working with each other. I am slightly concerned that powers are given to the Department to force councils to work together. In this country, if all councils are encouraged to work together, we could see the unionist councils working together and the nationalist councils working together. We have to make sure that all councils work together for the better of Northern Ireland.

We know that it is not just councillors but everyone in councils who will need training. A councillor will need to know how he helps to make decisions on planning, where he stands legally and, sometimes, morally, and what the best for his constituency is. A lot of training is needed and that training needs to go into a lot of detail.

The same goes for the public. At the moment, the public will happily ring their councillors. However, we need to ensure that the public know exactly what is going on, because ringing a councillor may now mean that, from that moment, that councillor will have to withdraw from making a decision.

I hesitate to say it, but there is an element out there that does not trust councillors. When I had been here for only a few months, I raised that matter in a question to the Minister. He said that we can trust every council, and I hoped and thought that he was right. However, we then fell into the matter of The Lock Keeper's Inn, and with that other issues came out, including the £5 strip of land and what was perhaps behind the Dundonald green belt. There is a lot of concern among the public; they do not trust us.

Those working in councils will need training and guidance. A great deal needs to be done. They will have great concern about resources. Where

is the money going to come from to help them to run the new systems, train the new people and get everything pulling together in councils? Will the guidelines mentioned in the Bill be ready?

Where will the resource for the Planning Appeals Commission come from? Will it be able to carry out its new role? How will it be trained and when will it be ready so that everything can work together at the same time?

I will now rattle through a lot of incredibly important matters. They are much more technical matters that people will need to be trained in to learn how to deal with them. For example, hazardous waste; listed buildings, in which I declare an interest; completion notices; trees and tree preservation orders. The issue of trees has already been raised on the hedges side of things, and there is a mass of important matters concerning trees. I know of one development that was built around five protected trees, which was absolutely the right thing to do. However, over the next 20 years, the residents in the development did not like the trees and saw them as dangerous. Therefore, all the trees were cut down. That sort of thing goes on all the time, and it is yet another small matter that we need to consider.

Another issue that must be considered is that of enforcement notices, and the one thing that always seems to fail in the planning system is proper enforcement. We need the right number of people doing it and quickly, but it must also be properly resourced. Along with that come the penalties and the compensation. Therefore, there is a mass in the Bill that must be properly scrutinised.

The last of my concerns is about the ethical standards regime, and I was keen to see that document today. When will that regime be put in place? At the moment, the public have a completely wrong opinion of councillors, and they feel that brown envelopes are being passed out there. They are not, or, at least, I have never seen one. We must ensure that everyone sees what happens in councils as being fully open and transparent, and that means proper training and everything else being put in place. I am concerned that we are trying to do this far too quickly.

I return to the point that I made at the beginning of my contribution, and, rather than being negative, I congratulate the Minister and the Department on the Bill and on everything that is

in it. However, I think that the timing is wrong. I want to see the Bill work, but I have great doubts about whether we will be able to do it properly. One person in my family always told me either to do things properly or not at all. Another family member told me that there was no such word as “can’t,” and that represents the clash that we have today.

I was concerned when Mr Buchanan said that the Bill will not be perfect. I want it to be perfect, and I want to see proper planning powers in place. If the Bill fails, it will not be the fault of the Committee for the Environment but of the Minister. With enormous reservations, I support the Bill.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for introducing the Second Stage of the Planning Bill. Members from the SDLP supported the devolution of planning and other matters to local councils in the context of the review of public administration, which would have seen those matters being considered under the key elements of equality, good governance and finance.

I have a number of questions that I want to put to the Minister today, and I am sure that he will reply to them. First, to what extent are the proposals on planning reform reliant on RPA being fully implemented? Furthermore, what assurances can he give to councillors and their officers about the commitments that have been given to date, and what have those commitments been? Moreover, will the Minister outline in detail how he intends to meet the legislative timetable that was set out in his 30 November 2010 ministerial statement on local government and planning reform? Those are all key matters.

Mr Kinahan and the Chairperson of the Committee for the Environment, of which I am a member, said earlier that if something is worth doing, it is worth doing it right. We should not rush legislation, because that will lead to poor legislation.

We also must remind ourselves where we came from. Many housing and planning powers were removed from local authorities because they were being abused. Indeed, we have a range of fair employment legislation because powers were also being abused in the field of employment. Equality is the central issue for the SDLP in what emerges from the Planning Bill.

In a question for written answer, I asked the Minister of the Environment:

“what measures he intends to put in place to ensure that fairness and equality are central to the operation of Local Government; and...how his Department intends to monitor delivery on this issue.”

The Minister replied:

“In my statement to the Assembly on 30 November I said that I want, through the proposed new governance arrangements, to ensure that councils pursue equality and fairness.

The key elements of these proposed new arrangements are first, a tightly defined list of methods for ensuring the sharing of power and responsibility between the political parties represented on a council. Second, the operation of checks and balances, in the form of a call-in procedure and the availability of qualified majority voting, to protect the interests of minorities.

These measures would be in addition to a council’s statutory obligations in relation to section 75 of the Northern Ireland Act 1998.

To ensure the delivery of inclusive local democracy, to protect the rights of minorities, to prevent any direct or indirect discrimination, and to promote the need for equality of opportunity I propose that the new governance arrangements would be provided for in legislation.”

The Minister referred to the current consultation on the local government reform policy proposals, which aim to introduce a new governance framework to provide for efficient, fair and transparent decision-making across local government. However, given that the RPA appears to have lapsed, at huge cost to the taxpayer, those proposals now seem meaningless. If the local government reform proposals, on which the Department has done a considerable amount of work, and the commitments therein to safeguard and protect minorities have not been delivered, how can the reciprocal planning and associated protections be delivered in full?

1.15 pm

I speak of minorities irrespective of who or what they are. In parts of the North, there will be unionist minorities, nationalist minorities and other minorities that were not there 30 or 40 years ago, when there was discrimination at the heart of local government. That is the context of where we are today. In planning, equality must be delivered and rights must be protected. Housing, industrial development and a range of other things must be protected against any form

of abuse, either by an individual or individuals who are in councils or associated with them.

I will come to it later on when I go through the clauses, but the call in of applications, which is referred to in clause 29, appears loose and, indeed, weak and poorly defined. I highlight that in today's debate, because it appears that a considerable amount of further work is required to safeguard rights and equality in the decision-making process.

It has always been regarded as fundamental that, under the RPA, any transfer of functions to local councils should be cost-neutral. Many ratepayers will seek assurances from the elected representatives — councillors and MLAs — who saw the Bill through that their rates bill will not be higher as a consequence of a potentially poorly negotiated process of delivery from the Department to local authorities. The Department has claimed that, as a whole, the Bill's proposals will be cost-neutral to the planning system. I would like the Minister to elaborate on the basis for that statement. Indeed, parties and, in particular, ratepayers will require evidence of how that conclusion has been reached.

As representatives of the public, taxpayers and ratepayers, we should not think for one second that whatever comes about through a legislative process should place a further burden on ratepayers. The Minister's announcement of the proposals has caused considerable concern in various sectors of the construction industry, especially the proposals for a hike in planning fees. People need assurances that the transition from the Department to local authorities will be cost-neutral. We need to hear the basis for that conclusion and the context in which it was reached. That is the outline of the SDLP's stance on the introduction of the Bill. It must happen in the context of equality and cost-neutrality. We also need clarity on the review of public administration.

I will now comment specifically on the Bill's clauses, in no particular order other than numerical. Clause 5 refers to sustainable development. It says that sustainable development should be included as part of the planning process and that local development plans should have regard to policies and guidance issued by the Office of the First Minister and deputy First Minister, the Department of the Environment and the

Department for Regional Development. There is delay in the implementation of any sustainable development strategy from the Office of the First Minister and deputy First Minister, which will probably put in context any commitment by the Department of the Environment to the advancement of sustainable development proposals with local development plans.

Clause 10 refers to independent examination. I need a bit of clarity on the definition. Will the Minister outline how independence is defined by the Department with regard to the process of examining area plans? I presume that the definition will be more or less the same as it is at the moment, although there is reference in the Bill to individuals being appointed to fulfil certain aspects of planning processing. I am interested to hear what types of individuals will be appointed and what sort of role or capacity they will fulfil. That is just to satisfy my own curiosity.

The intervention by the Department in clause 15 is in regard to local policies or plan strategies and allows the Department to act if it thinks that a plan strategy or a local policy plan is unsatisfactory. I am interested to hear how it could be defined as "unsatisfactory".

Clause 17 refers to joint plans. Again, that is a practical outworking or management issue. Joint plans between two councils could lead to problems if the respective area plans are at different stages of advancement. Some area plans are way behind, and others may be at the point of a public inquiry. In my own area, I can think of examples in which one plan is starting to lapse and the other has not fully passed through the public inquiry process. I am thinking of the ramifications of that and whether it is even doable — and, indeed, the circumstances under which the Department would consider joint plans being worthwhile. I honestly do not know how they might work.

Clause 25 is about the hierarchy of developments. Although the concept seems relatively OK and sounds good as a buzzword, it appears that there is little substance in the Bill about the definition of that hierarchy of developments. The hierarchy proposed in the Bill is significantly different to the hierarchy of developments that already exists in area plans, as defined by the Department of the Environment. I am interested in hearing how the Department defines or expands on that hierarchy of developments.

Clause 27 is on pre-application community consultation, which is a good idea —

Mr Speaker: Order. The debate during a Bill's Second Stage is supposed to be on the principles of the Bill. The Member is going through the individual clauses of the Bill, which is really the job of the Committee. I am very conscious that there are 200 clauses in the Bill. I am prepared to give the Member and the House some latitude. However, I am also being very careful and being fair to the Minister. It would be unfair for the Minister to try to second-guess what the Committee might decide on these clauses. The Second Stage of any Bill is about the general principles of the Bill.

Mr McGlone: I thank you for your patience, as ever, Mr Speaker. I assure you that brevity will be my watchword. *[Interruption.]*

I thank the Minister — he knows this as well. With your indulgence, Mr Speaker, I will move on very quickly; I have only got a couple more points to make.

Clause 29 is about the calling in of applications by the Department. Again, as I said earlier, much more expansion is required as to when that may happen. That is key, as I said earlier, to equality and good governance in local councils for all people. I cannot overemphasise that enough.

Finally on that particular point, the simplified planning zones do not have a lot of simplicity about them. That requires a lot more expansion.

To make the final overall policy point, I emphasise the context of the review of public administration. I also emphasise the need for equality to underpin and be at the heart of the decision-making measures in the Bill. It is crucial to remember where we came from. We need to learn from the harsh lessons of the past because we do not want a further morass to come up and bite us. Therefore, the context of the review of public administration is transparency, good governance, and, ultimately, equality for all. Thank you for your indulgence, Mr Speaker.

Ms Lo: The Alliance Party reluctantly supports the Second Stage of the Bill. It is clear that the planning system needs reform. It needs more local accountability and community involvement. Decision times are too long compared to our neighbours. The Committee for Social Development went to Dublin a couple of years ago, and we were staggered to find that there

was a six-week turnaround time there. Obviously, delays in planning hinder inward investment and economic development.

Although we support the Bill to enable a quicker and clearer planning system, we have major concerns over the timing of the legislation and the timescale for adoption. The passage of the Bill by the end of this mandate is possible, but it is a very difficult and challenging time, and the Committee Stage would be rushed. As I understand it, during the lifetime of the Assembly, virtually no Bill has gone through its Committee Stage within 30 days. The Department of Justice Bill was one exception, but it was very short, and it made operational political agreements that had already been made elsewhere.

The Planning Bill is certainly not short, and there is likely to be considerable interest from people in wider society who may wish to make their views known to the Committee. The Minister could have introduced the legislation earlier in the session, leaving more time for proper consideration, or he could have left it until early in the next mandate. After all, there is no intention of the Bill being operational from April 2011.

I will now comment on some specific aspects of the Bill. I welcome the provisions for the transfer to local councils of the majority of functions and decision-making responsibilities relating to local development planning, development management and planning enforcement. The linkages between those functions will help to produce more cohesive and responsive policies and practices. I hope that that will lead to improved connections between regional, local and neighbourhood priorities and policies, and reduce uncertainty and unnecessary overlap. It is essential to have a local approach for local development.

As the Minister is aware, my constituents have had a lot of concerns over planning in South Belfast. Many of them have been concerned about planning officers considering applications on their individual merits, and not taking into account the cumulative effect on residential or environmental amenity and the character of their area, resulting in population intensification and strain on infrastructure. I hope that the Bill will bring some improvements to that situation. I also hope that the local knowledge of councillors may prove useful. That may be

addressed by councillors' localised knowledge and the council local development plan.

My constituents also have expressed concerns about the capacity in local authorities. We need good investment in training in local authorities. There needs to be a strong code of conduct and ethics to ensure that councillors are not subject to undue influence from developers or businesses.

The Department also needs to ensure consistency across councils in the decision-making process.

1.30 pm

There is a lack of clarity around departmental oversight powers, and perhaps the Minister can clarify that. It is not clear how the Department will monitor or evaluate decision-making in councils. In addition, how will consultation take place between the Department and councils on applications of mutual interest, regardless of whether it is deemed as major or local?

I want to talk about planning control. I welcome the onus placed on developer applicants to consult the local community in advance of any major application. That may reduce prolonged third-party objections. I am also quite concerned about the opportunity to make or grant retrospective planning applications. I know that that is now the practice, but will that encourage development without permission? We have seen so many examples in south Belfast of people going ahead with construction without planning permission. I suggest no retrospective planning application for newbuild, for example.

I welcome the introduction of completion orders, which could address issues with unsightly construction sites or overgrown gardens. We see many examples of those in south Belfast. The Minister visited Piney Hills and saw a really bad example there. They are eyesores in local communities, sitting there for years waiting to be developed.

Finally, on enforcement, I am disappointed that temporary stop notices are not applicable to residences. Many of my constituents would want to see those in residential areas. We support the principles of the Bill, but with reservations.

Mr T Clarke: I support the Bill. I know that it involves a considerable workload, and many Members addressed that. We have 14 weeks to go. However, when I was sitting here listening to Danny Kinahan, I was wondering whether we

should close this establishment and help the under-pressure Health Minister by turning this into a retirement home. We have 14 weeks left in this Assembly, and most of the contribution from himself or the Chairperson of the Environment Committee suggest that we should do nothing. Let us just go into limp mode for 14 weeks. Let us limp home over the line and come back after the election completely reinvigorated and ready to start business again. That is the message that is coming across today.

Yes, we have 14 weeks, and there are more days in the week than some Committees may have given to the business in hand. Many in the wider public believe that councils already have more planning powers than they currently do. I welcome the Minister's proposals and the opportunity to scrutinise them in the Committee.

No disrespect to Patsy, and he may not have been the worst, Mr Speaker, but I felt as if we were scrutinising the Bill today. However, I was glad of your ruling on that. I recognise that there is a lot of work to do, given the number of clauses. However, if we look at the explanatory note, that work started in 2007, when we talked about reforming planning. We are now in 2010. It is disappointing that the Ulster Unionist Party wants to stall the process even further. We did not get clarity on the reason for that.

There is a process to start. If it takes us longer and we cannot get it finished by the end of this term, that will be unfortunate. However, let us get started. The Committee had a meeting one night last week to discuss the Bill informally, and some members, including myself, said that we are open to coming in extra days.

Councillor Kinahan referred to — sorry, not councillor Kinahan; he could not cope with that post any longer, and had to resign from it. The Member for South Antrim referred to recess being in a couple of weeks. So what? Let us call the Committee back. Does the world come apart just because Christmas is coming? I am quite happy for us to get only Christmas Day and Boxing Day if it means that we can push in a bit more work. We are criticised all the time for the lack of work that goes on in the Assembly. Let us do more and be seen to do more.

The Chairperson of the Committee for the Environment: I want to clarify the issue on the Committee's behalf. The Committee for the Environment has scrutinised almost nine Bills. It will not shirk its responsibility. I simply reminded

Members about the length of time that we will have. We had a good discussion the other night. We will give it a go. If the Bill passes Second Stage, that is fine and we will do that. I just want to clarify that and correct the Member on that point. He is entitled to his two days off. I am sure that the Speaker will give him those two days off should he need them.

The Minister of the Environment: It is a Saturday and Sunday.

Mr T Clarke: I would rule out Sunday. Obviously, I have principles about Sundays in particular. In response to the Committee Chairperson, I should say that, maybe if Sinn Féin had not stalled Bills for so long in the Executive, we would not be sitting here looking at this with 14 weeks left before the end of the mandate.

Mr Speaker: Order. I am very much of the opinion that we are straying away from the general principles of the Bill. Maybe we could return to the Bill's general principles.

Mr T Clarke: I respect your ruling, Mr Speaker. However, the fact is that we would have been here sooner had Sinn Féin Ministers not held the Bill up in the Executive. That aside, we are where we are. As has been rightly identified, there are 14 weeks until the end of the mandate. As I said, that means that we have a choice: we can either turn the Chamber into a retirement home or we can put our shoulders to the wheel and start to do the work that we were elected to do. I prefer the latter, obviously. The Ulster Unionists have been in limp mode for many years. If they want to continue to be so, that is fine. Certainly, I have been elected by the people of South Antrim to work for them. Equally, so have other Members.

The reason for devolution was to have locally elected people making local decisions. The way that devolution can be distributed is for councils to have more power to make decisions. If a survey of the wider public were carried out at present, it would show that many people think that councils have more power than they actually have. Therefore, the Assembly can right that wrong through the Bill. For those reasons, I welcome it.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to participate in the Second Stage debate on the Planning Bill. An important aspect of the Bill is the greater role of community participation

at the beginning of the planning process. Obviously, that is refreshing and a breath of fresh air. It is what people on the streets want to see. As elected representatives, we see at first hand the strained relations that arise due to controversial planning applications. People become entrenched and relations break down. At the end of that process, when people seek backing from their elected representatives or ask them to take one side or the other, they are put in an impossible, no-win situation. The Bill is extremely important.

I declare an interest as a local councillor. For a long time, at local authority level, I have called for people to be facilitated at the very beginning of the process and for all stakeholders to be brought together to see whether compromise could be reached. The Bill endeavours to do that. Obviously, there will be difficulties. However, if, at the beginning, local authorities, community groups and all other statutory agencies can get around the table with the developers, at least some problems could be ironed out or there could be further consultation to bring some resolution.

The Planning Bill sets out the legislative framework for the transfer of a reformed and fit-for-purpose planning system for district councils. I believe that Danny touched on that. It will give local politicians the opportunity to shape the areas for which they are elected.

As others said, the Bill is large and complex. It has 248 clauses and seven schedules. People have asked whether we have time to scrutinise such a Bill. There will be big interest in the community and from different Departments. A vast range of people with a vast range of interests will be involved, and the process will take time. I would rather be positive. I always try to be positive. I think that people are in a better state of mind if they are positive rather than negative. I think that we should give our best efforts to progressing the Bill. I am willing to give my best effort. I know that there will be an extra workload for Committee members and staff. People talk about coming back over Christmas, but we have to understand that people have staff and families. It is not as simple as telling people not to bother taking their Christmas. I am not saying that to be negative; it is a fact of life. People's welfare and rights have to be looked after as well.

Mr T Clarke: What relevance do the Member's staff and constituency office have to scrutinising the Bill in Stormont?

Mr W Clarke: I was not talking about the constituency offices; I was talking about the staff who facilitate the Members here.

If Committee members are prepared to give a couple of full days, we could progress the Bill through Committee Stage. If we are serious about doing it, I think that we can do it. That is the way that I will be coming at the Bill.

The Planning Bill is an exciting Bill, and a lot of good work can be done through it. Planning affects everyone in our constituencies. It affects our economic well-being and our environment. It will be a good Bill to work on, as was the Forestry Bill, which I enjoyed working on. The Planning Bill will be the next Bill for me to enjoy. I have worked through some hard Bills in the Committee for Agriculture and Rural Development, so it will be refreshing to get something very interesting.

It is my understanding that the district councils will prepare local development plans for the council areas and that those will replace the Department of the Environment's development plans. That has to be welcomed by everybody. I am sure that all Members have had difficulties with area plans. They are slow. I know that they are slow in South Down, and I am sure that Margaret Ritchie will agree with that. They do not seem to represent the views of councillors or the community sector. By the time that people have gone out, collected evidence, consulted, maybe collected more evidence and gone into a public inquiry, the information that they gathered is out of date. By the time of the public inquiry, there is new evidence for the next plan to be collected. Therefore, the process is cumbersome and frustrating for everyone involved. For example, in my town of Newcastle, housing was built on zoned land, and the process of collecting the evidence for that was still going on, even though the houses had been built already.

Officials briefed the Committee recently. I welcomed the opportunity to hear them at first hand. It was my first experience of that, because I joined the Environment Committee only recently. They talked about the local development plans, which they said will encompass two documents: a plan strategy and a local policy plan. The officials said that the local policy plan must be

prepared in agreement with the timetable decided with the Department and that it must take account of the regional development strategy. Before the local plan preparation can begin, relevant district councils will be required to have in place a declaration of community involvement. "Community involvement" — there are those words again. As I said, early dialogue with the community is fundamental in the process.

I welcome the powers for councils to work jointly, if they so wish, when preparing local development plans and the sustainability appraisals. That will ensure that resources and expertise are shared, if required.

The officials touched on the sustainability appraisal, which, in addition to the environmental effects of a plan, will involve an assessment of its socio-economic effects, and it will run throughout the plan preparation process. That will take in matters such as health, integrated transport, education proposals, flood prevention, including soft engineering flood prevention, town open space, community woodlands, waste management solutions in a community housing estate environment, planning all solutions for the likes of waste management, delivering community services and town micro-business parks. That is a vast array of subjects that can be considered at the local development plan stage and built into the sustainability mechanism. After all that, the planning process will, hopefully, deliver a faster development plan system.

It will continue in a similar vein for community engagement. I do not apologise for continuing to mention community engagement; it is essential throughout the planning process. Pre-application consultation will be made a mandatory requirement for all major and regional development proposals. That is a very important aspect. I have been involved in pre-application issues with councils, and I think that that approach has worked very well in resolving a number of issues that would have caused great difficulties had that approach not been taken.

1.45 pm

Other Members spoke about the need for an effective enforcement system, because enforcement is extremely slow at present. It will be interesting when we transfer the powers to councils, because councillors certainly lambast the Department for not speeding up enforcement and criticise the Department when it suits them, if they come under pressure from a constituent

with a large family circle. That is a luxury that they have now, but it will be difficult for them to do that when planning comes under their control.

I have touched on the issue of enforcement for a wee while. People are extremely concerned about enforcement. Even as an elected representative, when I phone the Planning Service I can get no details of what is happening in the enforcement of cases, due to data protection. That can go on for six, seven, eight, or even nine years, with people looking for an issue to be resolved, whether it is a replacement dwelling or whatever it might be. The process is very frustrating. The proposal for fixed penalties to be introduced for councils will speed up a lot of enforcement issues — the minor ones, at least.

The Committee Chairperson and Danny Kinahan both spoke about the considerable amount of training that will be required by councillors, particularly to learn about planning, in their capacity as elected members. What provision will the Minister be putting in place for specialised training? At the end of the day, councillors will be designing community-based local plans, and that will require a good deal of training. It will not be done in a couple of days of seminars. We need to get it in place now so that people can go on long-term training courses. We need to be working towards providing a university-level module. The resources need to be put in place now.

I declare an interest as a local councillor. A colleague and I were asked by the council whether we wanted to do a two-year course, which would cost around £2,000 to £3,000. We said that we would like to do it, but when the matter went to the full council we were told by the other elected representatives that it was too much money and they would not allow us to do it. It was a strange scenario: we were asked by the council to do the course and then when it went to the chamber they said that we were not allowed to do it, probably because we come from a political party that is in a minority. Mr McGlone mentioned equality, and that is just one small element that is still going on. It is not across the religions; that was from our own religion.

The Committee Chairperson referred to third-party appeals. What is being proposed is that, if we do front-load the system, all stakeholders should be involved at the beginning. I would imagine that we would get a well-informed decision at the end of that process. However,

there will be a sizeable percentage who will not be satisfied, and I think that we all know that.

I am sorry that I missed the Minister's contribution at the beginning of the debate: I was at a protest about farm-gate prices down at a Tesco store. What mechanism will be in place in the absence of a third-party appeal? Being positive, I am confident that there will be a vast improvement in the planning system due to the front-loading and the pre-application community consultation. You will be glad to hear, a Cheann Comhairle, that I am nearly finished. Councils will set the conditions in a particular area, and, if the developer agrees to adhere to those conditions, we will resolve the vast majority of planning applications at local level.

In conclusion, I concur with Mr McGlone's remarks about equality issues. I am not having a swipe at anybody, but the Bill must have, at its heart, equality built in. As with all legislation that passes down from this House to local authorities, equality must be the premise.

Wrongs were done, but I will not get into that or dwell on it. It is not a part of the broad principles of the Bill, as the Cheann Comhairle would tell me. There were abuses in planning, housing allocation, employment and policing. That must never be allowed to happen again to any section of the community.

Mr Givan: I support the Bill. I do so as one who is not a member of the Environment Committee, so I will not have the privilege of working my way through the 200-plus clauses that the members of that Committee will have.

There is a particular responsibility on the Chairman of the Environment Committee to ensure that this Bill not only gets proper scrutiny but is driven through its Committee Stage and brought back to this Chamber so that it becomes law before the end of this mandate. In the Justice Committee, we have a very large Bill, but I know that our Chairman will drive that Bill forward. It may not look the same as it did when it entered the House, but the Justice Committee will get the job done on the second-largest Bill to come through the House. Members who have complained about the amount of work —

Mr Kinahan: Will the Member give way?

Mr Givan: I will give way once I have kept going on you for a little longer.

Danny Kinahan made a lot of points about the hard work that will be needed. He is concerned that, because there is insufficient time, that will not happen. However, it is imperative that it does happen. Members of the Environment Committee need to give a clear lead and get the Bill through.

Mr Kinahan: The Member seems to misunderstand my point. We will work incredibly hard on the Environment Committee, and I know that the Chairman will drive it forward, just as the Member says it is done on the Justice Committee. We will get there with this, and I hope that the Member sees that we do.

Mr Givan: I welcome that retraction of what Mr Kinahan said earlier, which was that he thought that it might not happen because of a shortage of time.

However, Mr Speaker, you will be pleased to hear that I move on to the Bill. I want to pick up on a couple of points that some Members have touched on. The local development plan is a positive step. Councils, as opposed to the Department, will take this forward, and they are best placed to do so. They have a grass-roots connection with the community, and they can draw on experience of what the community wants and put together a development plan that will be what the people want for that area.

I welcome that there will be a specific timetable for that to happen. That has been a problem. Members know that their own area plans often get bogged down. A lot of areas are still waiting for their plans. Lisburn has been caught up in the Belfast metropolitan area plan (BMAP) for more than eight years at a cost of over £8 million. That plan has been subject to scrutiny by the Planning Appeals Commission, and we are still waiting for it to come in. So I welcome the fact that local councils will be able to develop those plans. I welcome also the commitment that the Minister gave in response to a question. I put it to him that Lisburn should be able to put forward its own area plan and that the Belfast metropolitan area should no longer develop plans for constituent councils. It will be able to put forward its own plan, rather than be stuck in what has been a very large and complex process for the Belfast area.

Developers who want to put forward a regionally significant application will be required to have a pre-application community consultation. It is so often the case that large applications

are put in, and then there is a reaction. Other Members have said that this Bill starts to put the emphasis on the front-loading of the system, whereby developers engage first of all with the community, outline to people what they would like to do in the area and take on board their views before an application is submitted. That will go a long way to reducing the objections to and continued appeals against applications. I welcome that commitment to pre-application consultation with the community.

I welcome the inclusion of simplified planning zones. That has the potential to benefit our economy. Councils will be able to identify in their area land zoned for specific purposes. If zoned for industrial use, the council will be able to work up the detail of what would be expected if a planning application were to be made. It will fulfil the conditions related to that zoning, so that when the council, Departments or agencies go out seeking business from companies, whether in Northern Ireland or in foreign markets, they can say that particular planning conditions are in place in that area. The business can make an application, and approval will be almost automatic because the process, by and large, will have already been carried out. That inclusion will be beneficial to our economy at this time.

I welcome the fact that enforcement powers will transfer to councils. Often, as Members who are councillors know, when we complain to the Planning Service about unapproved building and ask for enforcement, we feel as though we have been let down. The transfer of that power to councils, which will allow elected members to go to their council enforcement officer, will, I believe, offer a much more responsive approach than exists now. In the current system, planning enforcement officers are not, ultimately, employees of the council and are, therefore, not accountable to it. That enhanced accountability will go a long way to improving enforcement.

The Bill states that the Planning Appeals Commission (PAC) will continue its role and does not recommend that any changes be made to it. The Planning Appeals Commission is, of course, an independent body and operates at arm's-length from OFMDFM. Members have touched on this previously, but, in my view, the PAC does not operate in the most efficient way. It deals with article 31 applications one at a time, as opposed to setting up a system whereby such applications could be assessed concurrently to allow the consideration of a

greater number. That, to me, would be a better system. It is important that the PAC develops a fit-for-purpose model, so that when greater powers go to councils, which can also work on development plans, it can, if asked to examine an area plan, carry out that work as efficiently and quickly as possible.

Councillors will need to be suitably trained. There has been some criticism, and an issue was raised about whether they will be up to the job. Some Members said that they have no evidence for such negativity. Those same politicians go on to throw mud at other politicians and suggest that, somehow, something is wrong, but have absolutely no evidence to substantiate that. They then wonder why the press picks up on that negativity. Too often, politicians are too quick to attack fellow politicians in the pursuit of cheap, petty political point-scoring. We need to have a mature discussion about the role of councillors when they take on planning.

I note that the Alliance Party reluctantly supports the Bill. However, before saying that the Alliance Party was a reluctant supporter, the Member for South Belfast said that the party welcomed much within in the Bill that was positive. That party gave no reason for being a reluctant supporter.

The SDLP Member for Mid Ulster and the Sinn Féin Member for South Down said that equality had to be at the heart of the Bill. Planning policy and proper planning must be at the heart of the Bill — it is a Bill about planning. Equality, ethical standards, the call-in and protection of minorities will be dealt with in the reorganisation Bill, which should have come to the House for scrutiny a lot earlier. Again, Sinn Féin held that up, but we are now moving on it. However, when it comes to call-in, I expect that those measures will relate to planning policies, not to equality and the protection of minority groupings. We need to keep the focus on what the Bill is about, which is planning.

Equality is important, and I am all up for that. We need more equality, particularly in the recruitment of police. However, I am straying from the point. The Bill is about planning, and I think that it will go a long way to help with that. The Environment Committee must put its shoulders to the plough and do the work to get the Bill through. Were the Committee not to scrutinise the Bill and bring it back to the

House, it would fail the people who need this legislation.

Mrs D Kelly: Will the Member give way?

Mr Givan: I cannot give way because the Speaker will call me to order as we are moving into Question Time.

Let us get the Bill through Committee Stage, back to the House and enacted.

Mr Speaker: Question Time begins at 2.00 pm, so I ask Members to take their ease.

The debate stood suspended.

2.00 pm

Oral Answers to Questions

Culture, Arts and Leisure

Rowing

1. **Mr McClarty** asked the Minister of Culture, Arts and Leisure what plans he has to mark the achievements of Coleraine rowers Alan Campbell, Richard Chambers and Peter Chambers. (AQO 749/11)

The Minister of Culture, Arts and Leisure

(Mr McCausland): I am fully aware of the achievements of Coleraine rowers Alan Campbell, Richard Chambers and Peter Chambers, who have all enjoyed a very successful year. The achievements of Alan and Richard were marked in the past, when they were invited to a reception in Parliament Buildings in October 2008 for athletes from Northern Ireland who competed in the Olympic Games that year. Alan was also invited to my annual sporting reception in January 2010, which acknowledged his gold medal during the 2009 World Cup. Both rowers were part of the Great Britain team that were the overall winners of the 2010 World Cup. Between them, they contributed two gold and three silver medals during the World Cup regatta series in Lucerne, Munich and Bled. In addition, Peter won a silver medal at the 2010 under-23 world rowing championships in Belarus. The names of all three athletes have been added to the list of invitees to the 2011 annual sporting reception at Parliament Buildings, which will mark the outstanding achievements of Northern Ireland athletes throughout the year on the national and international stage.

Mr McClarty: I thank the Minister for his response. The East Londonderry constituency is more than blessed with world-class sportsmen and women, be they rowers, ice skaters or golfers. To that end, I implore all Members to vote for Graeme McDowell on Sunday night in the BBC's 'Sports Personality of the Year', and, on this occasion, it will be quite legitimate for Members to vote early and vote often.

Will the Minister consider the creation of a Northern Ireland sports academy, the members

of which might include all sportsmen and sportswomen of distinction who could advise the Minister on the development of sport in Northern and help to lead that development?

The Minister of Culture, Arts and Leisure: The Member is probably aware that the development of sport in Northern Ireland is very much in the remit of Sport NI, which is able to draw on a wealth of experience from present and past participants in a wide range of sports.

Mr Dallat: The Minister will be aware that success in rowing or any sport places serious demands on parents in particular. The parents of those successful rowers from Coleraine, who have rowed not just for Northern Ireland and Britain but for the Republic of Ireland, have made an enormous contribution. Surely, the Minister must have given thought to how families can be assisted, particularly in preparation for the Olympics in 2012.

The Minister of Culture, Arts and Leisure: The general practice is that support goes to the athlete rather than to the family, but I recognise that successful athletes in many different sports are largely dependent on the voluntary support that they receive from their family circle.

Mr Hilditch: Will the Minister tell us what receptions he has hosted for sports since taking up office?

The Minister of Culture, Arts and Leisure: In addition to the annual sports reception, I have hosted receptions for members of the Northern Ireland World Police and Fire Games team; the Dwarf Athletic Association Northern Ireland, which hosted the 2009 Dwarf World Games; AP McCoy's 3,000 national hunt wins; Northern Ireland members of the Olympic skeet shooting team; the successful teams in the schools cup finals for rugby, GAA, football and hockey; the 2010 North West 200; the fiftieth anniversary of the Irish Indoor Bowling Association; and members of the Northern Ireland Commonwealth Games team.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. Are the criteria for holding receptions for individual and team achievers applied consistently across sports? Does the Minister award the same recognition to success in Gaelic sports as he does to other sports?

The Minister of Culture, Arts and Leisure: The answer is yes. As a good example, the

successful schools in the schools' cup finals for rugby, GAA, football and hockey were all invited to Stormont.

Public Record Office of Northern Ireland

2. Mr K Robinson asked the Minister of Culture, Arts and Leisure what assurance he can give that the lifts in the new Public Record Office, which slowed down the transfer of records from the old office, will not slow down the delivery of documents to the public. (AQO 750/11)

The Minister of Culture, Arts and Leisure: The transfer of records has not slowed down at any time during the relocation. In fact, I recently announced that the new building in the Titanic Quarter will open to the public well ahead of schedule. The lifts in the new Public Record Office (PRONI) building have been and continue to be fully operational during the exercise of moving the records from the Balmoral Avenue site. The number of lifts in the building has not impacted on the transfer of the documents. Furthermore, the most popular records have been placed in the first-floor storage facility in the new building. As the first floor is where the public will request and view records, staff will not use a lift to retrieve documents in the majority of cases.

Mr K Robinson: I thank the Minister for that somewhat reassuring answer. Will he indicate how the public, as users of the Public Record Office, were involved in the building's design? What elements of the design derived from their suggestions, given the genealogical tourism potential of the building, which represents a significant investment from the Executive?

The Minister of Culture, Arts and Leisure: The Public Record Office engages with its customers regularly. The experience of the Public Record Office in providing an excellent service over many years, coupled with consultation, certainly influenced the design of the new building. Having seen it, and as a past user of those resources on many occasions, I believe that it is very well designed and will most excellently meet the expectations and requirements of customers.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Go raibh maith agat a Cheann Comhairle agus go raibh maith agat don Aire as an fhreagra sin.

The Minister said that he has seen the new building. Will he outline or detail any plans

of the Public Record Office to establish an outreach programme to ensure that all parts of the North, and, indeed, the island of Ireland, have access to the building and the records?

The Minister of Culture, Arts and Leisure:

Outreach is increasingly achieved through the Internet. Right across the Province of Northern Ireland, we have a wide range of locations where people are able to access the Internet. More and more homes are able to access the Internet. The reality is that people are able to access records from the Public Record Office more widely all the time. That is the most effective form of outreach. I encourage people to visit the building. If someone is doing substantial research, I think that they will want to visit the place. However, more records are going online all the time.

Mr Burns: I concur with the Minister that the Public Record Office is a great asset to the people of Northern Ireland. Will the Minister give his assessment of the limited correspondence and enquiries service that will operate during the move? Will he give a firm date for when the new office will be open?

The Minister of Culture, Arts and Leisure:

During the period in which the documents are being transferred, the Public Record Office of Northern Ireland continues to carry out its statutory work, including responding to FOI requests and requests for court documents. It will also deal with the release of documents under the 30-year rule. At the same time, as I have indicated already, it is increasing the quantity of material that is going online. To further mitigate the disruption to users during the period, PRONI is offering a limited off-site microfilm service at Cregagh Library in Belfast. That site provides family history researchers and professional genealogists alike with a means to access all microfilms that are at Balmoral Avenue.

I recently announced to the media that the new Public Record Office building will open to the public on 30 March 2011. That is well ahead of the original scheduled opening time, which was planned for May or June 2011. I am sure that the Member will be pleased to note that it is well ahead of schedule. That is a fantastic achievement. The careful planning, dedication and hard work of staff and partners have ensured that that will happen. It should be noted that, during the process, they decanted

40 km of records, which totalled 3 million items. It easy to understand why it was such a substantial undertaking.

Commemorations

3. **Dr Farry** asked the Minister of Culture, Arts and Leisure to outline how the commemoration of events on the island of Ireland over the next decade can be best taken forward in keeping with commitments on equality and a shared future. (AQO 751/11)

The Minister of Culture, Arts and Leisure: I have considered the issue of commemorations, and I am keen to assist those who wish to commemorate events in a creative, exploratory, multidimensional, educational and inclusive manner.

In January 2010, I convened a meeting with senior representatives from my Department's relevant arm's-length bodies with the aim of developing a strategic approach to the commemoration of upcoming events. That group recommended that my Department and its arm's-length bodies should focus on a limited number of key themes, namely the Plantation, the Titanic and 2012-2022. My Department will not be making any new or additional funding available for commemorative events.

In September, I wrote to my Department's arm's-length bodies and the Public Record Office of Northern Ireland and asked them to facilitate communities wishing to arrange events linked to the key themes through the provision of accommodation, records, artefacts, staff and informational technology. I also asked the arm's-length bodies to work together where possible to ensure value for money. As Minister of Culture, Arts and Leisure in Northern Ireland, my responsibility and focus are primarily on the significant historic and formative events that took place here.

Dr Farry: I take great encouragement from the Minister's use of the word "inclusive". However, will he assure the House that that means more than simply respect for separate but equal, whereby different parts of the community celebrate events of interest to them, and that we will have a single shared framework through which we try to promote common understandings and to share experiences and interpretations across the divide in our society?

The Minister of Culture, Arts and Leisure: I am sure that the Member will recall, as I have said this on many occasions, that when I took over in the Department, I indicated that a commitment to a shared and better future would underpin everything that I sought to do. In that context, I agree with what I think the Member is trying to say, which is that if we start to explore history, different experiences may be opened up and many of the myths that have bedevilled us in the past can be exploded, and we can then maybe move towards that shared future in Northern Ireland. I hope that he finds that answer encouraging.

Mr Campbell: Given the nature of the question tabled by the honourable Member for North Down, will the Minister outline his Department's responsibilities for commemorations in the Irish Republic?

The Minister of Culture, Arts and Leisure: As the Minister of Culture, Arts and Leisure in Northern Ireland, I have no responsibility for commemorations organised in the Irish Republic.

Mr Campbell: Thank you.

Mr Leonard: With those previous questions in mind and without the interruptions, will the Minister outline how he will ensure that —
[Interruption.]

Mr Speaker: Order.

Mr Leonard: Mr Speaker, is it in order for Members to behave like children?

Will the Minister outline how he will ensure that people who regard themselves as Irish and live in the North are respected and included in the commemoration of political events from 1912 to 1922?

The Minister of Culture, Arts and Leisure: The commemoration of events in Northern Ireland during that formative period is indeed open to everyone here in Northern Ireland.

Mrs D Kelly: Will the Minister tell the House how his Department will specifically assist those who wish to commemorate the 1916 Easter Rising?

The Minister of Culture, Arts and Leisure: At the last Question Time, I gave a very brief outline of the history of 1916, which the Member obviously did not hear. However, I will simply point out, by way of explanation,

that all that really happened in Ulster during Easter 1916 was that a rather small delegation journeyed by train from Belfast to Tyrone and that the leader of that delegation managed to shoot himself in the hand on the day. *[Laughter.]*

Mr Speaker: Order.

The Minister of Culture, Arts and Leisure: That is not exactly much to mark. Given that the SDLP very much sees itself as representing the tradition of constitutional nationalism as opposed to militant republicanism, its Members will, of course, remember that, in that era, it was the dominant nationalist tradition. Indeed, Joe Devlin was the successful candidate in West Belfast, beating one Eamon de Valera.

2.15 pm

Mr Speaker: Question 4 has been withdrawn.

Community Services

5. **Mr Craig** asked the Minister of Culture, Arts and Leisure whether he considers the protection of front line services in the heart of the community to be a priority. (AQO 753/11)

The Minister of Culture, Arts and Leisure: The outcome of the UK spending review has left Northern Ireland with cuts to its current and capital expenditure budgets. My Executive colleagues and I need to agree on how that allocation will be shared among Departments. Of course, I am fully conscious of the need to protect front line services in the community where possible, and the planning scenarios that my Department is developing reflect that. I have requested that my officials undertake a review of all arm's-length bodies funded by my Department. Necessary mechanisms will then be put in place to deliver any changes needed and to ensure that, wherever possible, front line services are protected in the current difficult financial climate. However, I must emphasise that the savings required are such that front line services will inevitably be affected.

Mr Craig: Does the Minister think that the North/South language agencies deliver an efficient and effective service for their respective communities, and is there room there for efficiencies?

The Minister of Culture, Arts and Leisure: The Ulster-Scots Agency's statutory remit is to promote Ulster-Scots culture, heritage and

language, which it meets through funding organisations and overseeing programmes and projects. Foras na Gaeilge's statutory remit is to promote the Irish language, and it is reviewing its funding framework for the Irish language sector, with a view to achieving significant benefits in relation to value for money and the effective delivery of its statutory obligations.

I have concerns about the effectiveness of those North/South agencies, and I have discussed those concerns with Minister Carey from the Irish Republic. I have asked my officials to work up short- and long-term options to address my concerns as a matter of urgency in order to provide public confidence about value for money in both agencies.

Mr McNarry: Given that a Budget announcement may be imminent, can the Minister say, compared to the current status, what proportion of front line services in sport, the arts and leisure he hopes to save?

The Minister of Culture, Arts and Leisure: As the Member more or less indicated in his question, it is premature to comment until figures are finalised, and it would be almost impossible to do so.

Mr McNarry: You must have a bit of hope.

The Minister of Culture, Arts and Leisure: The Member may believe that he has prophetic skills, but I certainly do not have them.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle. In my constituency of West Belfast, there are a number of community arts and culture bodies, including festivals and sports organisations. Does the Minister agree that they are very important and provide good value for money? I hope, and I hope that it is also his hope, that those programmes continue to be funded in the future.

The Minister of Culture, Arts and Leisure: I accept totally and agree about the importance of culture, arts and leisure in the community. I believe passionately that those things enhance the quality of life in people's respective communities. No matter what sector of society one looks at, some are particularly efficient and others are less efficient. There is variation: that is the way that the world is. Nevertheless, we want to ensure that, as far as possible, the service that is provided to society by culture, arts and leisure is maintained.

Dr McDonnell: I thank the Minister for his answers so far. However, did I misunderstand him, or was his answer to Mr Craig ambiguous? Did the Minister imply that he does not consider the protection of the Ulster-Scots academy to be a priority?

The Minister of Culture, Arts and Leisure: I do not know whether there is a difficulty as regards hearing or whatever. I did not even mention the Ulster-Scots academy.

2012 Olympics: Training

6. **Mr Hamilton** asked the Minister of Culture, Arts and Leisure to outline the efforts being made to secure the usage of training facilities in Northern Ireland by 2012 Olympic teams. (AQO 754/11)

The Minister of Culture, Arts and Leisure: A pre-games training camp subgroup, chaired by Sport NI, has been established, with representation from DCAL, the Northern Ireland Tourist Board, Invest NI, Disability Sports Northern Ireland and local government.

Sport NI is working closely with the governing bodies of sport, local authorities and key contacts to ensure that Northern Ireland's facilities are appropriately promoted. I have made up to £100,000 a year available to Sport NI to assist Northern Ireland in attracting international athletes for pre-games training. Although a number of national Olympic and Paralympic committees are considering Northern Ireland as a destination for their 2012 pre-games training camps, it is important to be realistic about the sorts of countries and sports that we are likely to attract and the associated benefits. In any case, it is unlikely that final decisions will be made by most countries and most teams any earlier than spring 2011.

Mr Hamilton: I thank the Minister for his update on the work that has been going on and the efforts that have been made to attract teams to Northern Ireland. Will he outline what he perceives to be the potential benefits for Northern Ireland of attracting and hosting pre-games training camps?

The Minister of Culture, Arts and Leisure: We need to be realistic about the benefits of pre-games training camps to Northern Ireland. The benefits are primarily in building relationships with the countries from which those teams come. Some teams will want quite a degree of

seclusion when they are training and might not be as open and accessible to people watching them as others might be. Until we know what teams are coming and in which sports, it is hard to give a definitive answer to that question. However, one of the benefits is the development of relationships with other countries. On that basis, it is possible to develop business or economic contacts.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle, agus tá ceist agam don Aire. Will the Minister accept that, on the basis of the evidence so far, we are the net losers in the whole London Olympics 2012 experience? Sports lottery funding has been diverted away from community sports, no venues have yet been selected as training bases for teams and very few contracts, if any, have been awarded to local companies. Will the Minister not accept that his Department's handling of this matter has, so far, been an unmitigated failure?

The Minister of Culture, Arts and Leisure: It is clear that Barry McElduff is in a very miserable mood today. First, let us consider the business benefit to Northern Ireland's economy. Contracts worth millions of pounds have been awarded to Northern Ireland companies. That is good news, and surely even Barry McElduff can manage to be encouraged by that. It is a sad indictment of him that he cannot even find some encouragement in the fact that millions of pounds of contracts have been awarded and jobs secured for Northern Ireland.

Secondly, work is ongoing to bring pre-games training camps to Northern Ireland. As I have said already, many different countries and teams will be looking for training locations. Some have already made their decisions, but many have not. We should focus, as I said in a statement the other day, on the important work that is being undertaken, led by Sport NI and supported by my Department, tourism bodies and other agencies, to ensure that we get the maximum benefit. Instead of griping and gurning, surely we should be dedicating ourselves and refocusing our efforts. My Department is making very strong efforts to support Sport NI, which takes the lead on that particular work.

Mr O'Loan: The Minister's officials have kept postponing their appointment with the Committee to discuss this matter. I understand that the subgroup that he referred to, which is led by his Department, to address the matter has,

in fact, rarely met. Can he contradict that, and can he tell us, apart from mere intentions, what activity is taking place to deliver the stated objective?

The Minister of Culture, Arts and Leisure: First, contact has been made and conversations have been held with a number of countries. That is how we get countries to come here. We make contact with them, we talk to them and we encourage them. Staff from Northern Ireland have been out in some of those countries to visit teams and sporting bodies to try to develop contacts. I have met some folk from those countries who have been to Northern Ireland. Therefore, it is not a case of future activity; there has been a lot of activity. I suppose that, as a new arrival on the Committee, the Member may not be aware of that.

District Probate Registries

7. **Mr P Ramsey** asked the Minister of Culture, Arts and Leisure for an update on PRONI's efforts to digitise and publish online the three district probate registries of Armagh, Belfast and Londonderry from 1858 to 1900. (AQO 755/11)

The Minister of Culture, Arts and Leisure: I am glad that the Member asked that question, and I refer him to the departmental press release of 29 November 2010 in which I announced the launch of the will calendar resource. In total, 93,388 will images have now been made available for the three district probate registries of Armagh, Belfast and Londonderry for 1858 to 1900. That is one of two digital resources that PRONI has made available in recent weeks. The other is a series of wedding images that PRONI launched on the social networking site Flickr, and I direct the Member to www.proni.gov.uk, where he can search and browse both new applications from the comfort of his own home, as well as the many other online resources that PRONI provides.

My Department is committed to making more online resources available, and I want to single out for special mention Northern Ireland Screen's digital film archive, which contains over 70 hours of material from Northern Ireland's past and is accessible in 19 locations. Northern Ireland Screen also provides regular outreach presentations to display the archive to older people's groups, historical societies, community groups and schools.

Mr P Ramsey: I thank the Minister for such a detailed response. Given the interest from the community groups that the Minister named, and also from students, will online access be free to all those users?

The Minister of Culture, Arts and Leisure: If the Member is referring to the digital film archive, it is available at 19 locations. The will resource is available, and my understanding is that it is free. I will confirm that with the Member.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Tá ceist agam don Aire. What effort does the Public Record Office make to provide services in the Irish language for the benefit of users who want to do their business through the medium of Irish?

The Minister of Culture, Arts and Leisure: That is the first time that that issue has been raised, which is quite surprising in view of the way in which some people seem to have a fixation with it. Since virtually everyone in Northern Ireland is perfectly fluent in English, and since the only folk who have any difficulty are people from some immigrant ethnic communities, I do not perceive any problem. Everyone, including the Member who asked the question, is perfectly fluent in English; that was perfectly obvious when he spoke.

Libraries

8. **Mr I McCrea** asked the Minister of Culture, Arts and Leisure, in light of the comprehensive spending review, what priority he will give to funding for libraries. (AQO 756/11)

10. **Mr O'Loan** asked the Minister of Culture, Arts and Leisure, in light of the anticipated budgetary constraints on his Department, whether he has any plans to review the provision of library services, particularly in rural areas. (AQO 758/11)

The Minister of Culture, Arts and Leisure: With the Speaker's permission, I will take questions 8 and 10 together. I recognise the valuable contribution that libraries, including those in rural areas, make in many areas of people's lives, and I will do my utmost to protect them and the other front line services for which my Department has oversight.

As Members will be aware, the Executive have yet to decide on individual Departments' budget allocations, and I am, therefore, considering

a number of planning scenarios. Despite that delay, I have tasked my officials with identifying potential efficiencies across all of my Department's associated arm's-length bodies, including Libraries NI. It is important to note that Libraries NI was established as a result of the review of public administration. That change brought together the public library services that were previously provided by the five education and library boards into a single organisation, and thereby generated administrative savings of approximately £1.8 million in this comprehensive spending review period and ongoing forecast savings of £1.5 million.

The Health Minister said the other day that his was the only Department that had made savings through the RPA. He was wrong. We have made substantial savings through Libraries NI. That organisation is currently reviewing its service provision across the entire public library estate, including libraries in rural areas.

The review is a three-stage process: a review of the library estate in greater Belfast; a review of the library estate in the rest of Northern Ireland; and a review of mobile library provision across Northern Ireland. Stage one of the review was implemented in the summer, and Libraries NI now plans to commence the second stage of its review. The reviews are operational matters for Libraries NI, the board of which includes councillors from my party, the SDLP, Sinn Féin and the Ulster Unionist Party. I assure Members that I have been and will continue to be kept fully informed as the reviews proceed.

2.30 pm

Education

Mr Speaker: Questions 1, 7 and 8 have been withdrawn.

Education and Library Boards: Procurement

2. Ms J McCann asked the Minister of Education for an update on the investigations into the procurement practices in the North Eastern Education and Library Board and the South Eastern Education and Library Board. (AQO 764/11)

The Minister of Education (Ms Ruane): Thug mé le fios don Tionól, sa ráiteas scríofa ar

an 23 Samhain 2010, gur chuir mé tús le fiosrúchán seachtrach ar na himthosca um fháil Thionscadail Ard Schoil Mhachaire Fíolta agus an obair a bhain léi.

In my written statement of 23 November 2010, I informed the House that I had initiated an external investigation of the circumstances around the procurement and work associated with the Magherafelt High School project. In my statement, I also advised that I had commissioned a comprehensive investigation of the operation of a measured-term contract and wider procurement practices in the South Eastern Education and Library Board. Both investigations are in progress and involve a substantial programme of work. I will, of course, keep the Assembly updated on the investigations and subsequent actions arising. I expect to have a report prior to Christmas on each of those, at which time I will decide what further steps are needed. However, as these are live investigations, it would not be appropriate for me to comment further at this time.

Ms J McCann: I thank the Minister for her answer. I understand that she cannot go into detail, but there are problems. Does the Minister believe that this is symptomatic of wider issues in the boards?

The Minister of Education: Níl seo soiléir faoi láthair ach socróidh mé ar chóir na athbhreithnithe a shíneadh nó nár chóir nuair a gheobhaidh mé torthaí na bhfiosrúchán seo.

It is not clear, but, on receipt of the findings from the investigation, I will determine whether the reviews should be extended.

Mr I McCrea: The Minister highlighted the economic appraisal for Magherafelt High School. She will also be aware that the primary school and nursery unit is being held back because of that issue. Can she give an idea of when the Department will release that information to allow the board to go out to tender?

The Minister of Education: I will respond in writing to the Member on that. As the Member is aware, that is one of the 13 schools that I approved in August, but I hope that all those schools will be on site.

Mr Armstrong: Given the uncertainty surrounding the Budget, has the Department of Education advised any school not to proceed any further in the procurement process for school newbuilds?

The Minister of Education: With respect, I am not sure how that links to the question. Suffice it to say that my Department is ensuring that all our procurement adheres to our statutory duties and to equality. It is important that all the parties here support our proposals to ensure that education gets the funding that it deserves in any Budget settlement.

Mr O'Loan: These are very serious cases, and I read the Minister's written statement with considerable alarm and concern. Is it not possible that there is some responsibility on the Department for these matters? Would the investigation not therefore need some independent element?

The Minister of Education: The investigation is independent. Of course the Department has a role to play in stewardship. Is leis na Boird Oideachais agus Leabharlann í an fhreagracht fála san earnáil rialaithe.

Responsibility for procurement across the controlled sector rests with the education and library boards, and the Department has regularly sought and received assurance that procurement practices are in line with best practice as set out in CPD guidance. My Department holds regular accountability meetings with the boards at which procurement issues are discussed. Once my Department has become aware of issues, I have acted immediately and swiftly.

Educational Underachievement

3. **Mr Moutray** asked the Minister of Education what action she has taken to address educational underachievement, particularly among working-class Protestant boys. (AQO 765/11)

The Minister of Education: Tá míbhuntáiste oideachasúil le fáil i measc Protastúnach agus Caitliceach, buachaillí agus cailíní agus i mionlaigh eitneacha.

Educational disadvantage exists among Protestants and Catholics, boys and girls, children of no religion and children from our ethnic minority communities. I have interconnected policies to tackle underachievement, promote equality and raise educational standards. Those policies include Every School a Good School, the revised curriculum, the review of special education needs and inclusion, the Achieving Belfast and Achieving Derry programmes, the entitlement framework and the literacy and numeracy

strategy, which I will launch shortly. Those policies provide a greater proportion of young people with the qualifications, skills and attributes to have a choice in their future that includes further and higher education, while reducing the number of school leavers not in education, employment or training.

Research and the latest PISA statistics show that the transfer test distorted the curriculum and caused teachers to use fewer teaching strategies, leaving some children uninterested and demotivated. Transfer 2011 has put an end to those detrimental impacts.

Mr Moutray: On 26 January 2010, in an Assembly answer to my party colleague Mervyn Storey's question on underachievement, the Minister identified literacy and numeracy as key factors in this issue. However, this year's chief inspector's report said:

"There is little evidence within the 14-16 cohort in particular, that the literacy and numeracy requirements of learners are being adequately addressed."

Is it not the case that the chief inspector's damning indictment is, in fact, a damning indictment of the Minister? Why are we still waiting for the Department to bring forward —

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

Mr Moutray: Why are we still waiting for the Department to bring forward a literacy and numeracy policy?

The Minister of Education: I am delighted by the Member's interest in educational underachievement, and I welcome that. It is important that parties stand up for young people who are being disadvantaged and discriminated against. I am glad that the DUP has shifted on its policy on underachievement. In its 1989 election manifesto, education not manipulation — *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: I will quote directly from that, as I have done before, because it is interesting for people to see where it comes from:

"We believe that selection at 11 should be ended. The 11-plus procedure is educationally unsound and socially divisive and places unnecessary strain upon children at a very early age."

Perhaps the DUP should return to what was rightly included in its election manifesto in 1989 — *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: That is the way in which we can really bring about changes for young people between the ages of 10 and 16.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. It is welcome to see “big house” unionism concerned about working-class Protestants in this instance. *[Interruption.]*

Mr Speaker: Order.

Mr O'Dowd: Will the Minister further outline her assessment of the recent PISA report and its implications for our educational system?

The Minister of Education: Is é PISA an clár le haghaidh measúnaithe ar Dhaltaí Idirnáisiúnta agus tá an clár eagraithe tríd an Eagraíocht um Chomhar agus Fhorbairt Eacnamaíochta (OECD).

PISA, which is organised by the Organization for Economic Co-operation and Development (OECD), is a survey of how 15-year-olds perform in reading, maths and science. The survey runs every three years, and, in 2009, 65 countries participated, including 33 OECD members. Members will be aware that the results were published on 7 December 2010.

The results show that the reading and maths performance of our 15-year-olds is not significantly different from the OECD average, which is nothing to be proud of. We lag behind the highest performing systems and continue to have a significant body of underachievement. I want us to be much better than average for all our young people. Performance in science is above the OECD average, which is to be welcomed. However, we still have considerable room for improvement.

It is clear that the progressive countries, in which academic selection is not a major factor, are capable of significantly outperforming us time and time again. Those countries include Scotland, Estonia, Finland, Canada and New Zealand. The policy of the Department of Education is to have a non-selective system of post-primary transfer, and schools that continue to use breakaway tests need to review the PISA results carefully. I am convinced of the value of benchmarking our system internationally and of learning from the best.

Sir Reg Empey: Has the Minister given any consideration to the coalition Government's pupil premium initiative, which targets support at children from deprived backgrounds throughout their education?

The Minister of Education: We will look at any proposals that are brought in North or South or in England, Scotland and Wales. We will evaluate them to see if they are useful here, and we will discard what is not useful. In this part of Ireland, we need to ensure that we have the best possible policies and support our disadvantaged and working-class young people. That is what I am doing in this Department.

Mr P Ramsey: I welcome the Minister's earlier talk about the literacy and numeracy strategy for Northern Ireland and her recognition of the importance of that strategy. Will the Minister outline what the delay has been in producing that strategy? Will she give us a date when it will be published?

The Minister of Education: We have taken time to ensure that we get that important strategy right. As the Member will be aware, I set up a task force on literacy and numeracy. That task force did some important work and presented me with a report, and we are now working on the strategy. We worked hard to address the issues that were raised during the consultation, and the Committee for Education has already seen a summary of the consultation responses — earlier than usual.

Bhí muid ag oibriú lena chinntiú go bhfuil an straitéis ar aon dul leis na polasaithe tábhachtacha eile d'fhonn go mbeadh cur chuige comhleanúnach ann sna scoileanna.

We have also worked to align the strategy with other key policies to ensure that we have a coherent approach for schools. That includes the introduction of revised assessment arrangements to support our curriculum, with a specific focus on progress in literacy and numeracy. In addition, we are giving careful consideration to the targets that we set in coming years for raising literacy and numeracy standards.

Malone College, Belfast: Sports Facilities

4. **Mr Spratt** asked the Minister of Education whether she will provide funding for new sports facilities for Malone College, Belfast. (AQO 766/11)

The Minister of Education: Tuigim go maith na deacrachtaí a bhíonn ag an gColáiste agus é ag feidhmiú gan a áiseanna spóirt féin. I fully appreciate the difficulties that the college has experienced in operating without its own dedicated sports facilities. However, due to uncertainty over the resources available for future development, it is not possible to provide a time frame on the way forward for such projects.

As the House will be aware, there has been historical failure to invest sufficiently in our schools. Given the size and value of the schools estate, there is a pressing need for significant investment to maintain the integrity of the estate and to renew its infrastructure. We now face challenging positions regarding investment in the schools estate. The rate at which we can build schools and provide facilities such as those proposed for Malone College is dependent on the available resources.

I want to build schools, and I have demonstrated that, when resources are available, I can deliver projects. Since May 2007, my Department has completed 50 major capital school projects, representing an investment of over £426.4 million in our schools estate. Six major capital projects are currently on site, which represents a further investment of £90.5 million, and a further 13 projects are getting ready to go on site. I assure the Assembly that I will continue to press my Executive colleagues to release additional funding for investment in the schools estate.

Mr Spratt: Malone College is an excellent example of an integrated college, and it has children from the Donegall Road area and west Belfast together. Does the Minister think that it is acceptable that the children who attend the school have to travel to Lisburn to avail themselves of sports facilities? Will she do her best, at her earliest possible convenience, to ensure that that is remedied?

The Minister of Education: Obviously, the best situation would be for our schools to have the resources that they need, and I want our schools to get that. In my previous answer, I detailed the significant investment that has been made in our schools estate, but there was historical underinvestment. Is it acceptable that there was historical underinvestment and that direct rule Ministers handed back more than £150 million in capital money? Of course it was not. That money should have been used to build up the schools estate. Thankfully, we have spent 99.9%

of our budget in the last three years. I want to continue to do that, but, as the Member will be aware, we need resources for the capital budget.

2.45 pm

Dr McDonnell: Does the Minister accept that that is just one of a number of schools across south Belfast that are greatly restricted in delivering the required service by refurbishment or rebuilding needs? That adversely affects children because the schools fail to deliver to their full potential and to ensure that children develop to their full potential.

The Minister of Education: I accept that it is one of a number of schools, not just in south Belfast but right across the North of Ireland. We have made significant advances in school building, but we have a way to go. We need further resources. I look forward to support for the school investment programme from all the parties and Ministers in the Assembly.

Ms Lo: Does the Minister accept that it is discrimination for those children to not have proper indoor sports facilities?

The Minister of Education: I have answered that question. All young people should have the best possible facilities. I look forward to support from the parties when I fight for more resources for the capital programme.

Early Years (0-6) Strategy

5. **Mr Leonard** asked the Minister of Education whether she will extend the period of consultation on the draft early years (0-6) strategy. (AQO 767/11)

The Minister of Education: Bhí roinnt moltaí ann go bhfuil tuilleadh breithnithe agus díospóireachta de dhíth ar an réimse tábhachtach seo, agus gur chóir síneadh a chur leis an tréimhse chomhairliúcháin ar an dréachtStraitéis Luathbhlianta (0-6). There have been a number of suggestions that this important area needs further consideration and debate and that the consultation period on the draft early years (0-6) strategy should be extended. I want to ensure that there is a full and frank consideration of the issues. I want all interested parties to know that they have had the opportunity to contribute to the debate and have their voices heard. Therefore, I announced last week that I have extended the consultation period on the draft strategy to 31 January 2011.

Mr Leonard: Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's answer. Does she agree that, even though the extension of the consultation period will create a slight delay, listening to all the voices will, in time, be an investment?

The Minister of Education: I thank the Member for his comment. I agree that it is important that we take the time to get this right. I listen to the Committee and to people such as Michelle O'Neill, who made very strong representations to me on this matter. The extension will delay the strategy slightly, but it is worth taking the time. It is imperative that the strategy meets the needs and requirements of all children. As can be seen from the views that have been expressed in the consultation to date, there is a wider context to the subject of early years education that has raised concerns. In recognition of those concerns, I seek a meeting with ministerial colleagues from the Department of Health, Social Services and Public Safety and the Office of the First Minister and deputy First Minister to discuss the wider context of the strategy and to seek their views on how we will move forward.

Mr Campbell: Given the Minister's announcement just now of the extension of the consultation period, how does the timeline fit in with the fact that the House will probably have risen for the pre-election period by the end of March?

The Minister of Education: I announced the extension last week. My officials are working very hard, and we have set up meetings with various Ministers. We plan to work very quickly and take into account the consultation and responses to date. We will continue to focus on the strategy, but we need to take the time to get it right.

Mrs M Bradley: Given that we do not yet have the result of the consultation on the special educational needs strategy, has a time limit and date been set for the nought-to-six strategy, which is another very important strategy?

The Minister of Education: With respect, that relates to another matter. We are talking about the early years strategy. I will write to the Member about her question.

Teachers: Substitute Cover

6. **Mr G Robinson** asked the Minister of Education whether she will fully implement the

eleven recommendations in 'The Management of Substitution Cover for Teachers: Follow-up Report'. (AQO 768/11)

The Minister of Education: Cuirim fáilte roimh fhoilsiú na Tuarascála PAC agus déanfaidh mé measúnú ar mholtaí an Choiste go huile is go hiomlán. I welcome the publication of the PAC report and will consider the recommendations fully. The 11 recommendations will be addressed in a detailed memorandum of reply. That is being prepared and will set out a considered response to the issues raised. The memorandum of reply will be laid in the Assembly two months after the report's publication. In advance of the memorandum being laid in the Assembly, it would be inappropriate to comment in detail on the 11 recommendations in the report.

Mr G Robinson: Given the alarming figure of £66 million that was spent on substitute teachers in 2008-09, what is the Department doing to reduce the number of sick days taken by teachers, specifically those who suffer from stress?

The Minister of Education: I agree that £66 million is a lot of money. It is important that, as well as decreasing the number of sick days, we put in place support for our teachers. Actions have been taken to manage teacher attendance. The key actions include a new managing attendance policy, which was agreed at the teachers' negotiating committee and was issued to all schools in April 2008, and the extension of an independent 24-hour confidential telephone counselling service to all teachers from April 2009. Schemes to improve the flexibility of teachers' working patterns have been developed, including a temporary variation of contracts and a flexible working scheme.

The Department has set challenging targets for each employing authority to reduce the average level of teacher sick absence to six days per teacher by March 2011. Some employing authorities have already met that target.

In addition, work is ongoing through the teachers' negotiating committee to produce guidance on tackling violence against teachers. A health and well-being strategy is nearing completion, and the Department has begun quarterly workshops with all employing authorities to discuss strategies to manage teacher attendance and to share best practice.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. What measures are being taken to encourage newly qualified teachers into employment, as opposed to schools re-employing prematurely retired teachers?

The Minister of Education: I am on record in the House as saying that newly qualified teachers should be getting opportunities and that schools should not employ retired teachers. We need to give our young teachers opportunities. Many of our newly qualified teachers are unable to find permanent posts, primarily due to falling rolls. Recognising that, my Department has reduced the overall intake to initial teacher education courses from 880 in 2004-05 to 663 in 2010-11. We also ring-fenced places in certain areas where there was a need for teachers, such as the Irish-medium sector, the STEM areas and early years and special needs provision.

My Department has repeatedly issued circulars to schools, exhorting them to give preference to newly qualified teachers and experienced non-retired teachers who seek employment. The Department has also advised employers that retired teachers should be re-employed only to provide short-term cover if newly qualified teachers or experienced non-retired teachers are unavailable. In addition, schools have been advised that they should recruit to vacancies on a permanent rather than a temporary basis, unless the vacancy is clearly of a temporary nature.

Although decisions on whom to appoint to any teaching position in a school rest with the board of governors as the employer, the Department has put in place measures to help to restrict the re-employment of retired teachers. For example, it has limited the reimbursement of centre costs to pay point 4 and abated the pensions of retired teachers who are re-employed. Recent changes to the teachers' premature retirement compensation scheme are expected to effect a reduction in the numbers of teachers who retire prematurely in future years.

Mr Kinahan: Does the Minister believe that the significant increase in the incidence of substitution cover has had a negative impact on pupil learning and achievement?

The Minister of Education: Obviously it is very important that there is continuity in teaching. There will be situations, particularly where a workforce is largely female, that lead to higher levels of substitution for various reasons, such as maternity leave. We need to ensure

that all teachers in our classrooms are trained to the highest standards, are good teachers and provide good leadership in our schools. However, it is important that we support our teachers and that we manage substitution and sick absence.

Mr Speaker: Questions 7 and 8 have been withdrawn.

PISA Survey

9. **Mr Boylan** asked the Minister of Education when she expects to receive an update on our educational performance compared to other countries that are members of the Organization for Economic Co-operation and Development. (AQO 771/11)

10. **Mr McElduff** asked the Minister of Education for her assessment of the main findings, in relation to our students, of the programme for international student assessment survey carried out by the Organization for Economic Co-operation and Development. (AQO 772/11)

The Minister of Education: Is é PISA an clár le haghaidh Measúnaithe ar Dhaltaí Idirnáisiúnta agus tá an clár eagraithe tríd an Eagraíocht um Chomhar agus Fhorbairt Eacnamaíochta (OECD). The programme for international student assessment is organised by the OECD. It is a survey of how 15-year-olds perform in reading, maths and science. As I said earlier, it runs every three years. The results from PISA 2009 show that the reading and maths performance of our 15-year-olds is not significantly different from the OECD average. Performance in science remains above the OECD average, but we have considerable room for improvement. PISA shows clearly that progressive countries where academic selection is not a major factor are capable of outperforming us to a significant degree. It is important that we continue to benchmark our system internationally, learning from the best, because we aspire to be at the top end for all our young people, not just some of them.

Mr Speaker: Minister, before I call Cathal Boylan for a supplementary question, can I confirm that you are grouping questions 9 and 10 for answer?

The Minister of Education: Yes, I am. Sorry.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answer.

Does she agree that we need to continue to invest to improve outcomes?

The Minister of Education: Absolutely. We need to invest to improve outcomes. We need to invest at every level of our school system, and we need to ensure that there is equality at every level. We need to continue with the jigsaw of reforms in education, and we need to ensure that we continue to support our young people. Although the number of 16-year-olds who leave school without qualifications has decreased, it is simply not good enough that 9,500 such young people leave every year. That figure was 12,000 in 2007, so it has gone down, but we can never become complacent. We have to continue to invest.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. What countries achieve the best results for young people leaving school? Very often, I hear the Minister referring to New Zealand and Finland, but I would like to hear more about that.

The Minister of Education: Go raibh maith agat as an cheist sin agus foilsíodh tuairisc PISA ar 7 Nollaig 2010. In the North, we have a mean score in reading of 499. That is not significantly different from the OECD average of 493. Nine countries had significantly higher mean scores, and 16 countries had mean or average scores that were not significantly different. The top performing OECD countries in reading were Korea, Finland, Canada, New Zealand, Japan and Australia. In maths, the top performing OECD countries were Korea, Finland, Switzerland, Canada, the Netherlands and New Zealand. In science, 10 countries had significantly higher scores. Those included Finland, Japan, Korea, New Zealand, Canada and Australia.

Selection is creating polarisation. There are good results at the top end, and poor results at the middle and bottom end, and that is where we really need to change things. That is what Finland, Canada and New Zealand have shown.

Mr Craig: The Minister named countries that have better achievements than our own, and I heard the Minister refer to the fact that academic selection is the big bugbear. Will the Minister acknowledge that all the countries that have been listed have a single education system, and, in Northern Ireland, we have four separate systems? That has a lot more to do with our results in comparison with those other countries.

The Minister of Education: As I said, it is refreshing to hear the DUP talking about sharing education, particularly given some of the comments that it made on integrated education. The DUP's manifesto from 1989 is quite interesting. It states:

"We are totally opposed to the deliberate discrimination which is being practised by the Government against State schools."

Obviously, I was not in post at that time. It went on to say:

"While the state sector is being starved of cash the Government is giving preferential treatment to so-called integrated schools."

3.00 pm

Question for Urgent Oral Answer

Justice

Prison Service: Criminal Justice Inspection Report

Mr Speaker: I have received notice of a question for urgent oral answer from Ms Margaret Ritchie to the Minister of Justice. Although the convention is that, generally, only the Member who tabled the question and the Chairperson and Deputy Chairperson of the relevant Committee are called, I have agreed that a representative of each party will be given an opportunity on this occasion to ask a supplementary question.

Ms Ritchie asked the Minister of Justice what urgent measures he is undertaking to tackle the problems of gross inefficiency in the Prison Service outlined by the Criminal Justice report.

The Minister of Justice (Mr Ford): At the outset, I stress that the measures that I will refer to in this answer are not a knee-jerk reaction to today's report. Rather, work on those measures has been under way for some months. Indeed, reform of the Prison Service has been a key priority since I took up office.

Members will be aware of numerous critical reports on the Prison Service in recent years. Dr Maguire's report, which was published today, draws together the main issues and crystallises for us all the sheer scale of the challenge that lies ahead. It was with that challenge in mind that I commissioned the independent review of prisons to look at the overall operation of the service so that we could map out the strategic direction that change must take if we are to have the service that society in Northern Ireland wants and needs.

The review team has made much progress already, and I expect to receive its interim report early in the new year. Along with that work, I am committed to the Prison Service's own strategic efficiency and effectiveness programme, which I announced when I set out my ministerial priorities in June. That programme is due to launch in 2011, and

it will be the engine to drive and deliver changes that will ultimately flow from the recommendations of the independent review.

Change is already under way. A recent agreement with the Prison Officers Association (POA) set out how the POA and management can best work together to face and overcome what will be the unprecedented challenges of the next few years so that the Prison Service can deliver significantly improved, more appropriate and more effective regimes to prisoners. It is encouraging at this early stage in the change process to see the POA and management taking a joined-up approach to those challenges. That is exactly what Dr Maguire said was the way forward.

Members will acknowledge the sheer scale of the challenge that lies ahead for all of us. It will need time, patience and resources. Crucially, it will need support from every part of the House if we are to be able to deliver the fundamental reforms necessary to transform and modernise our Prison Service and turn it into a model of excellence in which all society can take pride.

Ms Ritchie: I thank the Minister for his response. I know that this problem is not of the Minister's making and that it is a legacy issue. However, significant inefficiencies were identified in the latest Criminal Justice Inspection report. I heard Dr Maguire on the radio this morning. I also understand the budget pressures on the policing side of justice. However, what, in millions of pounds, is the Minister's estimate of the savings that he could achieve in the Prison Service over the next four years? Does he agree that those savings must be available to the Executive for other priorities?

The Minister of Justice: I understand that the Member and her party suggested a potential saving of £14 million from the Prison Service budget. I must say that I find that somewhat unambitious. The Prison Service management and I would hope to make significantly greater savings over the four-year period.

However, I think that the Member has not understood the concept of ring-fencing as it is currently applied to the Budget. Under the ring-fencing proposals that we face and on which there may or may not be more information later today, the Department of Justice is taking a slightly bigger percentage hit than the average for all other Departments. That is because of the way that it is linked, through ring-fencing, to the Ministry of Justice and the Home Office

as far as they relate to England and Wales. In that context, ring-fencing means that the Justice budget will remain within the Department of Justice. It is not something that will then be allocated across to other Departments.

The Member may wish to protect the budget of the Department for Social Development, of which she was Minister previously. However, I am afraid that in the context of ring-fencing, she should not seek funds from the Department of Justice.

Mr Givan: The Criminal Justice Inspection's report makes no strategic or operational recommendations. Instead, it is a toxic and demoralising report. It attacks the role of the Prison Officers' Association, which, in fact, has been to the fore in putting forward suggestions for positive changes to the prison regime. Does the Minister believe that the Prison Officers' Association is, as it states in the report, "the elephant in the room", or that working with it is like, "wading through treacle"? Rather, that attitude towards the Prison Officers' Association is the failure. Those with that attitude, who, clearly, include Members on the opposite Benches, need to engage constructively and positively with that trade union. Does the Minister agree with the comments about the POA in the report?

The Minister of Justice: The Member referred to the fact that there are no formal recommendations in the report. That is absolutely the case. The report outlines how the Criminal Justice Inspection sees the state of the Prison Service. Of course, the report is likely to inform the work of Dame Anne Owers's team in its strategic review of the Prison Service's operations.

The Member quoted specific references to the Prison Officers' Association. It is clear that, at times in the past, the association operated in ways that suited the past, as, indeed, did Prison Service management. In my original answer, I highlighted work that has been done by Prison Service management and the POA to look at different ways of working; to seek a joined-up approach; and to look, in particular, at a six-month pilot of a new, more efficient way of working with regard to deployment of staff in prisons. Therefore, the Prison Officers' Association currently works with management to seek to improve problems that were highlighted by Dr Maguire.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle, agus buíochas don Aire don fhreagra

sin. I want to point out that Sinn Féin will table a motion in the Assembly that will allow all Members to have a better say on the report and, perhaps, to explore some issues that have been mentioned.

In a headline way, the report points to an alarming lack of leadership, accountability, communication and performance management. After a series of reports, we all know what is wrong with the prison system. We also all know that radical restructuring needs to be carried out. All that remains is to find out is how that should be done.

I ask the Minister to reassure the House. He has asked for support. He will get my party's support. However, will he ensure that the Owers review team's recommendations will be implemented in full and that the Assembly will not have to come to the House again to look at another report that gathers dust on a prison system that refuses to engage, implement recommendations and, indeed, gives the POA a disproportionate say in matters that relate to the Prison Service?

The Minister of Justice: I thank Mr McCartney for his supportive words. The only assurance that I can give is that I will take the Owers report extremely seriously. I will ensure that its conclusions are taken on board by the Department of Justice and are used to seek appropriate resources to carry through its recommendations. It will, of course, be a matter for the Executive, as a whole, to decide on resource allocation.

Mr McNarry: I am sure that when all the reports are in front of the House, all Members will support a position that tells us that there is now a Prison Service that is fit for purpose. There is no doubt from this report that the Minister has serious difficulties to resolve. He has already indicated that he needs extra funds to implement reforms that he has identified so far. It cannot be forgotten that there are also management problems to be confronted. Can the Minister tell the House what effect the inability to appoint a governor of Maghaberry Prison is having on all Prison Service staff and their general morale?

The Minister of Justice: The Member referred to the Minister having serious difficulties. That may or may not be accurate. I made it absolutely clear that we as an Assembly have serious issues to address with regard to the reform of

the Prison Service. That is an issue on which I do not shirk my responsibility, but it is not an issue for me alone; it is an issue for all of us.

In that context, and in view of the fact that a substantive governor has not been appointed for Maghaberry jail, Mr McNarry asked about the morale of prison officers. I was at Maghaberry last week, and I saw examples of very positive work being done by a number of staff under the direction of the acting governor. I believe that that good work will continue and improve.

Dr Farry: I am not terribly sure why the Minister has been asked to respond urgently to what is an ongoing policy matter, albeit a very important one, rather than a particular event. Nevertheless, in welcoming the Criminal Justice Inspection report, does the Minister agree that the reform of the prison system is about more than finding cash efficiencies, important as that is? Does he agree that it is also about better offender management, leading to reductions in reoffending and, ultimately, better community safety?

The Minister of Justice: The Member highlights the point about reforming the system. There are, undoubtedly, cost issues, but there are huge issues about ensuring that the Prison Service, which was, to a considerable extent, the creation of another day, adapts to the changes in society, the different responsibilities that are now placed on it, and the work of the rehabilitation of prisoners rather than their mere incarceration. That is a task that I see being carried out in small efforts when I visit all three institutions, but it is clear from the report that the organisation as a whole needs to live up to the example of the best work that is being done in the different prisons.

Mr Speaker: I ask the House to take its ease before we return to the Second Stage of the Planning Bill.

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

Executive Committee Business

Planning Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Planning Bill [NIA 7/10] be agreed. — [The Minister of the Environment (Mr Poots).]

Mr Beggs: I declare an interest as a member of Carrickfergus Borough Council. I welcome the content of the Bill, and I am glad that the new legislation has finally been published. Planning requires a complex balance between the various interests, and it is vital that we get that right. In putting a new planning system together, careful scrutiny of the Bill is vital in ensuring that that balance is achieved. It is regrettable that it is coming forward so late in the day and that so little time will be available for that careful scrutiny. It will put great pressures on the limited Assembly time that remains. I used to be a member of the Environment Committee, and I wish the current members well with the huge task of scrutinising the 248 clauses. It is vital work, and it must continue.

Planning legislation is vital to our economy and businesses and to protecting our local environment. It is equally important to families who may wish to adapt their homes or who may feel threatened or endangered by a neighbouring development.

There are many positive aspects to the Bill. Local decisions are to be returned to local public representatives, as is the case in most other councils throughout the United Kingdom. That must be welcomed. However, further detail is required on precisely how that plan would be rolled out. That will have to be addressed by the Minister and the Department as the Bill proceeds.

I agree with Members who mentioned the issue of governance and training for councillors. It is vital that councillors fully understand their new role in that decision-making body.

3.15 pm

On the issue of local development plans, I personally benefited from a trip to Scotland, when I visited a number of councils there to learn of their process, which was a much-

improved system compared to what we presently have, but which we are moving towards in the legislation. There is the issue of a rolling plan. It is not just something that is parked at one moment in time; work on it can continue on an ongoing basis, and the cycle is much shorter.

I am well aware of the inordinate length of time that the Belfast metropolitan area plan has taken. I believe the process started in 2002 with consultation with councils, a detailed consultation period, then the draft plan, a further consultation and then an inquiry stage. I think it is now at judicial review. It is very cumbersome, and it looks as though it will be finalised 10 years after it started. It will be out of date by the time it is finished and formally introduced. That is not an acceptable process with which to develop area plans. The economy is changing, the environment is changing, and it is important that there is a much more rapid response to the needs of our community.

In my own area, covering the Larne section of east Antrim, consultation occurred on the Antrim, Ballymena and Larne area plan; I think it was 2004 or 2005. I responded to that process and made a contribution. Some work appeared to occur on that plan and then, because of pressures on the planning system, that work came to an end. I understand that the Antrim area in particular has a very out-of-date plan, so it is important that something is put back on the road so that the needs of local communities are addressed. It is unfortunate that the Planning Service went forward with the system in the past, put effort and investment in it and got the involvement of the community, and essentially then pulled the plug on it. It is important that a better building block is put in place; something that will deliver. What is being presented certainly has the potential to bring about a significant improvement on what we currently have.

Other aspects of the Bill are worthwhile — simple things like changing the multiple amounts for retrospective applications. That will, of course, encourage people to apply before developing, and that will be an important signal to give. On the issue of simplified planning zones, I am aware of a large development in my constituency on a brownfield site where the developer spent a huge amount of investment and time working with a wide range of public bodies to try to get planning permission. He found the comparison with the system that

he had operated in other parts of the United Kingdom to be dreadful.

The current system is actually costing investment, costing jobs and wasting money on bureaucracy. We can have an efficient planning system by adjusting the requirements, while still dealing with all the issues that have to be dealt with. Everyone has to have an understanding that it must be done efficiently. I think particularly of an incident when one individual was off sick at one stage and everything just stopped for several months. I was shocked to learn that, but processes clearly have to be in place with all statutory bodies to ensure a speedy turnaround. The idea of a simplified planning zone will allow that early planning and discussion to occur and make it much simpler for appropriate development to occur in such areas.

There is the issue of planning agreements, which will enable community benefit to occur. Again, that has already been enacted in other parts of the United Kingdom over many years but has not been able to operate here. If investment can come forward to bring about community benefit, to improve local towns, etc, and that can be agreed by local public representatives in taking such decisions, that is entirely appropriate.

Others have mentioned the issue of local enforcement. There is likely to be a much better response to enforcement of planning policy with that local responsibility.

I notice also mention in the Bill of fixed penalty notices, which is a straightforward method of avoiding bureaucracy that sends a clear message to those who have not followed planning law. I welcome that.

The issue of front-loading — the pre-application community engagement — is also worthy, and I am pleased that it is in the Bill. I hope that this means that when plans are ultimately developed, they will be less contentious and enable improvements to occur but take on board local community concern.

Three years ago, in November 2007, the then Minister of the Environment, Mrs Foster, made a speech at a conference which launched the review of Northern Ireland's planning system. It started an awfully long time ago. The report by Professor Greg Lloyd was the basis for a consultation process which involved public meetings in the summer of 2009. That is also

a long time ago, almost 18 months. Why has it taken so long to get here? It seems that this very significant, bulky and detailed legislation has arrived here at the eleventh hour. Detailed scrutiny will be required.

At that time, the RPA process was continuing, and there was an understanding that the planning process was being developed in conjunction with the 11 new council areas. In the mid- and east Antrim area, transition committee meetings had occurred with senior Planning Service management to discuss the training needs officers and councillors looking forward to the devolution of planning powers next May. All that activity was on the assumption that the 11 councils were going to be. However, that is not the case, as we know. As of June this year, the proposals for the 11 councils appear to be parked. It is surprising that, on 30 November, Minister Poots indicated that he was introducing a Bill at the earliest opportunity and:

"In transforming the planning system, I will strengthen local democracy by devolving planning powers to the 11 new councils". — [Official Report, Bound Volume 58, p169, col 1].

I find it strange to have the 11 councils regularly referred to when the boundaries have yet to be agreed. If they were agreed, I would fully understand. However, care must be taken not to invest further in an 11-council model if the boundaries are not agreed. It could be a waste of further public funding. It is important that that issue is addressed.

The Minister also stated:

"Rationalising the six existing divisional planning offices into five area planning offices designed around the 11 council clusters will provide for an affordable, effective and consistently robust service across Northern Ireland". — [Official Report, Bound Volume 58, p171, col 1].

That is a good thing to aim for but, again, if the 11 councils are not finalised or nailed down, is the Minister organising to the right shape? I do not know, and I suspect that no one knows. It costs money to adjust and reorganise, so I would have thought that there needs to be a finalising of the council structure before further investment.

In this new planning process and the structures that are being developed, there have been huge pressures on the Planning Service, as we all know, and staff are being made redundant.

Is this new system affordable? Have we got to the stage where the Planning Service is breaking even, or is it still requiring huge amounts of public funds? Is that burden to be passed to ratepayers? What will happen in the future? Clarity is needed on that issue. Let me reinforce: it is important that all the various aspects of this jigsaw come together: the financing and the shape of local government, as well as the details of the planning legislation. There is a lack of accountability in the planning system in Northern Ireland.

The Planning Service consults councillors and councils, but, ultimately, councils have no powers, just a limited right to delay and, perhaps, defer a decision or to bring forward some additional points. Very rarely does a dissension at council result in a change to a planning decision. Councillors are in the worst of all worlds. They are often blamed for bad decisions but are powerless to stop them being made. It is important that an education process operates in tandem with the new legislation so that everyone involved in it understands their role. Likewise, it is important that the public understand the legislation and role of everyone involved.

An enormous amount of work will be required before planning can be devolved to local government. As I said, the first thing that should have been done is the finalisation of the 11-council model or some other model. A question arises over whether the Planning Service can be devolved to the 26-council model as it currently exists. If it can, what additional costs would be involved? As I said earlier, the issue of training must also be addressed.

Another important aspect is the additional demands that will be made on councillors' time, knowledge and understanding in such a system. As someone who has decided not to stand for re-election in next year's local government elections, I have to say that those who intend to continue with their dual mandates as councillors and MLAs and who choose to double-job must take cognisance of the additional time pressures that will exist in the new system so that they can carry out both duties effectively. However, I wonder whether that will be possible in the long term.

The Minister of the Environment and his predecessors have had three and a half years to do something positive about local government reorganisation and planning reform, yet here

we are now, with very limited time left in the life of this Assembly and with huge pressure being placed on the Environment Committee to carefully scrutinise this Bill, which it must do. I hope that there will be no undue delays in that process. I hope that the public will have an adequate opportunity to feed into the scrutiny in order to help to identify any flaws in the Bill. It is very easy for a drafting error to be made or for something to be hidden away that someone has not seen. So, I hope that those who have a particular interest in this area will look carefully at the Bill and communicate with the Environment Committee as it scrutinises the Bill so that it can be improved upon and so that we get the best Bill that we can.

I emphasise that full public scrutiny should occur. It is required, and it is essential that the Environment Committee does not skim over this. The hours will have to be put in, and only time will tell whether we have sufficient time left in the life of this Assembly to enable that to happen. I hope that the Committee will be able to achieve that objective. I wish the Bill well.

Ms Ritchie: There is absolutely no doubt that this legislation on planning matters is significant and quite hefty. Those of us who are public representatives — some of us have been for a considerable time — know that the current planning system is cumbersome, lengthy and tedious. There are considerable delays in processing planning applications, whether for a single dwelling in the countryside; an extension to a dwelling; a simple porch or sunroom; a major planning application for a housing development; a manufacturing complex; or a business or retail outlet. Those considerable delays have had a major impact on the economy right throughout Northern Ireland.

That was always the anomaly in the Executive's number one priority of promoting the economy while we had a planning system that was difficult, tortuous, tedious and cumbersome. In some respects, it is welcome that we are seeking to reform that planning system. However, with that welcome comes considerable caution.

3.30 pm

We are deeply concerned about the impact of some of the Bill's provisions surrounding the review of public administration and linked directly with equality provisions, enforcement and staffing. I feel that the Minister has put the cart before the horse. I do not necessarily

question his political judgement, but what is the Minister really about on this issue? I suggest to the Minister that it would have been much better and more politically correct had he brought about planning reform in the context of the review of public administration. Is it the Minister and the DUP's tactic to introduce RPA via the back door? The Minister must answer that serious accusation, because that is what is being said out there in the wider population. We all know that progress in implementing the review of public administration has stalled, and it is worrying that the Minister appears to assume that planning reform can be implemented under an 11-council model, when delivery on RPA is no closer. In fact, it seems further away. Obviously, neither the DUP nor Sinn Féin was able to come to a particular conclusion.

Although we in the SDLP accept that reform of the planning system is necessary, this raises serious concerns about whether the DUP is trying to introduce, as I said, RPA through the back door by, again, putting the cart before the horse and without accepting what we feel are the clear stipulations that we put down in the past in the Committee, in the Chamber and in other places on governance, equality, costs and other key principles. Unless we have those in place, we will not have a proper and equitable local government system that is fair to everybody.

Ms Ní Chuilín: I may be interjecting too early, but I am interested in the Member's views of her party's concerns around equality, particularly in local government, when, as Minister, she was prepared to transfer neighbourhood renewal to local government without implementing those equality mechanisms. I would like to hear her thoughts on that.

Ms Ritchie: I thank the Member for her intervention. However, as she will understand, the debate is clearly about planning and local government. Planning has been a contentious issue for many years in local government. As the Member is only too well aware, it is an issue that has been bedevilled by political considerations. In my previous role, I did not take lightly my decisions on neighbourhood renewal. I was thinking clearly of the community and the capacity of councils, in that particular instance, to deal with them. However, when dealing with planning, we must have all the

equality, equity and ethics provisions in place. To date, I have not seen those.

We are also concerned about the impact that transferring planning functions will have on local government if sufficient resources are not also transferred. My colleague Mr McGlone, a Member for Mid Ulster, asked on what basis the Department could claim that, as a whole, the proposals in the Bill will be cost-neutral to the planning system. So far, we have not seen any demonstration of that, and we would like the Minister's view on that and his answer to the question.

In fact, I have submitted questions to the Minister on the Bill's equality provisions. We need very certain assurances on those issues. Those guarantees were hard fought for way back in 1973, at the time of the Macrory model of local government. The principles of equity, equality and power sharing have to be enshrined in any system for it to work properly, effectively and in the best interests of the community.

Another issue is third-party appeals. Way back in 1995, in another place, the second report of the Northern Ireland Affairs Committee — its first was about the economy — was on the planning system and the need for reform. One of its recommendations was that there should be a third-party appeals system. It is laughable but also quite sad that, some 15 years later, the Minister has still not adopted the report's recommendation, which clearly stated the need for a third-party appeal.

Another issue relates to the parallel document on the reform of planning and local government about which the Minister issued a statement several weeks ago. It is do with the status of the divisional planning office in Downpatrick. I tabled a question asking the Minister to confirm its status because, like my constituency colleague Mr Wells, I am deeply concerned about the dilution of that office, and I question the political reasons for it. It raises a host of implications for the location of staff, the distance travelled to work and the Executive's commitment to decentralisation. We can see clear echoes of the Minister of Finance and Personnel's rejection of Bain without Executive agreement. If equality provisions and proper governance and ethical arrangements are to be in place and if we are to take on board the need for rural proofing and the principle of local accessibility to services, rural areas must be serviced in the same way

and must have the same access to Planning Service as urban areas.

There must be a consistency of approach across councils. Strict guidelines and appropriate checks and balances are necessary to ensure that all local planning decisions are compliant with regional policies and are applied consistently across all council areas. For far too long, planning officers made inconsistent planning decisions. That happened regardless of whether it was an application for a single house in the countryside, a major planning application or an application for mineral development that was assessed at headquarters. When the decisions of different planning divisions on similar applications were compared, the respect for the countryside or the needs of applicants was not always uniform. There must be consistency.

Finally, strict procedures, guidelines and oversight mechanisms must be developed and put in place to ensure that nothing untoward happens and that the best decisions are taken on the basis of planning reasons alone. The best equality measures must be put in place, and there must be proper respect for the environment and for community aspiration and identity.

Mr Humphrey: I support the Bill. I am not a member of the Committee for the Environment, but I declare an interest as a member of Belfast City Council. Many Members will have served or continue to serve in local government. It is clear that the planning system is slow and defective, and it has lost the confidence of elected representatives and many in the wider community.

Development is important. However, development after proper consultation is what we need here. Earlier today, I had the opportunity to meet some residents from the Ligoniel historical group, which is based in Ligoniel village in North Belfast. They were speaking to me about new housing developments in that part of the constituency. They feel that they have not been properly consulted about the construction of over 200 new houses, with few or no amenities for the community that has to live beside them. They also feel that there has been scant regard for their views and concerns and that the village has been destroyed. Huge damage, which is irreparable, has clearly been caused to the environment in that area.

As a fairly new Member of the House, I was disappointed when I listened to the media, as I have done in recent years, and heard Members talking about this Bill being brought to the House too close to the end of the mandate, even though there are 14 weeks of work still to be done. The general public will not understand that, given their perception of this place, nor will the media, which have been unkind to the Assembly at times. We need to bear that in mind.

As someone who sits in local government but not on a planning committee, I hear clearly the frustrations that local councillors have with the process. Locally elected representatives are basically ignored and feel powerless in the whole scenario. As Mr Beggs mentioned, many times, local councils get the blame for decisions that are not theirs to take. Effectively, all councils have the power only to defer decisions. It is, therefore, a good thing and important that new powers be given to elected representatives in the new councils.

I will give Members an example of a ridiculous decision that was taken in Belfast. The Aurora building, which was to be built on Great Victoria Street, had the backing of all six parties in Belfast City Council. It was agreed unanimously, and the leaders of the six parties met the planners. The building would have been hugely significant and would have provided a major boost to the construction industry and the local economy and secured jobs for hundreds of people. However, the application was flatly refused, even though every elected representative in the civic government of the city supported it. The system simply does not work, and reform is, therefore, essential. As other Members said, training for local councillors is also hugely important to ensure that those new powers are managed properly and that decisions are reached properly.

As someone who is keen to protect the built heritage of our city, I welcome the more than 20 clauses that will protect older buildings in Belfast. Sadly, many such buildings have been lost due to blight and the Troubles. The clause that makes provision for enhancing conservation areas is hugely welcome. Areas around Queen's University and St Anne's Cathedral will be protected, and any work done there will be sympathetic to the construction and architecture that currently exist. The clause that makes partial demolition an offence is also welcome.

We must be pleased about that, because we have lost too many old buildings.

I am also concerned — I welcome the Minister's presence in the Chamber — about older buildings that leave public ownership when people purchase them for £1 and then do nothing with them. In my constituency, Crumlin Road courthouse and Carlisle Memorial Church have not been developed and are falling into disrepair. Another winter will pass and the elements will affect those two beautiful buildings, which must be retained. Even closer to where I live, the house of DI Nixon, a former Member of this establishment when it was a Parliament, has been allowed to fall into disrepair. That building was of significant historical interest and importance to the greater Shankill area, but it has now been flattened and will be replaced with inane, nondescript apartments. Of course, across the city, we have lost lots of detached and semi-detached dwellings that were destroyed during the building boom for the erection of more apartments, many of which lie vacant. There has to be a joined-up approach, and I welcome the Bill and what it will do.

3.45 pm

I have listened to many members of my council, particularly those who represent east Belfast and south Belfast, talking about how the lack of planning affects their constituency. In particular, they talk about houses in multiple occupation and the effect that irresponsible landlords have in areas such as Laganbank. The planning powers to address those concerns are simply not there.

In the 1970s and 1980s, as the Northern Ireland Troubles continued, planners and government were understandably happy to see new buildings being erected. Many such buildings can be seen across the world; they have no architectural merit and bring nothing to this city. Indeed, many of them have been replaced. To ensure that new buildings boost cities, towns and rural areas across Northern Ireland, we need to put in place a quality planning system, and the House supporting the Bill will enable us to get to that point. We have to learn from the mistakes of the past. I support the Bill.

Mr Dallat: At this late hour, all the good wine has flowed. The term "not fit for purpose" has been used several times. I remember that that phrase first got into legislation when the Government felt it necessary to outlaw the sale

of dodgy goods. The present planning laws fit into that category: they are not fit for purpose. That is one very good reason to support the proposed legislation. However, with 248 clauses, we need to be assured that we will have time to deal with it, even if we meet on Christmas Day, which I can assure Members is on a Saturday, rather than a Sunday.

The Bill must address many issues on which the existing legislation is deficient. The SDLP will only endorse legislation that is fit for purpose and faces up to the issues of the past, which we have discussed on many occasions here, in the Environment Committee and across the 26 council areas. Of course, the Department claims that only 40 clauses contain anything new. However, I am intrigued by what is not in the Bill. To give universal support to this bulky document would be a bit like going on a mystery tour without knowing the destination. Indeed, for those who live in or around Portrush, it would be like going on the ghost train, with all the spooky images of what might jump in front of you. We have been there before, and we are not going back.

The review of public administration has come up time and again, and understandably so, because it was always understood that the new planning legislation would dovetail nicely with the RPA, which the Minister has not been successful in implementing. I cannot find anywhere, for example, anything saying that minorities will be protected by the new councils. One new boy who has yet to get a mandate told us that that is OK and, if we believe what we hear, it will happen. As an old codger at this game, I have been there before, and I am not going back. I want things in writing and in legislation.

The Minister told us a few times that the Bill must be cost-neutral. With Sammy Wilson as Finance Minister, I can understand why he would want to say that. However, unless Santa comes early, somebody will have to pay for it. I can see the local ratepayers getting another thumping at a time when they cannot afford it. If central government is going to change the laws, it must pay for that rather than passing the cost onto ordinary people who are struggling for survival.

We need to know whether there will be 11 councils or 26 councils. Has there been some secret agreement that the SDLP does not know about? I suspect not, but I know that there are rumours about all sorts of dodgy deals. Nevertheless, we have no agreement on the

number of councils. Having served on one of those councils for 33 years — I know that you are a member of the same council, Mr Deputy Speaker — I would not sleep at night if I thought that it had control over planning. We all know what it did in the past. There should be no planning by the back door.

My party leader and other Members talked about third-party appeals. What say do people who make third-party appeals have? If the Minister lived on the north coast, he would see the bad planning in Portballintrae, Portstewart and Castlerock and even over the border in Donegal. Communities were ripped apart and devastated, and the people who knew about that and had made third-party appeals had no say whatsoever. Very often, the arguments in the council chambers were that certain developments would create employment and bring millions of visitors into the area and the shops would be bustling. That did not happen. In recent times, even the people who lived in those villages have left them because there is no one to talk to. The Minister will probably tell us that there is some other mechanism to deal with that issue. However, it is all encompassed in planning.

It is not just seaside resorts that have been the victim of bad planning. Town centres across the North are suffering serious decline because of reckless out-of-town planning that sucked the life out of them and left no provision for their reinstatement. God knows, I know of plenty of examples of that, such as Dungiven, and the same thing has happened in parts of bigger towns, such as Limavady and Coleraine. We are all up for planning reform and the sooner the better, but only after full scrutiny, consultation and the best resources being made available to ensure that future planning is fit for purpose.

Mr Callaghan: Does the Member find it incredible that the Minister is asking that this hefty tome be passed through the Assembly's statutory processes by the end of March 2011, which is, as a Member from the Minister's party informed us, 14 working weeks away? The High Hedges Bill, which, I can reassure any Member who has not seen it in a while, is but a fraction of the size of the Planning Bill and has far fewer fundamental implications for the future of our community, has been with the Committee for the Environment since May 2010. By my rough calculations, that is more than 20 working weeks of Assembly time, allowing for recesses

and breaks in the interim. Perhaps the Member can tell me how he can square the circle of processing this Bill by March 2010, with all the implications and detail that that would require, when the High Hedges Bill has taken even longer to pass through the same Committee?

Mr Dallat: Another colleague, who is sitting in front of me, recently used the expression, "That does my nut in", when he was talking about having to wear his tie. If I see the High Hedges Bill again, it will do my nut in. We have been obsessed by it, and yet, as Pól quite rightly points out, we have extremely limited time in which to deal with the Planning Bill, which is a hefty document.

Somebody referred to jigsaws, which was apt. The Minister has the missing part of the jigsaw and, until he gets it out from under his table, he cannot really expect there to be an awful lot of confidence in what is happening. We need to be certain that planning is open, transparent and accountable, and, as Members have said, it has to pass the equality tests enshrined in legislation. We have listened to empty promises before and will not do so again. The SDLP is, without a doubt, up for it. However, as I said, we will not go on that mystery tour, will not go on the ghost train in Portrush and will not buy a pig in a poke. Having memories like elephants, we still have nightmares about the past, when the table at which decisions were made was behind closed doors. Very often, those were not the closed doors of local friendly councils.

Mr B Wilson: The Planning Bill is probably the most important Bill to come before the Assembly, as it will affect all planning decisions for decades to come. To develop our economy, we need a new planning system, as the present system is not fit for purpose. No one is happy with the present system, whether they be developers, councillors, environmentalists or residents. In saying that, I do not blame planning staff, whom I have always found to be efficient, helpful and very professional.

The planning system was drawn up to address the problems in Northern Ireland in the 1970s. The system is unnecessarily bureaucratic, lengthy, inflexible and undemocratic and is not suitable for the twenty-first century. It is necessary to carry out a fundamental reform of the system, and, therefore, I welcome the Bill. However, given its size and scope, it is disappointing that the Bill has been introduced

so late in the session. Like Members who spoke previously, I am concerned that we will not have adequate time to debate many of its important clauses and will not be able to hear from as many of the stakeholders who want to give evidence as we would like.

I declare an interest as a member of North Down Borough Council for the past 30 years. In that time, I have probably dealt with 30,000 planning applications, attended hundreds of site meetings and given evidence to dozens of Planning Appeals Commission inquiries. I have experienced all the frustrations of the present planning system. As a result, I have no doubt that there must be major reform of the system. It is undemocratic, and there is great frustration among councillors and the public, whose views are often ignored.

I shall give a recent example. The Planning Service has failed to protect our built heritage. Over the years, I have sat in the council chamber as hundreds of applications were approved that were, in fact, acts of environmental vandalism. In many cases, the applications were opposed by every member of the council and hundreds of objections were submitted, yet planning permission was still granted. That cannot be acceptable.

Mr McGlone: Does the Member accept that the Planning Bill does not alter policy but merely changes the venue for decision-making? The policies will remain the same. I am not making an argument for the policies to be adapted and changed by councils. However, the policies will remain the same: a different outfit will simply make the decisions.

Mr B Wilson: I accept that the policies will remain the same. However, councils will have new impetus, and there will be a different emphasis on making early decisions and on improving the decision-making process.

Mr McCarthy: Correct me if I am wrong, but the Minister said that, although the 11 new councils will make the decisions, the DOE can, at the end of the day, have the overriding power to make an alternative decision.

Mr B Wilson: I thank the Member for his intervention. There are issues with the details and with exactly what decisions the Department will retain. It is important to clarify those matters and to outline how the Department can call in different applications.

As a result of the present situation, we in north Down have seen leafy suburbs destroyed and turned into concrete jungles, picturesque villages dominated by apartments, and mature native trees felled to enable another row of townhouses to be crammed in. Although I support the return of planning powers to councils, it is essential that there are appropriate safeguards to ensure that the powers cannot be abused by councillors. I will come back to that point later.

4.00 pm

I have some concerns with the Bill. Although it is full of aspiration to achieve a new efficient Planning Service, there are few details of exactly how that will be achieved. The role of planning is to facilitate development while protecting the environment. In the Bill's explanatory and financial memorandum, there is much emphasis on efficiency and effectiveness but little on protection of the environment. It is not clear that the Bill has got the balance right, and it appears that it has not, because no provision for third-party appeals is included. Ms Ritchie raised that issue. The legislation is biased in favour of applicants, who are given the right of appeal to the Planning Appeals Commission. Even if objectors have the full support of the council, as has been the case on many occasions in north Down, they have no right of appeal. The new Bill should have included third-party appeals to give equal rights —

Mr Beggs: Will the Member give way?

Mr B Wilson: Yes.

Mr Beggs: The Member said that, even if the objectors were to have the full support of the council, they would have little power, and the application would still go through. Does he agree that, under the new system, that would change and that, if the full support of the council were with an objector, permission would not be granted on planning grounds?

Mr B Wilson: The present system is undemocratic, and I hope that the new system should be much more democratic. I welcome the transfer of enforcement powers to local councils. That will be welcomed by residents.

There is a widespread public perception that the Department does not have the will or the resources to take action against breaches of planning law. In fact, there is a massive backlog

of enforcement cases that could be resolved if adequate resources were made available. If the Department had the will, some of the surplus planners who are now being redeployed or made redundant could be allocated to clear up the enforcement cases. Two years ago, I raised the case of trees that were felled at Myrtle Lodge, Bryansford, in Newcastle, even though they were covered by a tree preservation order (TPO). That case has not yet been resolved. There is a backlog with enforcement, and more resources could be given to that.

I have no doubt that, if that power were transferred to councils, they would take much more energetic action. The failure to reach early resolution on such cases reinforces the public perception that developers can get away with ignoring environmental laws. The transfer of responsibility for enforcement to the councils will help to restore public confidence. Will the Minister confirm that the full power to prosecute under TPOs will be transferred from the Department to the councils?

I support the Minister's decision to go ahead with the proposals on the basis of the existing 26 councils — an issue that has been raised on a number of occasions. It is perfectly acceptable to go ahead with the 26 councils. As I have argued on many occasions, the RPA has failed to meet any of its objectives. In particular, it has failed to identify any significant savings and would cost £150 million upfront to implement. To go ahead with reorganisation now would be financially irresponsible and result in large cuts to other services. The reforms can apply just as easily to the 26 councils, and I support their going ahead.

I wish to raise a number of issues relating mainly to Parts 2 to 5. The Green Party welcomes Part 2, which concerns local development plans. There should be more local and council involvement in the preparation of local development plans. The involvement of the council and the preparation of the statement of community involvement will give local people more influence and ownership of their plans. However, it is essential that local councils co-operate in the drawing up of plans, particularly in the greater Belfast area.

A major development in one district council area can have a significant impact on neighbouring council areas. Under the new Ards area plan, for example, there is a development of thousands

of houses on the Bangor side of Newtownards. The people who live in those houses will use the Rathgael Road in Bangor, which is already gridlocked, to get to Belfast. Ards Borough Council is improving thousands of houses, but the infrastructure that those houses require is in Bangor. Therefore, when drawing up those types of plans, consultation should take place between councils.

Mr Callaghan: Does the Member agree that, if such proposals were to go ahead in border areas, it may be useful for there to be a statutory duty for councils to consult with the planning authority on the other side of the border, just as would happen within the Northern Ireland region?

Mr B Wilson: I thank the Member for his intervention. I am not sure whether we could enforce a statutory duty. However, it would be a good code of practice to consult other councils across the border.

We must learn lessons from BMAP and not ignore our experience. Each council is responsible for the delivery of its own plan, but should consult neighbouring councils. I am pleased that clause 17 provides for that option.

The present situation in north Down is totally unacceptable. The previous north Down and Ards plan expired in 1995 and is now 15 years out of date. We still await the completion of BMAP, which will supersede that. The draft BMAP plan sets out measures, such as those that councils have been talking about, to protect our local villages, and it designates Helen's Bay and Crawfordsburn as areas of village character. Those measures were included in the draft plan that was published in 2004 but is not yet in operation. Over that period, a number of architecturally important houses have been demolished and replaced by apartment blocks, and we lose more and more of our built heritage every year. If BMAP is not adopted soon, there will be nothing left to protect. That would not have happened if North Down Borough Council had had the responsibility of drawing up the plan.

We support Part 3, which details the transfer of planning control to councils. However, we have reservations and will require some assurances on whether the necessary safeguards have been provided to prevent the abuse of power.

If the transfer of planning control to councils is to be successful, it will require a total

transformation of the culture and role of the councillor in planning matters. It would be unacceptable for a councillor to campaign for a particular planning application at the same time as being involved in the decision-making. Members of planning committees cannot be seen to be biased in making their decisions.

As other Members said, there must be intensive training for councillors. Members of planning committees, for example, should not discuss planning applications or give any opinion prior to hearing the evidence of the committee. There must be no whipping system or attempts to pressurise planning officers. A code of conduct based on the Nolan principles should be drawn up. Councillors must be impartial and perceived to be impartial. Anyone involved in making planning decisions cannot take part in the campaigning in which all councillors are, at present, involved. Councillors involved in planning decisions must keep above the debate until they hear the evidence. That way, those councillors will be perceived as being impartial.

The emphasis in Part 3 of the Bill appears to be on getting quicker decisions. However, previous experience shows that, in cutting the time required, one reduces the opportunity for consultation and limits the power of objectors. Therefore, that emphasis should be balanced with a more comprehensive form of neighbourhood notification and the requirement to post a notice of planning application on the site, as is the case in the Republic of Ireland and in some parts of England.

We also believe that the legislation should include the right of the applicant and objectors to address planning committees. Indeed, that right is included in the planning legislation in Scotland and England.

Although the Bill will transfer responsibility for development control to councils, it is not clear exactly how councils will exercise that power. That raises a number of questions, which I assume will be dealt with later through subordinate legislation. However, I will perhaps put those questions to the Minister now. How will the various categories be decided? Will the practice in England and Scotland, where 90% of planning applications are decided by planning officers and never reach the full council, be implemented here? We have to decide which applications will be dealt with by planning officers and which ones will be referred to the

whole council. When the applications reach the council, will it be the full council that makes the decision or will it be a planning committee with delegated powers? Will every councillor be involved in the decision? That is an important issue. There is a practice, particularly in Scotland, whereby planning committees, which are made up of a portion of councillors, make the decisions. However, they can call for a local review if the application is turned down. Local review committees can be set up which include other councillors who were not on the original planning committee. Perhaps we should look at how councils make decisions.

Clause 30 deals with pre-determination hearings —

Mr Deputy Speaker: Order. Will the Member please keep to the main principles of the Bill, rather than going through it clause by clause? The Member will have another opportunity to go through the Bill clause by clause.

Mr B Wilson: The point that I was trying to make is that we support the principles of the Bill as long as there are safeguards, which would be included in the subordinate legislation. It is important to emphasise the need for safeguards.

We welcome the transfer of planning powers to local government. Until we feel confident enough to take over responsibility for planning, we have not reached full maturity as a democracy. Those issues should be decided by local councillors and local representatives. However, given recent controversies, I am somewhat concerned. The public perception of public dealings in the past year is one of dishonesty, and, if we transfer planning powers to local councils, we must ensure that we retain public confidence in the integrity of the planning process. Therefore, it is essential that we adopt safeguards to prevent the abuse of power. Following the rows last year about expenses and planning, the public perception of politicians is not high, and planning has always been a controversial issue.

We can look at the experience of the Irish Republic. Charlie Haughey's re-zoning, the handing out of brown envelopes and the Flood tribunal all related to the abuse of planning powers. At the time of the Macrory report in 1970, I recall evidence being given to the effect that one of the issues that resulted in the transfer of powers away from local councils was local government abuse of those powers. Therefore, councils' abuse of planning powers is a long-standing issue.

4.15 pm

I hope that those details will be included in subordinate legislation, as they are important in ensuring safeguards and integrity in the planning process. Without safeguards, I would not support the transfer of planning to local councils.

I will raise many other important issues when the Bill comes to the Environment Committee. I look forward to playing a part in bringing forward the Bill, which will facilitate development for decades to come while promoting sustainability and protecting our environment.

The Minister of the Environment (Mr Poots): A number of concerns were raised in the debate. I hope that I will be able to deal with them comprehensively while seeking not to go on too long.

The first issue that was raised was timing, which Cathal Boylan and a series of other Members discussed. They asked why this is being done now. Powers will not be handed over to councils in May 2011, so what is the rush? They suggested that we should take our time, do the thing right and allow it to happen in the next Assembly term. I make it clear that I am a reforming Minister. We were sent to the House to make changes. The end of a four-year Assembly term is coming up in April 2011. How many changes have been made? The public are looking to see the added value of devolution. What are we doing that would not have been done under direct rule? I, for one, intend to give the public something to think about. I will not be a Minister who has sat for a number of years without delivering very much. *[Interruption.]*

Mr Deputy Speaker: Order.

The Minister of the Environment: Therefore, I do not make any apologies for the fact that the Environment Committee has been the busiest Committee in the House. In fact, I am being good to the Environment Committee. When members of the Environment Committee go to the doors at election time, they will be able to give a response to anyone who has been listening to a radio programme a lot or to something else that implies that politicians do nothing. They will be able to say that we have put through 10 pieces of legislation in the past couple of years. They will be able to say, "Minister Poots, thank you very much for giving us the opportunity to defend ourselves at the doors." I am being generous to the members

of the Environment Committee by giving them plenty of work to do. They will have a very defensible position when they go knocking doors at election time.

The Bill comes in conjunction with reforming, updating and making relevant the planning policy statements. Wholesale change to the planning system and the Planning Service will be enacted as a result of the work that I have been doing as Environment Minister. Again, it is the right thing to do.

It is not our intention for councils to take over planning in May 2011. From listening to Ms Ritchie and others, I thought that we were back to the days of McCarthy in America. They see reds under the beds everywhere. I assure the House that the Bill is not about DUP policy. A lot of it comes through the Department and is basic common sense. Powers will not be handed over to the councils until we work on the local government (reorganisation) Bill. Anyone who was in the House a number of weeks ago will know that we cleared that Bill to go out for public consultation. It will be able to be drawn up as legislation and can then proceed early in the lifetime of the next Assembly.

There is a difference between the proposed legislation to reorganise local government and the Planning Bill. If it goes through, there are actions in the Planning Bill that will be very helpful to the politicians in the Chamber and the people whom they represent. For example, many of the area plans are out of date. It currently takes an average of six-and-a-half years to do an area plan.

Mr Beggs mentioned the Belfast metropolitan area plan. When I sat on the Environment Committee some 10 years ago, I said that what was being proposed in the BMAP was not a good idea. We were told that the plan would be turned around in three years or so, yet, 10 years later, it has not been. Of those 10 years, the Planning Appeals Commission has been responsible for five. I am not saying that to attack the Planning Appeals Commission, because it has had a considerable amount of additional work to do and has doubled its workforce in an attempt to deal with that.

However, independent examiners should be brought in, and a proper protocol used to ensure that they have the necessary capacity and skills and do not have a particular interest. Bringing in independent examiners to do some of the work

of the Planning Appeals Commission will ensure that we get decisions from the PAC in a way that does not clog up the planning system, because the PAC will have a mechanism to offload work whenever it becomes overloaded. It is basic common sense to bring in additional help or to subcontract work to someone else. Although the PAC will and should remain the first port of call for those types of inquiries, bringing in independent examiners will ensure that the planning system does not become clogged up. It will also ensure that we do not have planning appeals or public inquiries running for 10 years. In the past, as a consequence, that meant that their relevance was undermined before the PAC reports were published.

When I said that it takes six-and-a-half years on average for a public inquiry into an area plan to be heard and concluded, I should have listed the plans that need to be replaced. The Belfast urban area plan, the north-east area plan, the Fermanagh area plan, the Armagh area plan, the Antrim area plan, the Strabane area plan and the Banbridge/Newry and Mourne area plan all need to be replaced. Thankfully, the Banbridge/Newry and Mourne area plan is moving ahead, as are the Magherafelt area plan, the BMAP and the northern area plan. We can see an end to those area plans in sight.

Should we decide to sit on our hands and say that we are not proceeding with the Bill? If so, dear help the folks in Fermanagh, Armagh, Antrim and Strabane, because, unless we make real changes and have the opportunity to make them, they will not see area plans for a very long time.

Timing was mentioned. Rowel Friers could have had some fun with some of the Members who spoke. I can picture him drawing them dressed in their Santa costumes, on a carriage towed by a couple of snails, saying, "Whoa, boys! Take it easy. Slow down, now." We have work to do in this House. Let us get on with that work.

Mr Trevor Clarke was a bit mean-spirited in advance of Christmas when he said that he wants only Christmas Day and Boxing Day off. They fall on a Saturday and a Sunday, while New Year's Day also falls on a Saturday, so I thought that I would be generous and give the Committee New Year's Day off as well. Therefore, I am being even more generous than Mr Clarke by allowing Committee members additional time off over Christmas.

To be serious, we have until 14 or 15 February to turn this around. I know that that is challenging and that I am asking a lot of the Environment Committee, but I honestly believe that it is in the best interests of this little country and its people, whom we are here to serve, that we get this work done and demonstrate that we are making decisions that benefit the wider public.

Mr Kinahan: Will the Minister give way?

The Minister of the Environment: Yes, and I am happy to give way to any Member who asks. Mr McCarthy asked me to give way during my opening statement.

Mr McCarthy: I cannot remember what I was going to ask.

The Minister of the Environment: You may remember later.

Mr Kinahan: I welcome what we have heard from the Minister, but, as I understand it, the reason why we are being given the Bill now, with so little time, is so that we can get those area plans working. Will you promise that it will be pushed through and that it will replace those area plans so that they are working at the earliest opportunity?

The Minister of the Environment: The legislation gives us the ability to deal with the area plans much more efficiently than is currently the case. I will go through the issues that were raised. With regard to whether the legislation can be got through before dissolution, I wish that it had come before the House much earlier. I have control over a degree of that, but a degree of that is out of my control, because you have to get Executive approval. I would have much preferred the reorganisation Bill to have been done in conjunction with this Bill, as opposed to waiting until afterwards. However, we can do the Planning Bill first. We can bag it, and then do the reorganisation Bill, which will bring in the governance and ethics issues before the transfer takes place. All of that can be done. In this process, not every piece has to be on the same train track at the one time.

Although I accept that the timetable is tight, and I appreciate the work that the Committee has done thus far and the heavy legislative programme that it has, the public has an expectation that we in this House deliver, and it is important that we send out that message. If that means working additional hours and

extra days in the week on the Environment Committee, it is well worth doing and it is a good message to be sending out.

A number of weeks ago, someone spoke on the radio about the House closing down at 2.00 pm or 3.00 pm on a Monday afternoon. I suspect that we will not be closing at 2.00 pm or 3.00 pm very often come January. It might be 2.00 am or 3.00 am, as opposed to 2.00 pm or 3.00 pm. However, my officials have also had a considerable amount of work to do in drawing up the 10 pieces of legislation, and they will continue to work closely with the Environment Committee and seek to facilitate the good staff in the Committee through the process as best they can with the issues that are raised with us.

With regard to the need for equality, as I said, I launched policy proposals on 30 November. Those looked at new governance arrangements, aiming to ensure that councils operate to high standards, that they pursue equality and fairness with a framework of checks and balances, and that there is openness and transparency in the way that they conduct their business. They are looking at an ethical standards regime for local government, a mandatory code of conduct for councillors with supporting mechanisms for investigation and adjudication of appeals. One section will be dedicated to planning. The code will also be supplemented by guidance for councillors when dealing with planning matters. That will include issues such as lobbying of planning officers by councillors.

A statutory planning audit function is included in the Planning Bill. Councils will have to comply with all the equality legislation, and, as public authorities, councils are subject to sections 75 and 76 of the Northern Ireland Act 1998, to the Human Rights Act, and to the other anti-discrimination legislation.

With regard to how we link the legislation with the local government reform proposals, we have to make certain assumptions. Planning reform can go forward on the twin track. Planning can transfer to the 26 councils or the 11 councils when they are established. It can be transferred seamlessly from the 26 councils to the 11 councils in 2015, as I trust that the review of public administration will be complete by that point.

We also looked at capacity building for councillors, and a number of Members raised that issue, including Cathal Boylan, Willie Clarke, Paul Givan and Anna Lo. The Department recognises that

there is a critical need to ensure that there is sufficient capacity of all key players and stakeholders if the benefits of the reforms are to be realised. We are already making progress through the introduction of streamlined council consultation and early work on development plans. The Department will continue to work with other sectors, particularly through the local government reform implementation structures.

Ms Ritchie: I thank the Minister for giving way. Will the Minister confirm how those checks and balances will be put in place and implemented? It would be greatly appreciated if he could clarify that further. Could he also clarify the position of Downpatrick divisional planning office in the new arrangements?

4.30 pm

The Minister of the Environment: I am happy to come to the matter of the Downpatrick planning office.

We will have a local government ombudsman to deal with governance issues. Each council will have a standards and privileges committee, much like the House. Should it not be able to deal with an individual, the matter can be sent to the ombudsman. That can be dealt with through a suspension from the council or a five-year ban on standing for election to the council. Substantial and strong legislation is to be introduced through the local government (reorganisation) Bill and subordinate legislation, which can deal with those issues.

The Downpatrick office will remain open. It will be a sub-office of the Craigavon office and will take on responsibility for the current Down District Council area and the Newry and Mourne District Council area. Yes, there will be upheaval and staff changes. Some staff will move to Belfast to deal with planning applications from Ards, north Down, Castlereagh and Lisburn. Other staff will move from Craigavon to Downpatrick. There is no intention whatsoever to close the Downpatrick office. The proposals being made can be rolled out to either 26 or 11 councils.

Ms Ritchie: I thank the Minister for again giving way. Will he confirm the staffing implications of making the Downpatrick office a sub-office?

The Minister of the Environment: The divisional planning officer will be based in Craigavon, with the sub-office in Downpatrick. Obviously, the complement of staff that is required to deal with

Newry and Mourne District Council and Down District Council will be the staffing complement. That will be a reduced staffing complement from what is currently the case. However, there is no intention whatsoever to close the Downpatrick office, and there will be a fairly significant complement of staff in that office.

I understand why the Member raised that issue, and she is quite right to do so. Mr Wells already raised the issue with me. I understand that there is concern in the Down District Council area about any reduction in services. We already had the issue of the hospital and so forth, so there is a sensitivity there.

The actions that we are carrying out mean a reduction from 10 divisional planning officers, or that equivalent role, to five. Someone said earlier that that rationalisation will cost us money. It is saving us £677,000. We are also saving a considerable amount of money by the reduction in planning staff that has taken place. We raised fees by 15% last year, and a further 2.9% this year. We intend to restructure fees, which will bring in a further £3 million to £4 million.

All those mechanisms are being put in place to ensure that when planning powers are ready to be handed over to local government, they will be financially capable of providing that service without placing an additional burden on the ratepayers, which is not what we are about.

I was dealing with the issue of capacity building for councillors when Ms Ritchie asked me to give way. I wanted to say that other bodies, such as the Royal Town Planning Institute, are considering their role in how that is played out. They are prepared to assist us in training councillors.

There is also work to do with individuals who lodge planning applications. I know from personal experience, and from the experience of many Members, that people who lodge planning applications and take fees off the public do not always serve the public well.

Very often, councillors sort out planning applications — and receive no fee, I might add — but those who are paid to do the job do not do it particularly well. When we work through all of that, there may be an opportunity to ensure that there is a means by which to address the issue of individuals who do not do a good job for the public.

It will be up to councils to drive forward local development plans as quickly as possible. Each council will be required to agree with my Department a timetable for the adoption of its local development plan. That will specify key milestones and timescales for the plan preparation process. Adoption of the plan strategy will be a particularly important milestone. Councils will be expected to progress their plans in accordance with their timetables.

Local development plans will be monitored and kept up to date. Councils will have to review their plans at least once every five years to see whether any changes are required. If a review identifies that changes are required, a revision to the plan should be made. For major revisions, it may be necessary to replace the whole local development plan. However, when more minor changes are required, the local policies plan could be altered as long as it did not deviate from the planned strategy. Those measures allow for adjustment to the local development plan to be made in a timely manner.

Mr McGlone raised the issue of the appointment of independent examiners and how that would be done. The Department sees it as critical to have the flexibility, which I referred to earlier, to appoint external examiners, regardless of the resources that PAC may have, as there may be unforeseen circumstances in which large numbers of plans are submitted at the same time. The Department will bring forward a process for appointment of independent examiners that will ensure that they are appropriately qualified and, indeed, independent.

Mr McGlone was one Member who raised the issue of potential for joint plans. If two or more councils wish to prepare a joint local development plan that covers all of their districts, they are free to do so. They can choose to prepare a joint plan strategy, but separate local policies plans, or they could prepare a joint full local development plan. The Department will also have the power to direct two or more district councils to work together to prepare a joint plan. That power is required in the event that council districts are so closely linked functionally and spatially that it is necessary for them to work together. The Department would consult the councils involved before it issues any such direction.

As regards transitional arrangements, it is important that there is a smooth and effective

transition from the old plan system to the new system following the transfer of planning functions. Subordinate legislation would be put in place to ensure that.

Oversight of plans was raised by Anna Lo. There are occasions when the Department would be required to take action at particular stages of the plan preparation process. That would be required for the preparation of the timetable, when the Department and the council must agree the terms of the timetable. A departmental direction would also be required prior to the council's adoption of a development plan document.

In addition, there may be instances when the Department considers it appropriate to be able to intervene, if necessary, in the local development plan process to ensure orderly and consistent development of land and the planning of that development. That could take place in two ways. The general intervention power would allow the Department to intervene where it considers it necessary. For example, it may intervene before the development plan document is submitted for independent examination, if it requires changes to be made. The Department would also be able to exercise its default power to take over plan preparation when it considers that a council is not making satisfactory progress. Those powers of intervention and default could be used at any time in the plan preparation process. However, it is expected that they would be used rarely and only as a last resort. The intervention powers are similar to those in other parts of the UK jurisdiction.

Another issue is how that is linked with community planning, which is another essential part of the RPA process. It could, probably, be delivered by the 26 councils in advance of the transfer to 11 councils, and that could be very effective.

One of the functions of the new local development plans will be to deliver the spatial aspects of the community plan. It has also been decided to put in subordinate legislation a requirement on councils to take into account the community plan in the preparation of the local development plans.

I move on to the hierarchy and the rationale behind the creation of the three-tier hierarchy. There was a feeling that many developments were going through the planning system in an undifferentiated way. A planning application for a porch, for instance, was going through

with an application that could create several hundred jobs. We felt that we had to look at developments differently, according to their importance and complexity. The Department will deal with the regionally significant applications in a similar way to the current article 31 developments that the strategic projects division at headquarters deals with. Beneath that, will be the major applications. Those applications seem to be taking longer than they should to go through the planning process. You all complained to me about it, so let us do something about it. There will be a strong definition in the subordinate legislation as to what constitutes a major application. Beyond that are the local developments, which make up the bulk of all planning applications received. It is considered that the process for those should mirror their relative simplicity, including proposals for schemes or officer delegation, and the hierarchy aims to address that.

I move now to the development management and how pre-application consultation will work. That is a fairly critical issue, because planning is vitally important to the ordinary folk on the street. It is important to the Northern Ireland public who elect us to serve them and to deliver for them. Developers will engage with the local community over a minimum 12-week period on major or regionally significant planning applications. The planning authority will advise the prospective applicant on whom they should consult and on what form that consultation should take. The planning authority is the local council. When the application is submitted, it will be required to be accompanied by a report showing how the developer approached pre-application consultation and how they amended their proposals to take account of the views expressed. If the planning authority does not feel that the applicant has done everything, it can request more information. If the developer does not provide the correct information, the planning authority can decline to determine the application.

Pre-application discussion will give communities a real opportunity to influence the detailed content of planning applications that affect them and it will require a significant cultural change on the part of the development industry.

I have no intention of the pre-application discussion becoming a box-ticking exercise for developers. It needs to be a meaningful consultation in which real and significant

problems are identified and real and significant changes are made to make the planning application broadly acceptable.

Mr McCarthy: This is not the question that I wanted to ask originally but is on the point that the Minister has just talked about. I speak as a councillor with 25 years' experience on Ards Borough Council. Experience tells me that, when developers are refused planning permission, even when they have consulted, they go back and consult again and again; they do not give up consulting until they get what they want. Is your new Planning Bill —

Mr Deputy Speaker: Will the Member refer all remarks through the Chair?

Mr McCarthy: Sorry, Mr Deputy Speaker. Will that be allowed to continue with this Bill? If it is, it will cause more expense for the ratepayer whom we are trying to protect?

The Minister of the Environment: Rather than ratepayers being asked for their views halfway through the process, they will be asked for their views before the process starts. That is what is important here. Before the developer can lodge a planning application, they have to engage with the public. The planning officers working on behalf of local government will scrutinise the planning proposals and the efforts that have been made with the community, and if it is deemed that the developer regarded the process merely as tokenism and a box-ticking exercise in which they wholly ignored the views of the local community, the developer will not be able to lodge the planning application.

Let the public have their opportunity, and let developers realise that the public voice will have to be heard when we are dealing with planning applications. There will be a cultural change, and it will be a shock to the system for some of those people. Some of them have already moved on and are more au fait with dealing with communities, but it will be an awful shock to the system for some, but I do not mind.

4.45 pm

Some Members talked about the way in which the call-in process will be used. The nature and scope of a proposed development may raise issues of such importance that it is deemed reasonable for the Department to call in that particular application for any such development from the district council and, in effect, take over

the role of decision-making. Clause 29 of the Planning Bill will empower the Department to make directions requiring applications for planning permission to be referred to it, instead of being dealt with by the district council. That direction may be given either to a particular district council or to district councils in general and may relate to a particular application or to applications of a class specified in that direction.

The intention is only to intervene or call in an application under certain circumstances and not to cause unnecessary delay to district councils in issuing decisions. For that reason, notification criteria will be applied to certain major applications, requiring the district council to direct that application to the Department.

The type of third-party appeal that we are looking at is wholly different from what people might perhaps perceive it to be. There is a third-party appeal system in the Republic of Ireland, which we have looked at and in which a lot of onus is put on the third parties in relation to the financial burden and the potential holding back of planning applications. I think that we have devised a system where the public have an opportunity, one which is very cost-effective, to get in there at the start of the scheme and make a real difference. That is better than coming in at the end of the scheme and trying to make changes at that point.

We do not believe, at this point, given the type of third-party appeals that might be available to us, that going down the route of third-party appeals would contribute to the objectives of planning reform, would improve efficiency or processing or provide greater clarity for either the developers or the community. We think that it would be detrimental to the streamlined planning process that we have introduced, and which has been so effective. Around 50% of planning applications have been turned around in eight weeks; I am hoping to increase that to 60%. Third-party appeals would not provide value for money for the users of the planning system.

In my view, the alternative to third-party appeals is to enhance local democracy through the transfer of planning functions to councils, to have better early community engagement through the reformed planning system and to have a statement of community involvement in the pre-application discussion.

Some Members want to know what exactly the simplified planning zone means. It is a tool for

stimulating and encouraging economic growth, investment and job creation. It achieves that by granting a blanket planning permission for particular types of development. Any conforming development proposed within the zone will not require a separate planning application, thus ensuring speed and certainty for firms and businesses wishing to locate there. Simplified planning zones may be particularly appropriate for areas in need of development or redevelopment, such as run-down industrial sites and inner-city areas. We are looking at a 10-year lifespan.

It is important, particularly when we are weighing up the potential of having a lower corporation tax and trying to drive forward our economy through inward investment, that we can actually have decisions that are responsive to the needs and that we can indicate to people who are considering making an investment that they can have a decision, potentially within weeks, or certainly in a few months.

In relation to consistency in the decision-making between councils, when drawing up the local development plans and determining applications, councils must operate within the Northern Ireland-wide policy framework established through the legislation, the regional development strategy and the planning policy statements. The purpose of local government and planning reform is to make sure that local decisions are made at the local level. Councils will seek to make decisions that are right for their own areas, and there will inevitably be differences between councils in the decisions that they make.

That is what local democracy is about. I suspect that the council in north Down may have a slightly different perspective on planning from that of the council in Omagh, and the needs in north Down will be different from those in Omagh. Therefore, there will be a degree of flexibility.

As regards the affordability of the planning system, I dealt with a series of things that we are doing. The number of planning applications has dropped from almost 28,000 to fewer than 20,000, and we are attempting to rebalance the books in a very structured way. As opposed to it all coming from staff cuts, we are ensuring that equitable fees are paid throughout.

As to the cost of funding the reform, the new system will operate on the same basis as the current planning function. There will be a

combination of income-based and non-income-based funding. At this stage, it is not possible to be precise about the cost implications for a number of reasons, particularly because issues about how local government organisational structures into which the planning functions will be delivered are still to be settled. Once the future delivery mechanisms and models for local government are finalised, officials will examine the future funding of the planning system in the light of both the reform initiatives and the decisions made as a result of the review of public administration.

How do we manage the performance of the councils? I am currently consulting on a new service delivery and performance improving framework for local government. That will include a revised expansive statutory duty that currently exists for councils, requiring them to secure best value for money and to continuously improve the performance of services that they deliver to ratepayers.

In relation to planning functions, the Bill gives my Department powers of oversight and intervention. It empowers the Department to conduct an assessment of a council's performance on some or all of its planning functions, including its decision-making on planning applications, and recommendations for improvement would be published. If the council does not implement the recommendations, the Department may issue a direction requiring it to do so. In the last resort, if a council is failing in its duties, my Department could use its powers of intervention, for example, to progress a local development plan.

I turn to the issue of enforcement powers, which was raised by Mr Kinahan, Mr Boylan and Mr Wilson. Enforcement resources in the Planning Service will transfer to district councils, so we are not looking at any diminution of the resources or finances that are available. That will enable enforcement to continue effectively under the remit of the district councils and ensure a streamlined transition of responsibilities.

During the past number of years, considerable efforts have been made to improve enforcement. Strong enforcement powers that complemented those already in place were introduced in 2003 and 2006, bringing Northern Ireland broadly into line with the rest of the UK. Those provided for an increase in the fine for

non-compliance with an enforcement notice from £5,000 to £30,000. The introduction, through this Bill, of new fixed penalty notice powers, together with the new powers for charging a greater fee or multiple of the normal fee for retrospective planning applications, will help to strengthen enforcement powers further.

I have sought to cover a wide range of issues, and I trust that I have dealt with most of the issues which Members have raised in a fairly reasoned way. In closing, let me say that the Assembly has been doing well over the past number of months, in particular. A course of work is being done. We have something like 30 Bills on the agenda. There is a considerable amount of work to be done by this House. I am proud to be a Member of this Assembly, and I will be proud to defend it when people come out to challenge us. We can stand tall on our record of delivery across a range of issues.

The particular Department in which I have been asked to serve the House has sought to make considerable changes in respect of legislation and its day-to-day running. I get somewhat wearied with the number of individual applications that come to my door, because I do not think that we have a sufficiently democratic process at this point. However, in saying that I get wearied, I am not seeking to discourage Members from bringing them. It is important that they do.

However, it would be much more effective if, instead of having one person who can call in the Planning Service and ask it to explain its decisions, we involve local people who understand the issues and concerns of local communities, whether those concerns and issues involve people in south Belfast or north Down who are concerned about period dwellings being pulled down and apartments being put in their place or someone in a rural area who thinks that planners are not recognising an infill opportunity or following policy on a replacement opportunity. They may involve farms; there may be a very clear reason why a proposed site on a farm cannot be adjacent to the farm unit. As Minister, I should not have to deal with those issues. It would be much better if they were dealt with by our councillors, who can respond to and reflect on the needs of their community.

I urge the House to drive forward this agenda of change in planning. In that way, we can have a system that can deal with planning applications

in a much more timely, consistent and effective way, and we can work together with our planners, who are good people, to ensure that we deliver what the public needs.

Question put and agreed to.

Resolved:

That the Second Stage of the Planning Bill [NIA 07/10] be agreed.

Adjourned at 4.56 pm.

Northern Ireland Assembly

Wednesday 15 December 2010

The Assembly met at 10.30 am (Mr Deputy Speaker [Mr McClarty] in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Deputy Speaker: The Speaker has been notified this morning by the Minister for Social Development that he will not make his planned statement on housing responses in times of need today but proposes to do so in the new year.

Ministerial Statements

First Minister/deputy First Minister: Brussels Visit

Mr Deputy Speaker: I have received notice from the Office of the First Minister and deputy First Minister that the deputy First Minister (OFMDFM) wishes to make a statement.

The deputy First Minister (Mr M McGuinness): First, I apologise to Members for not having available for them a copy of the statement. Last night's very late negotiations impacted on our ability to deliver that in a timely fashion, and I humbly apologise to all Members. Hopefully, by the time I have finished my contribution, that statement will be available in printed form.

With permission, I would like to make a statement on a programme of high-level meetings held recently in Brussels, which included a meeting with the President of the European Commission, José Manuel Barroso, and the President of the European Parliament, Mr Jerzy Buzek. The visit's purpose was to engage politically at the highest level in the European Union to renew the unique relationship with European institutions that we have enjoyed and benefited from in recent years. More specifically, the visit was to make the case for continued support from the EU for the region.

During the visit, we also welcomed President Barroso to the Executive's offices, where he joined the First Minister and me in opening those new premises. The new offices will ensure that we remain at the heart of Europe, taking full advantage of the goodwill that we have generated and the relationships that we have developed.

A programme of meetings and events in Brussels took place on 8 December and 9 December 2010. They included meetings with the President

of the European Parliament, Mr Jerzy Buzek; Mrs Danuta Hübner MEP, Chairperson of the European Parliament's Regional Development Committee; Commissioner for Research, Innovation and Science Máire Geoghegan-Quinn; Commissioner for Regional Policy Johannes Hahn; and MEPs Jim Nicholson and Diane Dodds. Apologies were received from Bairbre de Brún MEP who was attending the climate conference in Mexico.

We also met ambassador Lebrecht of the UK Permanent Representation to the EU; ambassador Montgomery, from the Permanent Representation of Ireland to the EU; and José Manuel Barroso, the President of the European Commission.

On the evening of Wednesday 8 December, the First Minister and I hosted a dinner in the Executive's office in Brussels, which was attended by a number of Invest NI clients. Those companies were represented at senior executive level and comprised those representing significant existing investors in our economy and potential investors drawn from the information and communication technology (ICT) sector, with a particular focus on financial services.

There can be no doubt that the European Union, with its responsibility for legislation, cohesion policy across 27 member states and billions of euros in funding programmes has and will continue to have a very significant influence on our lives. In the past 20 years, it has contributed over €2 billion through structural funds and programmes, including the Peace programmes that supported the peace process. President Barroso invested personally and politically in that process when, in 2007, he was the first European leader to visit us at the time of the restoration of the devolved institutions. That was to underline his support and that of the EU for the political process at a pivotal time in our political and economic development. He established and gave his name to a task force whose job was to provide us with a route map to better and more effective engagement with the European Union and to exploiting the opportunities that that represented.

In general, our visit to Brussels provided us with an opportunity to outline at the most senior levels in the EU the achievements of this Administration in approaching the end of an uninterrupted period of governance. We expressed our particular concerns about the

impact of the recession in jobs lost in the economy and unemployment and the difficulties that are faced by sections of society that have not yet enjoyed the benefits of peace and were at risk of being left behind. We also dealt with the impact that the financial crisis in the South will have in lost trade and possible contraction of the finance sector due to the restructuring of Irish-owned banks.

Throughout, we emphasised the positive contribution that the EU made to recent economic growth and, in particular, to the success of the peace process, which was underpinned to a significant extent by the financial support from Europe through the success of Peace and IFI programmes. Those continue to be of immense significance to our political and economic development.

We stressed also the unfairness of the extent of the Treasury cuts, which did not take account of decades of underinvestment in infrastructure and the disadvantage of having higher corporation tax relative to that in the South. However, although we were intent on outlining the context in which continued EU support is required, we also took the opportunity to outline the international interest in the successful peace process, which was reflected in visits from politicians and others from regions such as Afghanistan, Iraq, Zimbabwe, the Middle East and so on. We outlined our desire in general to help other regions experiencing conflict through our example in general and specifically through the establishment of the peace building and conflict resolution centre at Maze/Long Kesh (MLK) as an international centre of excellence dedicated to peace building and transforming societies.

It is now nearly four years since that significant intervention by President Barroso, and it was, therefore, important that we met him once more to express our appreciation of the work of the task force and our hope for the continued support of the EU as we strive to emerge from recession and restore the economic momentum of previous years. It was important in that context to brief the president in particular on current political and economic developments, including the agreement on establishing a centre for peace building and conflict resolution on the site of the Maze/Long Kesh prison. He was pleased at the success of this Administration in approaching the end of an uninterrupted four-year term and acknowledged the importance of the conflict resolution centre and

what we have to offer the wider international community from our experiences.

We were able to raise some specific issues with President Barroso, including the current economic and fiscal challenges here and across Europe, the potential for a Peace IV programme and IFI funding. We raised the issue of the problems faced by savers and investors in the Presbyterian Mutual Society and alerted him to the possibility of us seeking at a later date Commission agreement on compliance with state aid rules.

We are assured of the continued political support of President Barroso, who expressed his determination to keep part of the future budget to promote further territorial cohesion and solidarity. The president also confirmed that he would look constructively at any request to extend the International Fund for Ireland. Similarly, the president expressed his continued support for our peace process and was supportive of a future EU Peace programme, although he stressed that that would depend on wider budgetary discussions. In the president's view, the region is a demonstration of the added value of EU spending. In light of our general discussion with the president, we agreed that his offer to renew the work of his task force would be very welcome and would provide a valuable framework in which all those issues and more could be addressed. The president outlined his proposal further at the press conference following our formal meeting.

When we met Máire Geoghegan-Quinn, the Innovation Commissioner, we highlighted many factors that have inhibited our small and medium-sized enterprises from participating in the current research and development programme, the seventh framework programme, including the complexity of the application processes. Our meeting with Commissioner Geoghegan-Quinn also allowed us to look in more detail at how best we can draw down funds under the current and future research and development programmes. We agreed that it would certainly be in the interests of our small and medium-sized enterprises to see the process simplified, and that is the subject of ongoing consideration in the Commission.

Importantly, the commissioner offered to organise a major conference in 2011, targeting in particular peripheral regions and small and medium-sized enterprises with a view to raising

their awareness and capacity to access around €9 billion of funding, which will be the subject of the next call for proposals in July 2011 under the seventh framework programme. It is important that we take advantage of that offer and encourage our businesses and academic institutions to become involved. Máire Geoghegan-Quinn also encouraged us to participate in the shaping of the eighth framework programme, which is currently under consideration.

With President Buzek and Danuta Hübner, we sought to secure the support of the European Parliament on issues that impact directly on us, including the European Parliament's consideration of a future cohesion policy, a possible extension of the International Fund for Ireland and a Peace IV programme. When we met Commissioner Hahn, it was clear that, notwithstanding budget pressure, Europe is with us for the long haul as we move from conflict to peace and prosperity for all. Commissioner Hahn has no doubt that the EU has played a key role in peace building and cross-border activity and that we are a shining example to others in Europe and throughout the world. However, he also realises that the job is not done and that further support is needed, particularly to deal with the problems facing our disaffected youth and to tackle the legacy of conflict and division. Commissioner Hahn kindly offered a place in his department for a national expert from here to gain experience in the Commission, which will complement the help that he has already provided through lending us a member of his staff to work on the task force. Those things are particularly important if we are to keep in touch with developments in EU funding.

In summary, Mr Deputy Speaker, the European Union is vital to our future interests. Economic recovery will be driven to a large extent by innovation and our future success at drawing down research funding, which are, therefore, essential. Equally, as we enter a period of negotiation on future cohesion policy, we must put forward as strong and robust a case as possible, while making it clear that we have a great deal to offer the wider international community on the basis of our experience of peace building and conflict resolution.

10.45 am

In the space of two days, we managed to engage with senior political figures at the highest level

in the European Union, raising their awareness and understanding of our regional position and, thereby, gaining significant agreement in principle for continued support through instruments such as the International Fund for Ireland and the structural funds. We continue to have President Barroso's personal support. That is reflected most significantly in his renewal of the work of the Barroso task force, which should meet in early 2011 to take stock and identify emerging opportunities.

We believe that the outcome of the meetings has been consistently positive and will significantly help our prospects in forthcoming negotiations on areas such as CAP reform, cohesion policy and more general decisions about multiannual budgets for 2013-2020. We are also confident that the prospects of securing an extension of the International Fund for Ireland are greatly enhanced as a result of the meetings. The role of the Executive's office in Brussels will be pivotal in that work by maintaining a constant and close relationship with the directorates general, MEPs, the Committee of the Regions and the European Economic and Social Committee, all of which are working on our behalf and whose assistance we recognise.

The work of the task force is now more important than ever, and it is vital that we recommit our energies to it. We must build significantly on our engagement with Europe to fully realise the potential for sustainable economic growth. We also have much to offer, through our own experiences, to help other nations that are interested in engaging with us about how conflict is resolved.

We were particularly pleased that President Barroso joined us in the opening of the Executive's new offices. That was a sign of his recognition of the importance of our presence in Brussels. We thank the president and his commissioners, President Buzek and the European parliamentarians and ambassadors who made themselves available. We also express our thanks to the staff of the Executive's office in Brussels, Invest NI and all those who helped to make the two days in Brussels a success.

Mr Spratt: I thank the deputy First Minister for this morning's statement. Will he outline whether he believes a Peace IV fund is a realistic prospect after the discussions in Brussels?

The deputy First Minister: The First Minister and I were certainly impressed by the very strong and warm reception that we received at all levels in the European Parliament. There is no doubt that there are many other regions throughout Europe that would envy the access that we had to the very highest levels. From our engagements with President Barroso, Máire Geoghegan-Quinn, Commissioner Hahn and former Commissioner Hübner, it was clear that they are all still very much engaged with and supportive of the ongoing contribution that we have to make to the development of Europe. We were encouraged by what we heard about President Barroso's commitment to the International Fund for Ireland and the Peace IV programme.

It also became clear during our engagements that a big debate is obviously happening in European states about their own budgets. That is a state of negotiation that will continue over the coming weeks and months. We were obviously there to lobby on our own behalf, and we were certainly allowed to do that. However, it was clear that many people thought that they had the opportunity to lobby us to get us to influence others about their contribution to the European Union. In short, we were very encouraged by what we heard. However, the outcome of those programmes will depend on the outcome of the negotiations that are taking place between member states.

Mr McDevitt: We will all welcome the news that there was warmth about the concept of a Peace IV programme. What specific proposals were put to President Barroso about a fourth Peace programme? How much was bid for and for which areas of social or economic development in this region is money being sought?

The deputy First Minister: This is an ongoing process between us and the European Union. At this stage, suffice it to say that we recognise that a lot of Europe's approach to our moving forward substantially on the issue of Peace IV and the continuation of the International Fund for Ireland will depend on what it hears from other areas. For example, we all know that, at present, the Committee on Appropriations in the United States is dealing with the issue of the contribution that the US may make to the International Fund for Ireland.

Mr McDevitt: What about Peace IV?

The deputy First Minister: I am coming to Peace IV, if the Member will be patient.

Mr McDevitt: My question was about Peace IV.

The deputy First Minister: I know that it is not easy for the Member to be patient or, indeed, courteous. If he is looking for an answer, he would do well to behave himself.

We are involved in ongoing discussions about Peace IV. The engagement between our representatives, headed up by the junior Ministers in the Office of the First Minister and deputy First Minister, and the Barroso task force when it arrives early next year will be critical. We can all take great heart from the fact that President Barroso relaunched the task force during our visit. That will allow us to engage, in a concrete way, in making our own proposals, all of which will be ready for the task force's visit when it arrives here early next year.

Mr Molloy: I thank the deputy First Minister for his statement on the Brussels visit. I hope that he agrees with me that the role of the Executive's office in establishing an Assembly and Executive presence with the European Union in Brussels is very important. Will he also agree that the various Departments did not fully exploit the Barroso task force and its report in the past? What steps can be taken to ensure that the relaunched task force will have input from all Departments to maximise the money available from Europe?

The deputy First Minister: The Member raised an important point. We always have to be willing to review continually our connection with Europe, particularly when it comes to opportunities that clearly present themselves as a result of an ongoing engagement. I certainly think that there are lessons to be learned, and I do not think that anybody in the House would argue that we have been able to maximise the potential of what is available through our connections with Europe.

The other difficulty that we have to recognise is that the ability to influence Europe depends on the number and quality of people that we have available to engage in that important work. The staffing levels in the operations of other regions of Europe, including, for example, Scotland, show that they invest far more funds in the level of their representation. That gives them an edge over us. When we were in Brussels, the First Minister and I had discussions between

ourselves about how we could improve our operation there. As a result of our visit, we are now seriously contemplating how all Departments in these institutions can up their game in accessing the funds that are clearly available and will be available if we make proper presentations in a way that exploits the funds that will come for the benefit of our people. For example, Commissioner Geoghegan-Quinn has chief responsibility for innovation in the European Union, and our engagement with her and all the people around her made it obvious that they are more than willing to assist us. We would do well to take up the offer from Commissioner Hahn to accept one of our representatives on to his team, given the important lessons that we would learn about improving our performance.

Dr Farry: I thank the deputy First Minister for his statement, and I congratulate him and the First Minister on the fast turnaround on both statements. I am sure that the deputy First Minister will agree that there is still considerable goodwill in Europe towards Northern Ireland.

Therefore, is there a trade-off to be had in the sense that, although the European Union can still assist Northern Ireland, Northern Ireland also has an obligation to assist the European Union, particularly in areas of conflict? Does the deputy First Minister see the potential for the Executive and the Assembly to help other conflict or post-conflict regions in Europe, such as Kosovo, in any way? Was that discussed with the president of the Commission?

The deputy First Minister: From the first time that President Barroso arrived here prior to the restoration of these institutions in 2007, he was very taken by the enormous political transformation that had occurred here as a result of the peace process. He made it clear at a very early stage that he thought that many other areas throughout the world — he obviously has a particular interest in the situation in Europe — could benefit from our experiences. Therefore, at a very early stage in the process he put on record his and the European Union's support for the construction of a peace building and conflict transformation centre on the Maze/Long Kesh site, and he reiterated that support in the course of our engagement. At the moment, we are preparing our application for those funds, which could be anything up to £20 million. That application will be presented

in January. We hope for an early response to that, but it is clear from our engagement that President Barroso is onside. He is not alone in that; other people we met shared that view.

President Barroso thinks that we can make an enormous contribution, which is highlighted by the number of representatives from different conflict situations throughout the world who have arrived here in recent times. As I said, very large delegations from Iraq and Afghanistan have visited, as have people from Sri Lanka, the Middle East and other conflict situations throughout the world. It is not just President Barroso who thinks that we have something to offer. Just as importantly, people who have been involved in those conflicts believe that we have something to offer. The case is compelling.

Mr Ross: I know that the deputy First Minister and the First Minister visited Brussels last week to open the Office of the Northern Ireland Executive. I and some other Members were over with the Assembly and Business Trust the week before, and we received a briefing from the Northern Ireland Executive's European office. It is fair to say that we were somewhat underwhelmed by that presentation. Will the deputy First Minister give us an assurance that his Department will ensure that the office in Brussels is a lot more proactive than it is at the moment and engages with European commissioners at a very early stage of legislation to make sure that it feeds information back to the Executive and to the Assembly on any legislation that may impact on Northern Ireland?

The deputy First Minister: As I said, the First Minister and I believe that there are important lessons to learn from our ongoing engagement with Europe. There is no doubt that we have the ability to up our game and improve performance, and we are determined to do that. Therefore, we are reflecting on the visit.

The offices are second to none; they are very impressive. During the past couple of days, they have been used by the Agriculture Minister and her team extensively as they tried to minimise the impact of cuts from Europe on our fishing fleet. I want to record our appreciation to her and her team on securing what appears to be a successful outcome on behalf of the fishing industry. However, the Member has raised an important point, and there are lessons to be learned. We can improve our performance and

up our game, and we fully intend to further consider how we can do that in the days and weeks ahead.

Mr Givan: Northern Ireland has benefited from European funding for many years. Does the deputy First Minister believe that the task force is delivering and will continue to deliver?

The deputy First Minister: Yes; there is no doubt about that. The fact that President Barroso reiterated his intention that the task force should continue its work is very important. The task force is the embodiment of the goodwill towards the peace process here that exists at the highest level in the EU.

As we all know, the president created the group of Commission staff who benchmarked our participation in EU matters against a number of regions and made suggestions about policies and funding that might be of interest to us. The task force remains available to provide advice and guidance on EU policies and their application to our circumstances. In the view of the First Minister and I, that help is vital because it opens doors for Ministers and officials in any of their dealings with the EU and makes for better and more effective engagement.

11.00 am

We look forward with some considerable interest to the another visit by the task force early next year and to real engagement with it. If we exploit the access that we have to the EU, it will bring, undoubtedly, huge benefits for our Departments, SMEs, business communities and, indeed, for our entire community.

Mr Beggs: I thank the deputy First Minister for highlighting to the Commission the positive role that the International Fund for Ireland and, indeed, Peace funding have played and the important role that structural funding and the Commissioner's task force can play in seeking future funding. In the course of that engagement, did the deputy First Minister or the First Minister express concern at the disproportionate level of the fine of over £60 million that has been passed to the Northern Ireland Executive from the EU as a result of Department of Agriculture and Rural Development (DARD) mapping errors?

The deputy First Minister: Inevitably, that matter came up in our conversations. As we all

know, a process of appeal is in place. DARD officials and the Minister are dealing effectively with that appeal. The process has not yet ended, and we await the outcome.

Mr A Maginness: I welcome warmly the report that the First Minister and the deputy First Minister presented to the Assembly. It probably represents a move from being Europhobes to being Europhiles. I emphasise the importance of giving resources to the Executive office in Brussels. Will the deputy First Minister reassure the House that, where they are required, additional resources will be given to that office and that there will be no undermining of that office given our difficult financial circumstances?

The deputy First Minister: As I said in response to earlier questions, we are reflecting on our operation in Europe and on our Department's relations with Europe. It will not be lost on the Member that, over the course of the past three and a half years, the Executive have been proactive in our engagement with Europe and have put on record repeatedly our appreciation for the support that we have received from Europe over many years.

Without going off on a tangent, I will say that the recent difficulties in the South have brought about a fairly frenetic debate about the relationship between Europe and the Irish Government, particularly on the arrangements for the recent bail out. Without going into the detail of that, many views will be expressed South of the border and in the North about the ongoing relationship with Europe in the context of the difficulties that are being presented.

Our position is clear. It is important to have a positive and constructive working relationship with Europe. There are huge funds in Europe, and, more than that, there is huge goodwill in Europe for what has happened here. Based on our visit to Europe, we are quite clear that there is an ongoing dedication and commitment to assist us in the time ahead. We would be foolish politicians if we were to ignore that or pass that up, and we have no intention of doing so.

Mr Kinahan: I welcome the deputy First Minister's statement. He mentioned that the Presbyterian Mutual Society issue might be raised at a later date, but now that we are in the midst of the draft Budget and the discussions with it, will the deputy First Minister raise that matter with Europe immediately, and how does he see that working out?

The deputy First Minister: Although we have had discussions about that in the course of our engagement, the situation in relation to Europe will come into play only when we have settled our Budget. We worked very late into the night last night, our Budget review group met yesterday, and the Executive met yesterday and agreed to put out for consultation a draft Budget, all of which propels us along the road. We all understand the great stress and difficulty that is being inflicted on savers, many of whom are small savers, very elderly and very dependent on their savings for care packages and other necessities of life. We understand the importance of moving as swiftly as we possibly can. In the past 24 hours, we have taken a huge stride forward. We very much look forward to the consultation process. Over the next number of weeks, that process will allow everybody to have their say on the budgetary decisions that we have made.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle, Ba mhaith liom buíochas a ghabháil leis an Aire as an ráiteas sin.

Pursuing further the points raised by Francie Molloy and Alastair Ross, I suggest to the deputy First Minister and the First Minister that it is high time for all Departments in the North to place senior officials in Brussels on a permanent basis to network more, to track legislation at an earlier stage, to gain an understanding of funding opportunities and to exploit potential. It is my understanding that, at this point, only two of the 12 Departments — OFMDFM and the Department of Agriculture and Rural Development — have permanent representation in Brussels.

The deputy First Minister: The Member raises an important point. In the course of reflecting on how we can improve our performance in the time ahead, it will, no doubt, be very useful for Members to put forward their ideas and suggestions, which we will then consider.

Since moving into the new premises, we have been able to accommodate a wider range of events and a much larger number of visitors. For example, the Brussels office has received around 1,500 visitors since it was moved to new premises in December 2009, which represents a significant increase on the same period in other years. Over the past year, the office has facilitated visits by seven groups from the Assembly, including officials from OFMDFM

and DARD, the Committee for Enterprise, Trade and Investment, the Assembly Commission, a delegation of Assembly Clerks and the Assembly and Business Trust, which was there on two occasions. Minister Empey, Minister Murphy and, more recently, Minister Gildernew have all been there. Local organisations from the public and private sectors have used the new offices to host meetings and to hold events and they have attended presentations by our staff and other EU representatives. Those organisations include Belfast City Council, the Ulster Farmers' Union, the PSNI, Harland and Wolff, the Local Government Association and Queen's University, Belfast.

There is no doubt whatsoever that people see the value in engaging with Europe. As I said, the challenge for us is to see how we can further exploit the potential that is clearly there. Undoubtedly, the suggestion made by the Member will be considered along with, I hope, many more suggestions in the weeks and months ahead.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle, Go raibh maith agat as an deis seo labhairt.

The Minister referred to the bailout in the South in which the European Commission was the central player. The statement also rightly refers to the impact that the financial crisis in the South will have through lost trade. Obviously, the bailout was an attempt to deal with that crisis. When he was in Brussels, did the deputy First Minister take the opportunity to express to President Barroso his abhorrence at the bailout in the Republic? What effect does he think that such a position will have on the huge amount of goodwill that he claims still remains there for this Administration?

The deputy First Minister: I know that the Member is new, but I must remind him that I was in Brussels as the deputy First Minister. I was not there to represent a political party but to fulfil my duties and responsibilities along with the First Minister, and the invitation to enter into that debate — *[Interruption.]*

I notice that, whenever I speak, the unelected Member for South Belfast, Conall McDevitt, always has a smirk on his face and says that he is curious. I will allow him to be more curious in the time ahead.

British-Irish Council Summit

Mr Deputy Speaker: The Speaker has received notice from the Office of the First Minister and deputy First Minister that the First Minister wishes to make a statement.

The First Minister (Mr P Robinson): Mr Deputy Speaker, in accordance with the requirements of the Northern Ireland Act 1998, I wish to make the following report on the fifteenth summit meeting of the British-Irish Council (BIC), which was held in the Isle of Man on Monday 13 December 2010. All Northern Ireland Ministers who attended the summit have agreed that I should make this statement to the Assembly on their behalf.

The Isle of Man Government hosted the summit, and the heads of delegations were welcomed by the Chief Minister of the Isle of Man, the honourable Tony Brown MHK. The Irish Government delegation was led by the Taoiseach, Mr Brian Cowen TD, and the British Government delegation was led by the Deputy Prime Minister, the Rt Hon Nick Clegg MP. The Welsh Assembly Government were represented by the Deputy First Minister, Mr Ieuan Wyn Jones AM. The Scottish Government were represented by the Minister for Culture and External Affairs, Ms Fiona Hyslop MSP. The Government of Jersey were led by the Chief Minister, Senator Terence Le Sueur, and the Government of Guernsey were led by the Chief Minister, Deputy Lyndon Trott.

In addition to deputy First Minister and me, the Northern Ireland delegation consisted of Minister Wilson, Minister Poots, Minister McCausland, Minister Kennedy, Minister Attwood, Minister Ford and junior Minister Newton. A full list of participants is attached to the statement that was, I hope, provided to Members.

The British-Irish Council plays a unique and important role in furthering, promoting and developing links between its member Administrations through positive, practical relationships and in providing a forum for consultation and co-operation on east-west issues. Member Administrations consult, discuss and exchange information with each other on matters of mutual interest within the competence of the relevant Administrations.

The summit provided an opportunity for a substantive discussion on the current economic developments that are affecting the member Administrations, including Ireland's entry into a

programme of international financial support, the Irish Government's four-year national recovery plan and their 2011 Budget. The UK's spending review and public expenditure reductions were also discussed, and the Council consulted on the actions being undertaken across all the Administrations to endeavour to stabilise public finances, repair banking systems, cut costs and boost employment. The Council acknowledged that member Administrations continue to face serious challenges. It agreed that the sharing of information and knowledge on the measures and actions being taken was invaluable, as member Administrations seek to rebound from current economic challenges.

The Council welcomed the discussion paper prepared by the BIC digital inclusion work stream. That paper highlighted the importance of a digitally inclusive society, as citizens increasingly communicate, transact and access information online. The Council was updated on activities in the area of digital inclusion in the respective Administrations and approved the future work plan of the digital inclusion work stream. That work plan focuses on developing a body of knowledge and best practice around programmes to support digital inclusion; looking at how digital inclusion can deliver public cost savings; identifying and sharing cost effective ways to encourage and to facilitate more widespread engagement of those who are digitally excluded, including through the involvement of all key stakeholders; and sharing statistics and other relevant information across Administrations.

The Council discussed the progress on arrangements for the establishment of a BIC standing secretariat and considered a number of operational details relating to the establishment of the new secretariat, including its functions and staffing arrangements.

The Council also approved a cost-sharing model to apportion the running costs of the new secretariat, once established, across member Administrations. The Council considered the draft running-cost budget for the secretariat, which was proposed by the First Minister of Scotland, and noted the necessity for value for money and efficient management of resources. The budget was agreed in principle, with a recommendation that it should be reviewed annually.

11.15 am

The Scottish Government undertook to bring to the Council a further proposal detailing the most cost effective accommodation available in Edinburgh to accommodate the new secretariat once an opening date is agreed by member Administrations. The Council tasked the BIC co-ordinators group with taking forward further work on the development of a number of new administrative procedures for the secretariat, including appropriate arrangements for governance and accountability.

In conclusion, the Council agreed that the first BIC summit of 2011 will be hosted by the UK Government. The Council also agreed that BIC co-ordinators will examine the practicability of setting a fixed pattern of dates for future summits and that a summit meeting will take place in Derry/Londonderry in 2013 to mark the year of culture.

Mr Spratt: I thank the First Minister for the statement. Has a schedule for future summit meetings been agreed? Does the First Minister support the setting of a fixed pattern of dates for such meetings?

The First Minister: It is helpful to have a fixed pattern of dates for BIC meetings. Everyone recognises that if we are to have a number of Ministers present, depending on the work streams of a BIC summit meeting, they will require as much notice as possible. Therefore, it is helpful to have as much knowledge as possible about the venues and dates of the meetings. However, we must take into account that elections in various jurisdictions can mess up that programme.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Regarding digital inclusion, can the First Minister confirm whether the campaign to ensure the wider availability of 3G coverage outside the greater Belfast area was discussed? If it was not, will he undertake to raise the matter at future meetings? May I also hear a little bit more about the community development practitioners and policymakers' seminar on minority and lesser-used languages, which was held in Belfast, and about the local groups that were involved?

The First Minister: On the last point, although there was a work stream report, it was not discussed at the BIC meeting. I will ask the

Minister to speak to the Member on that issue in a language that they both understand.

The issue of 3G may relate to mobile phone masts, so I will be careful not to intrude on the business of the Finance Minister. We have 100% broadband accessibility across Northern Ireland, although there are indicators that it is a little shaky in some places. However, we are moving to the next generation of broadband in Northern Ireland. Indeed, we are probably in the lead for broadband coverage in the whole of Europe. As the Member will know, we have moved on with Project Kelvin, which gives us an unequalled data transfer rate into North America and Europe. We are well in the lead in those matters. It is important that we have 3G and broadband accessibility to the highest degree possible right across Northern Ireland. The Finance Minister has responsibility for those issues and can continue to take the matter up with the telephone companies.

Mr K Robinson: I thank the Minister for his comprehensive statement. I acknowledge the wide range of subjects that it covered. However, looking down the list, I notice that all the other Administrations brought one, two or three members to the table, while we brought eight Ministers and one junior Minister. Is there any reason for the preponderance of members that we seem to have had at the table? Furthermore, how many advisers and civil servants were in the Northern Ireland deputation? I was beginning to wonder whether our deputation had to row from here to the Isle of Man and needed a full crew to get the ship there.

The First Minister: We did not want to exclude the Member's party. One of his party's Ministers wanted to be present even though he was not speaking on any specific business. That was also the case with the Ministers from the SDLP and the Alliance Party.

The deputy First Minister and I are content to go along to such meetings without other Ministers. However, to be inclusive and to encourage the other political parties that are involved in the Executive, we have widened our representation. As soon as representation is widened with Ministers, it is widened with their support staff. We are very happy to look at who goes to the meetings, but we do not want to exclude the Member's party.

Mr A Maginness: I welcome the First Minister's statement, which was very comprehensive and

interesting and covered a wide range of different issues. There seems to be a lack of focus in the sense that I do not detect the First Minister and deputy First Minister's priorities for the BIC, which is a very important institution. Will the First Minister outline OFMDFM's priorities for the BIC?

The First Minister: They are no different to our priorities for the North/South institutions, which are to improve our relationships, increase our knowledge base, increase our understanding of each other and learn from each other. That is the whole idea of the network that is being built. The purpose of the east-west relationship is no different to that of the North/South one, which is to encourage better co-operation and greater understanding.

Dr Farry: I thank the First Minister for his statement. With regard to the section of his statement on the economy, does he see the potential for the BIC to act as a nucleus through which the various regions of the United Kingdom can provide an effective challenge to the UK Government on regional policy or, more appropriately, the lack of a proper regional policy? That would lead to a situation in which the different interests of the regions are respected instead of the one-size-fits-all approach from the UK Government?

The First Minister: In response to the previous question, I said that the purpose of the body was to get greater co-operation and mutual understanding. I will not follow that by saying that it can facilitate a gang-up against the UK Government, which is, effectively, what is being suggested.

Of course, there will be areas of commonality between the devolved legislations, perhaps less so among the Crown dependencies, when it comes to the British-Irish Council. However, the body provides us with the opportunity to speak to each other, particularly on the margins. Although the statement deals with the formal business of the BIC, much of the useful business is done in the meetings that we have over lunch or before or after the various sessions. That is the opportunity that we have to lobby the Government on certain matters.

Under the BIC and the Joint Ministerial Committee (JMC), we have procedures for challenging the Government if we feel that we have been dealt with unfairly. By and large, the BIC allows us to see where there is a common approach with other Administrations. Very often, that common

approach is found across all the participants, rather than the devolved Administrations being on the one side and the UK Government being on the other.

Mr Ross: I thank the First Minister for his statement. I listened carefully to it, particularly the part about the standing secretariat. It seems that the only remaining decision to be taken by the BIC is on when it will start business. Will the First Minister confirm that and tell the House what next steps the Scottish Government will take in preparation for the establishment of the standing secretariat?

The First Minister: All the difficult decisions have been taken. Location was obviously going to be an issue, given the number of areas that wanted the secretariat to be based in their jurisdiction. We have settled on Scotland, and on Edinburgh. Details on the personnel who will service that office have also been agreed. We have agreed the cost-sharing elements, with the Scottish Government taking on the cost of the accommodation. We have a sharing mechanism, whereby Northern Ireland is responsible for, I think, 9% of the non-accommodation costs.

Only a starting date has to be decided, and the Scottish Administration will then work to find suitable accommodation. They indicated that if that decision is taken soon, they can probably find accommodation at half of the cost budgeted for initially. So, it is important that we get a start. All the arrangements have been agreed, except for a start date, which will probably be on the agenda for the next BIC meeting.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. I draw his attention to the housing element in the statement, and greening and improving the energy efficiency of the housing stock. I am sure that he will agree that that would also act as a stimulus for the construction industry. A good delivery model for that would be the green new deal. Was the green new deal discussed at the summit? I do not want to tread on the toes of the Finance Minister either.

The First Minister: I am very supportive of the green new deal and I hope that it will be moved forward in Northern Ireland. It was discussed by some participants, perhaps not at the session, because some discussions took place in the margins. It is a mechanism that has not only environmental benefits but employment benefits. Significant work could be carried out

in the construction industry, which is suffering. However, I will leave my colleague the Finance Minister to say more about that shortly.

Mr Easton: I thank the Minister for his statement. Will he outline the extent of the relationships that are being developed and built up with the BIC?

The First Minister: We have a number of mechanisms. The BIC is one of them, and the North/South Ministerial Council and the Joint Ministerial Committee are others, where, on a regular basis, we meet Ministers from other devolved regions and jurisdictions. That contact, which is also at official level, because our officials accompany us and meet those from those jurisdictions, assists us to indicate policy issues that we want to push forward, and gives us the opportunity to indicate the difficulties that we are having with our own budgetary matters with Her Majesty's Government.

One builds up those contacts on a regular basis, and they prove very valuable. There are also very few occasions when we go to those meetings without coming back with some benefit. For instance, we had discussions in the margins with other members about corporation tax. We were envious of the Isle of Man's arrangements. Members had discussions on that matter with Owen Paterson, and we found out what was happening with corporation tax in other areas.

We had a series of discussions relating to the Budget, when we addressed the proposals put forward in Wales and Scotland. I am delighted that although Wales and Scotland may have had their Budgets agreed before ours, we come out better, because Scotland's is a one-year Budget, and ours is a four-year Budget. Wales simply dispersed the money that was allocated to it under the block grant, whereas we have significantly added to that with regard to our Budget.

Although we may have been the last of the three out of the blocks, I think that our job has been much more beneficial to the community as a whole, because we have produced a four-year Budget, which will have significant additional revenue streams.

11.30 am

Mr Kinahan: I thank the Minister for his statement. I note that marine issues were very much part of discussions in the environment section. Given

that Northern Ireland is well behind in setting up its own marine management structure, will the UK be introducing a pilot project that includes Northern Ireland in its management plan?

The First Minister: Clearly the statement available to Members is a fuller statement than that which I gave to the House, because I took out all of those issues, as they were not discussed. Reports were compiled by the work streams on those issues, but there was no discussion of them at the BIC meeting. I will pass on the Member's comments to the Minister involved and ask him to respond.

Mr McDevitt: Further to an earlier question about the size of the delegation, could the First Minister please inform the House of the cost of the meeting to the Northern Ireland Executive? What was the cost of getting everyone there, getting them back, putting them up, and so on?

The First Minister: I wonder does the Member seriously believe that a few days after the BIC meeting, somebody has been sitting counting up the columns to find out how much it cost. I will tell him what the cost would have been if we had not been there: we would have lost out in our relationship with the other Administrations. It is vital that we attend. If his Minister did not want to go, he could have stood down from being on the visit. I note that while he was there, he did not have any role to play in the meeting. But as I said, I think that it was in response to Mr Beggs, it is important that we are inclusive and bring in all the other parties in the Executive, so that they are aware of what takes place at the meeting and have the opportunity in the margins of the meeting to talk to other Ministers. If other parties do not want to be present, they do not have to be. The deputy First Minister and I do. The Member can put down a question on costs, but the answer is that it is good value for money.

Mr I McCrea: I thank the First Minister for his statement. One of the key elements of the BIC is the exchange of ideas and information between the different member Administrations. Will the First Minister outline whether, at that meeting of the BIC, the Northern Ireland Ministers were able to learn anything from the other member Administrations that could be of assistance to us in dealing with the challenges ahead?

The First Minister: I have given one example already, in relation to corporation tax, but I will

give another. I know that, in the margins, the Minister for Employment and Learning spoke to people about tuition fees. I had discussions about tuition fees and how that issue was being handled in Scotland and Wales. A considerable number of comments were being made about Nick Clegg's involvement in the summit and about tuition fees, although we do not intend to learn from that particular lesson. Such issues are dealt with in the margins and that is helpful, not only by increasing our understanding but in shaping and forming our policies.

Mr Beggs: The First Minister reported that marine renewables were discussed by the BIC in 2010. Given the potential of marine renewable energy in Northern Ireland — I am thinking of SeaGen and the Torr Head tidal project — what issues will be discussed at the European level, as indicated in his report, in early 2011?

The First Minister: I am not part of the work stream that deals with marine energy and renewables. I will ask the relevant Minister to write to the Member on that issue. Again, I point out that that issue was not raised at the BIC meeting.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. The First Minister said that one of the main purposes of the BIC was for Administrations to learn from each other. I concur with that statement. It also helps those in the wider community across these islands to learn from each other.

Given the wider migration patterns of different people between these islands, has there been any discussion, as part of the digital inclusion stream of work, on the extension of RTÉ availability into Great Britain and on ensuring that BBC availability is maintained after the digital switch-over in the Republic?

The First Minister: Of course, digital inclusion is about greater use of the Internet, ensuring that it is accessible to people and providing opportunities for those who have been digitally excluded to access the Internet from libraries or other sources. We received a long lecture on digital inclusion from the Minister of Finance and Personnel, who has recently learned the difference between a Brillo pad and an iPad. He proved the theory that, very often, the people who know least about a subject speak most about it. On behalf of his fellow silver surfers, he outlined the use of the Internet in Northern Ireland and targets that we have set to increase

its use from around 67% to 78% by 2014. That is the digital inclusion agenda. It is not so much about the hardware that is available; it is about ensuring that people have access and that those who have been excluded get greater use of Internet facilities.

(Mr Speaker in the Chair)

RTÉ was not raised at the meeting. I can say that RTÉ is available to those who have digital television, such as Sky TV, in Northern Ireland and, no doubt, in the South as well. If the Member wants to raise an issue, I am sure that the Finance Minister will be happy to hear from him when those issues are being addressed. However, they were not part of the digital inclusion agenda that we dealt with.

Draft Budget 2011-15

Mr Speaker: I have received notice from the Minister of Finance and Personnel that he wishes to make a statement.

The Minister of Finance and Personnel

(Mr S Wilson): I wish to make a statement on the draft Budget 2011-15. Late on 14 December 2010, the Executive met and agreed a draft Budget for 2011-15. I am grateful for the early opportunity to present it to the House. Although the draft Budget document that has now been circulated provides considerable detail, I appreciate that Members are getting copies only now. Unfortunately, that is because of the rather late conclusion of the Executive meeting early this morning.

I will now turn to the strategic context of the draft Budget. Less than two months ago, the UK spending review announcement left Northern Ireland facing its most difficult fiscal environment in decades. After years of sustained public expenditure growth, the coalition Government's proposals will result in real term reductions in spending throughout the United Kingdom.

Some people said that the agreement of a draft Budget in Northern Ireland would be the biggest challenge that the Executive may face. Many said that in such circumstances, Executive agreement on the draft Budget would be impossible. Make no mistake: the ability to agree a draft Budget in such circumstances was a litmus test for the Executive. However, I am pleased to present the Executive's draft Budget, which is not just for one year, as some cynics said that it would be just to get us through the election, but for the next four years. On that basis, the Executive can say that we have passed the test of facing up to difficult issues, looking to the future and giving people some certainty about the economic future during the lifetime of the next Assembly. It is an important day for the new devolved arrangements. It is a day when the Executive have come of age. We have proved that we can take difficult decisions and reach agreement. We have proved that we can work together to the benefit of people in Northern Ireland.

Before I turn to the detail, I thank my officials for the assistance that they have given in preparation of the draft Budget. Believe you me, there were long hours of work into the middle of the night to draft, redraft, consult, and so forth.

A lot of work has been done on the Budget by officials and advisers, and I thank them for the tireless and enthusiastic way in which they undertook the work that they were allocated to do.

The Budget is not something that can be dreamt up in a couple of weeks; it is a culmination of months of hard work and input from a wide range of people. I believe that the Budget is evidence of the growing maturity of the Executive. We sought to achieve consensus around the Executive table. That did not prove possible, but, at least, no Minister voted to oppose the Budget. I understand that with less than six months to the next Assembly election it is always possible that some may choose to play politics with the Budget, but the search for unanimity around the Executive table cannot hold back the delivery of a Budget that will allow Departments to plan for the future. We may not have a Budget that is endorsed by all five parties in the Executive, but, crucially, we have a Budget for the next four years.

Considering the difficult economic times, this is not the time to play politics with people's lives. This is a time for us, collectively, to step up to the mark and take responsibilities for the decisions that we have to take. That is what we were elected to do, and that is what I have sought to do in constructing the Budget.

In the spirit of co-operation, let those who earlier this year advocated reductions in the level of public expenditure in Northern Ireland at least play their part in helping to administer those reductions in the level of public expenditure.

This has not been a quick process, but in the most difficult of circumstances it was essential that we took our time and got it right. I believe that we have done that.

Three years ago, my predecessor as Finance Minister, Peter Robinson, declared that after years of direct rule, the Executive's first Budget had been made in Northern Ireland. Today, we face problems and challenges that are not of our making, but we have sought to produce home-grown solutions to the problems that we have faced.

The real benefit of devolution is how we react in tough times. Although the global economic downturn has dramatically changed the financial environment in which we operate, the priorities that we set out as an Executive at the start of the term remain. Our priority in this Budget is

to stimulate the economy, tackle disadvantage, protect the most vulnerable in our society and protect front line services. Members will be aware that it has been a daunting task to deliver the draft Budget. The UK spending review announcement on 20 October presented the Executive with a much reduced funding envelope for the coming four-year period. Let me remind Members of the implications of that announcement. Current expenditure resources from Treasury will decline by 8% in real terms, and capital investment resources allocated to us will decline by 40%, over the next spending period.

Rather than burying our heads in the sand, we took responsibility for our future. We argued the case for Northern Ireland at every opportunity, and, significantly, we will continue to do so, because there will be opportunities to do that. When the time came to set the Budget, we got on with it. The task confronting the Executive was to seek to enhance our spending power and to allocate the scarce resources at a time when our economy is in recession and our key public services are experiencing higher levels of demand from the public.

This has been a long and rigorous process. The Executive, through the ministerial subgroup, examined the wide range of issues directly relevant to the establishment of the Budget. I pay tribute to the members of the subgroup for the role that they played in helping to shape the Budget. The issues considered by the group included exercises to identify new sources of revenue, options for maximising receipts, constraining public sector pay, and rationalising the number and scope of public bodies. We also looked at how best to reduce bureaucracy and assessed a number of proposals for new and increased charges.

11.45 am

The outcome of that work has been incorporated into this Budget, and significant additional allocations have been made. Indeed, £842 million has been included in the proposed allocations in the draft Budget, and the remainder will be allocated over the Budget period. We have also identified a number of proposals that have some merit but need further exploration before they can be definitely included in the Budget position. The one thing that we do not want to do is to include figures in the Budget where we are not sure that the money is actually

forthcoming. We have exercised that prudence in the statement today. I know that Ministers will vigorously investigate those proposals over the coming weeks and beyond, if necessary. The capacity of the Executive and Ministers to think imaginatively in months and years ahead will play a significant factor in determining how much we can improve on the present allocations.

We are also taking significant steps to limit the pressure on public expenditure without affecting front line services. At this time of limited employment opportunity in the private sector, it is essential that we seek to protect jobs in the public sector. That is why we will mirror the UK Government's arrangements for public sector pay and put a freeze on annual inflationary increases for all those earning over £21,000 for the next two years. We are also putting a moratorium on Civil Service recruitment, other than in exceptional circumstances. I believe that there is consensus among Ministers that, in the current times, all Ministers agree to an arrangement that equates to a voluntary salary reduction.

We are also taking action on the use of consultants. In the last few years, the annual spend on consultants has been reduced from £42 million in 2006-07 to £21 million in 2009-2010, but we want to go further. For the Budget period, the Executive have agreed a target of year-on-year reductions of 10% for consultancy spend, and all proposed consultancy spend of £10,000 or more will require specific prior approval from the relevant departmental Minister. In that way, we can keep track of what is happening with consultancy spend.

In addition, the Executive will take action on arm's-length bodies, or quangos, as they are also known. The Budget review group will review all the arm's-length bodies against agreed criteria and bring a final set of recommendations to the Executive, in anticipation of a final decision in May, to facilitate a Bill to rationalise quangos early in the next Assembly term.

There are specific announcements that will be welcomed across Northern Ireland. In the last Budget, the Executive froze the domestic regional rate in cash terms for three years. We also deferred the introduction of water charges. As a result of those two decisions, the average household in Northern Ireland is £1,600 better off over the term of this Assembly than would

have been the case under direct rule. While a continued real-terms cut in the domestic regional rate is unsustainable in the present fiscal environment, I am committed to protecting household budgets. I therefore propose that domestic regional rates will only increase by inflation over the next four years. That modest increase is well below the trend for the last decade. I also announce that the Executive have no plans to introduce separate water charges during this Budget period. As a result, Northern Ireland householders will continue to have the lowest household bills in any part of the United Kingdom.

We will continue to help business too. I propose that the non-domestic regional rate should also be limited to inflation increases over the Budget period. In relation to industrial derating, I propose continuing, over the course of the Budget, with the 30% cap on the liability for manufacturing.

Unemployment has risen significantly over the past three years, and, although the rate of unemployment remains significantly below levels recorded in the 1980s, Northern Ireland is the only part of the United Kingdom where unemployment has continued to increase over the past six months. It is, therefore, crucial that the Executive react to tackle the issue wherever possible.

In response to the growing unemployment problem, the draft Budget agreed by the Executive includes funding for a package of measures to increase employment opportunities. It is essential that we attempt to maximise job opportunities to reduce the amount of time that people are unemployed. For that reason, the range of programmes and policies will focus on those sectors with the greatest scope to maximise the number of jobs created.

The current proposals include a range of measures, such as grants for business starts in neighbourhood renewal areas; contact centres; the food processing sector; social enterprise; knowledge process outsourcing; enhanced enterprise support to disadvantaged young people; and a proposed programme for export starts. The cost of the proposed package of measures is £18.8 million over the next three years, and Invest Northern Ireland estimates that it will result in the creation of around 4,000 additional jobs over that period, growing to 5,000 jobs over the longer term. The package

demonstrates the Executive's commitment to helping people in Northern Ireland through the current economic difficulties.

Corporation tax is a key strategic issue, and the Executive will have to take time to deliberate on the outcome of the UK Government's paper on rebalancing the Northern Ireland economy. I am also pleased to announce that the draft Budget includes a provision for an assistance package for the Presbyterian Mutual Society (PMS) savers.

Some Members: Hear, hear.

The Minister of Finance and Personnel: That package is financed by an additional £175 million of borrowing under the reinvestment and reform initiative in 2011-12 and a contribution of £25 million from the Treasury, which will be matched by an equal contribution from the Executive. When the proposals are implemented, that will put an end to the long nightmare faced by many PMS savers.

The most difficult decision that any Finance Minister has to address is that of resource allocation. What is a difficult task even in benign financial times has proved extremely difficult and challenging this year. Ministers have many pressures on their departmental budgets, and the bids that they advanced carried considerable merit. The key to constructing the draft Budget position was to determine the relative priorities of the Executive going forward.

Our key goal is, I believe, to put in place a Budget that facilitates economic growth and recovery. It is only through economic growth that our wider society can advance and prosper. Being able to offer people jobs, attract foreign investment and improve the skills base of our young people are the bedrock elements on which regional wealth and prosperity are founded. This draft Budget reflects that prioritisation. The current expenditure allocated to the key economic departments — the Department of Enterprise, Trade and Investment (DETI) and the Department for Employment and Learning (DEL) — will increase by 3% and 1.9% by the end of the four-year period, which will ensure that Northern Ireland is an attractive place for businesses to locate to and flourish in.

Other Departments will have an important role to play in creating future economic growth. One cutting-edge example of that is the growing contribution of Northern Ireland Screen to the local economy. Northern Ireland has a wealth of

creative talent, and the Executive recognise the positive impact that major productions have on our economy. We are committed to ensuring that quality production facilities are in place to foster that growth, and we will, therefore, allocate some £5 million to that area.

It is also essential that the Budget reflects the priorities of the people of Northern Ireland. In that regard, no service is more important than the Health Service. That is why, even in the most difficult financial situation, the Executive have agreed to afford a degree of protection to the health budget. That is why we have ring-fenced and put in place full protection for the health element of the Department of Health, Social Services and Public Safety (DHSSPS) budget. Indeed, when factoring in the efficiency targets and service reductions that will apply in other UK regions, I would suggest that the Health Service in Northern Ireland has received the most beneficial settlement anywhere in the UK. It will now be for the Health Minister to determine how best to use those resources. I expect him to put in place plans to take forward productivity and efficiency improvements in that sector. Although we are determined to continue to invest in the Health Service, investment must be accompanied by the requirement to continually improve its performance.

This draft Budget also reflects the concern of Ministers to assist those most in need in the current economic environment. The Executive will therefore set up a social investment fund, administered by the Office of the First Minister and deputy First Minister (OFMDFM), that will provide some £20 million annually to take forward specific area improvement projects in those communities. The Executive will also establish a £20 million social protection fund to assist those in severe hardship as a result of the economic downturn. That fund will have an initial allocation of £20 million in 2011-12 and will then draw on the additional new revenue streams that Ministers are to take forward.

Other initiatives in the draft Budget include a commitment to participate in the green new deal, an initiative that will leverage significant private sector investment and result in lower levels of waste, greater energy efficiency and many thousands of new jobs in the local construction industry.

The Executive have also commissioned the Environment Minister to take forward the

introduction of a plastic bags levy in Northern Ireland and, although the amount generated — some £4 million per annum — is low, it bestows significant wider benefits on the environment.

As I have indicated, there is a strong commitment on the part of the Executive to ensure that every possible measure is taken to assist the local economy. When the UK spending review was published in October, there was much comment on the negative impact that the cut in capital investment would have on our construction sector. In the light of that concern, the Executive have agreed to reclassify in excess of £250 million of current expenditure as capital investment over the Budget period. This will mean that, by 2014-15, capital spending will total some £1.5 billion, reflecting a level of spending recorded in 2005-06. Therefore, there is still a significant amount of capital projects to take forward over the next four years, and spending in that area will be well above the long-term trend. As a result of our investment, many key projects will be able to proceed over the Budget period. They include the new police and Fire and Rescue Service training centre, the Altnagelvin Area Hospital radiotherapy centre, and the sports stadiums and water and sewerage network upgrades.

In recent weeks, we have heard from those who suggest that the solution to all our problems is simply to increase taxes and charges on hard-pressed households. That not only fails to appreciate the relatively small proportion of our public expenditure that can be raised locally, but punishes those whom we are seeking to protect. It is not a path that this Executive will follow. Our priority has been to protect hard-working families, not to punish them through ever-higher levels of taxation. We have constructed a Budget to help people as much as possible in this difficult economic environment.

Budget allocations are not the end but the start of the process. Our challenge will be to deliver quality public services with the resources that have been allocated to us. This will be more difficult in the present environment than in recent years. However, I believe that we can rise to that challenge. The public consultation process will now begin, and I urge all members of the public to participate. It will not be led by the Department of Finance and Personnel (DFP), but by individual Departments, which will now publish their savings plans and spending proposals. It will allow interested parties to

provide the views that will shape the final Budget position that I will bring before the Assembly in February.

This has been a most challenging Budget process, but it leaves us with the capacity to deliver quality public services and to continue to invest in the future. We can protect the advances that we have made in recent years, such as free prescriptions and free public transport for those over 60. We will continue to have the lowest household taxes anywhere in the United Kingdom.

12.00 noon

We are extending the liability cap on industrial derating for the next four years, which will protect jobs in our vital manufacturing sector. Despite the reduction in the available public spending, we continue to make the Health Service a key priority by providing it with a better budget settlement than in either Scotland or Wales.

The draft Budget honours the financial package for policing and justice by ring-fencing its budget and providing additional funding where it is most required. It delivers a much-needed package to help PMS savers. It funds the green new deal to deliver thousands of jobs across the construction sector. It funds assistance for thousands of jobs to help us through the recession.

The draft Budget will allow the Executive and the Assembly to continue to deliver for people in Northern Ireland. It shows the benefits of local decision-making for local people. It reflects the priorities of the people of Northern Ireland. It is good for families and businesses, and it lays the foundation for a better future. It also demonstrates that Northern Ireland can and will continue to move forward. I, therefore, commend the draft Budget to the House.

Some Members: Hear, hear.

Mr Speaker: Before I call Ms Jennifer McCann as Chairperson of the Finance Committee, Members will know that it is the convention that the Chairperson has some latitude in putting his or her question. However, I warn the House that more than 30 Members wish to ask a question on the draft Budget statement. Some Members may have the urge to deliver their own draft Budget statement to the House. *[Laughter.]* I warn Members that what we need from them is a focused question about the draft Budget

statement. If that is forthcoming, I believe that every Member will be able to speak. Therefore, I make it clear that I will ask any Members who deliberate too long before coming to their question to retake their seat, and I will move on to the next Member's question.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement. We have not had a chance to go through the draft Budget in much detail, but I particularly welcome the revenue-raising measures that will be adopted to deliver additional allocations. I will make a few points and ask a question.

The setting up of the social investment fund to tackle poverty and to invest in areas of disadvantage and need will be welcome, as will the package of measures outlined by the Minister to increase employment in neighbourhood renewal areas, the social economy sector and the green new deal, which will also combat fuel poverty and help those in the construction industry, which has been particularly badly hit. The social protection fund to protect vulnerable people affected by welfare cuts is also welcome.

As I said, I have not had time to go into the draft Budget in detail. The Minister's statement touched on the timetable. However, on behalf of the Committee, I ask him to provide more detail on that to the Assembly and wider public? Will we all be given adequate time to fully consider and respond to the draft Budget?

The Minister of Finance and Personnel: I thank the Member for her comments and for welcoming certain points in my statement. Immediately on completion of the statement to the House, the draft Budget will be published, and it will be available for consultation over an eight-week period. Committees will have a vital role to play in gathering some of those consultation responses and in questioning Ministers and officials about the draft Budget.

I know that there will be the fullest interest in the draft Budget and that Members and the general public will play their part and give their views. Once those responses are in, we will deliberate on them, and, in the same way that we gave full consideration to ideas provided in the preparation of the draft Budget, we will fully consider the points that are made during the consultation period.

Mr Hamilton: I congratulate the Finance Minister and his Executive colleagues on achieving what some Members of the House told us on the radio just 48 hours ago could not be achieved. The Finance Minister will know of my interest in tackling fuel poverty, so I am pleased to see support for the green new deal included in the draft Budget. Will the Minister tell the House when he expects to be able to come back with final proposals for the green new deal?

The Minister of Finance and Personnel: First, some money is already allocated to the green new deal. A business case that is being looked at by the Department of Finance and Personnel shows the things that the money is to be spent on, the jobs that will be created, the savings to be made and the private money that will be drawn in. For every pound that we spend, I think that about £2 or £3 will come in from the private sector. So, it is good value from that point of view.

Initial allocations can be supplemented as we bring in new revenue over the time of the Budget. In the longer term, about £72 million of public money will generate about another £180 million of private money. I think that that will affect 100,000 households and create over 3,000 new jobs, probably in small local construction firms that use local materials, which is, of course, the benefit. The other aspect of this is that in doing so there is also the social benefit of addressing fuel poverty. From memory, some of the work that we did means that individual households can save up to about £300 a year on household fuel bills, which is a significant saving for individuals.

The Deputy Chairperson of the Committee for Finance and Personnel (Mr McNarry): The Committee has previously queried the capacity of the in-year monitoring process as a mechanism for managing significant new or unforeseen pressures, especially given that the level of reduced requirements declared by Departments has diminished. Related to that, the Committee was advised by Department of Finance and Personnel officials that an urgent review would be undertaken to consider the reliance of in-year monitoring rounds with no contingency fund —

Mr Speaker: I urge the Member to come to his question.

Some Members: Hear, hear.

The Deputy Chairperson of the Committee for Finance and Personnel: Will the Minister provide an update to the House on the progress that has been made regarding the reliance on the contingency fund, the creation of such a fund, and the use of overcommitment? What assurances will he give that robust systems will be in place to manage unforeseen pressures during the forthcoming budgetary period?

The Minister of Finance and Personnel: I thought that the Member would, first, have apologised for the disgraceful way in which he moved around radio and TV studios over the past number of days and said that there was no chance that we would ever get a Budget —

The Deputy Chairperson of the Committee for Finance and Personnel: *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: At least he —

The Deputy Chairperson of the Committee for Finance and Personnel: *[Interruption.]*

Mr Speaker: Order. The Member has asked a question. He should allow the Minister to continue.

Some Members: Hear, hear.

Mr Speaker: Order.

The Deputy Chairperson of the Committee for Finance and Personnel: *[Interruption.]*

Mr Speaker: Order. If I have to name the Member, I will put him out. The Member should take his seat. He has asked a question and he should allow the Minister to continue.

The Minister of Finance and Personnel: At least he might have had a bit of humility now that we have delivered a four-year Budget that achieved significant support in the Executive. Apart from the fact that some have decided to play party politics with it, we may have had far wider support.

The Member talked about a contingency fund and how tight the Budget is. If he looked at the logic of his position, a contingency fund could only have money in it if we took money out of the existing available Budget. We cannot talk about tight Budgets and then take a whack out of those tight Budgets for a contingency fund. We would have to hold on to a contingency fund until very close to the end of the financial year

in case an emergency arose, which would deny Departments the opportunity to spend that money in a planned way. Either the Budget that we have to finance is tight, or we have stacks of money to put into a contingency fund. The Member condemned overcommitment, but there is no difference between that and a contingency fund because an overcommitment means deciding to spend more money than one has and then, during the year, having to find ways to claw that back.

In-year monitoring is not a flawless process, but in the absence of hearing any other ideas about how to reallocate money and have money allocated during the year, we have to stick with it. However, as I have said and as I have made clear to the Committee, I am always happy to explore practical and workable measures. However, given the confusion in the Member's mind, I am not so sure that he has got it clear.

Ms Ritchie: I thank the Minister for his statement and acknowledge his hard work in bringing us to this point. Given that a four-year Budget ought to be the financial outworking of a four-year Programme for Government, when will we see that Programme for Government? Furthermore, in the absence of a Programme for Government, how did he determine the financial priorities for Departments for the next four years, noting that the Minister's own DFP budget for the next year will increase by 4.2% while the education budget will be reduced by 3.3%?

The Minister of Finance and Personnel: With respect to how priorities were established, we have a Programme for Government, and there is no indication that the priorities in that, namely the growth of the economy, the protection of front line services and the protection of disadvantaged people in the face of the recession, will be any different in a new Programme for Government. I notice that the Member who was out of the SDLP, but is now back in, is making faces beside the party leader. Perhaps the SDLP has different priorities. Perhaps the SDLP does not want to protect jobs and front line services or to help disadvantaged people. Those are the issues on which we reached consensus to move forward, and that is how we have spent money.

As far as the departmental allocations are concerned, the Member will know, of course, that DFP carries the costs for a wide range of central services that apply to all Departments,

including their properties and office accommodation and many shared services such as HR Connect, IT Assist and Account NI. Of course, that money for the other Departments is held in the DFP budget.

Dr Farry: I also thank the Minister for his statement. As an individual party, Alliance might have chosen to do things differently, perhaps even more radically. However, I recognise the fact that it is a product of a partnership and a collective effort, so, on that basis, we are prepared to give it a fair wind. In what has been agreed so far, what contingency is in place in the event that the Executive are given the power to lower corporation tax, given that we would then have to allocate resources to that?

The Minister of Finance and Personnel: In my Budget statement, I pointed out that we will examine the Government's paper on corporation tax when it is brought forward. If we decide to move forward on that, there will be costs to the Executive and the Assembly. We have said that we will look first at some of the revenue streams to see whether they and other means could be used to finance any costs involved in the corporation tax proposal. As we have made clear in the past, once a decision is made on corporation tax, it may mean us having to revisit the Budget. If it is decided that that is the way forward, we will introduce lower corporation tax either on a phased or an immediate basis, and the financial implications will have to be absorbed in the Budget. Of course, that has been one of the big debates, and we will have to continue to debate whether we can afford the change or whether there are other ways to finance it. I hope that those discussions will be ongoing.

Although we have decided on this Budget at this particular time, as Members have said time and again, as financial circumstances change, we should always be receptive to and work towards those changes. That is why the Budget review group will continue to look at savings, revenue-raising methods and other adjustments that might need to be made.

12.15 pm

Mr McQuillan: I thank the Minister for his statement. What consultation did he have with the other Executive Ministers during the process?

Mr Speaker: That is an example of a focused question.

The Minister of Finance and Personnel: The Member has learnt well.

During the process, we sought to make this an Executive Budget and looked to find ways to include all the Executive Ministers. I am a bit disappointed because, despite that, there have been attempts to present this as a draft Budget from two parties. It is not the draft Budget of two parties; rather, it is the product of long months of work in which all parties were involved. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: I will outline the consultation for Members. First, we set up a Budget review group, which included all parties. That group had sight of the first draft paper at an early stage. Indeed, that happened weeks ago. On the basis of that paper, I had numerous meetings with individual Ministers about their departmental allocations and some of the general themes in the paper. The Budget review group met regularly and received comments and proposals from most parties. However, I think that one party did not make any proposals, but we will leave that for the moment.

There was then a new round of discussions with Ministers to make adjustments and to talk about issues such as whether we should protect the Health Service budget, whether we should have an invest to save fund and whether we should increase the regional rate in line with inflation. All those issues were discussed individually with Ministers and with the Budget review group.

Over the past two weeks, when the Budget review group was not meeting, there were discussions between parties. I kept all the parties informed about the discussions between the parties and between me and the parties. The one party that has accused me of being in some way partisan and of excluding it is the Ulster Unionist Party. However, I am sure that the Minister for Employment and Learning will acknowledge that I kept him informed and was in constant contact with him, because he thanked me for that. If he did not inform his colleagues, that was up to him. However, every party was involved at all stages of the process, and a collegiate approach was taken. I am, therefore, disappointed that some are now, maybe for political reasons, trying to distance themselves from that.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. It is certainly a better and much improved draft Budget than would have been the case had we rushed into it. Given that this is a four-year Budget, I welcome — *[Interruption.]* A bit of manners, please.

Mr Speaker: Order.

Mr W Clarke: Given that this is a four-year Budget, I welcome that there is no provision for the introduction of water charges. Will the Minister confirm that that is now off the agenda?

The Minister of Finance and Personnel: I made it clear that the spending proposals in the Budget do not depend on and are not predicated by money from water charges.

The Chairperson of the Committee for Education (Mr Storey): I thank the Minister for the statement. Given his earlier comments about engagement with other Executive Ministers, I know that he sent correspondence to the Education Minister requesting a service delivery plan to clearly set out what would happen in particular Budget scenarios. Will the Minister confirm that, to date, he has not received that plan, the decision and announcement made in the House today are in the absence of such a plan, and no scenario planning has been done —

Mr Speaker: I ask the Member to come to his question.

The Chairperson of the Committee for Education: Will he confirm that no Budget scenario planning has been done by the Department of Education?

Mr Speaker: Order.

The Minister of Finance and Personnel: A number of Ministers have not yet delivered savings delivery plans to their Committees. However, when the Executive met and discussed the issue, it was agreed that, as part of the Budget agreement, savings delivery plans would be available for Committees to discuss with Ministers and officials as part of the process.

Mr Cobain: I thank the Minister for his statement. The Minister said that the draft Budget shows the benefits of local decision-making, reflects the priorities of people in Northern Ireland, is good for families and business and lays the foundations for a better

future. If things are as good as that, the first thing that we need to do is ask the Government to take another £6 billion out of the Budget.

A number of weeks ago, the Minister for Regional Development assured the House about the funding for the A5 and A8 roads. In view of the recent statements by the leader of the Irish Labour Party —

Mr Speaker: The Member must come to his question.

Mr Cobain: I am coming to the point, Mr Speaker. *[Interruption.]*

Mr Speaker: Order.

Mr Cobain: I am coming to the point. *[Interruption.]*

Mr Speaker: Order. The Member should not challenge the authority of the Chair. Order. That applies to all Members. I warn the Member. I asked him to come to his question, and he should come to his question.

Mr Cobain: Thank you, Mr Speaker. In view of the recent statement by the leader of the Irish Labour Party and today's draft Budget statement, can the Minister give any assurances about the future of those two projects?

The Minister of Finance and Personnel: First, I will comment on the Budget and on whether it is a good Budget. This is our best attempt to address the problems that have been laid at the door of this Executive by the party that he and his colleagues —

Mr Speaker: Order. I ask the Minister not to point.

The Minister of Finance and Personnel: He and his party encouraged the people of Northern Ireland to vote for that party. It now seems, of course, that they are more Tory than the Tories. They think that because this is such a good Budget, we should have another £6 billion in cuts. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: Just like any other part of the Budget, the A5 and A8 capital projects are included on the basis that finance is available. In this case, that finance is from the Government of the Irish Republic. I mentioned corporation tax. If corporation tax comes on stream and we make a decision to do that, there will have to be adjustments. If the

money is not forthcoming from the Irish Republic after the next election there, we will, of course, have to review that capital spending. That is the only sensible approach that we could take.

Mr O'Loan: A pupil premium has been established in England that pays approximately £430 to schools for each disadvantaged pupil. Of course, money for that will have been reflected in the Northern Ireland block. Was any bid made or money allocated for an equivalent scheme here?

The Minister of Finance and Personnel: It is up to the Minister of Education to decide how the spending that is available to her Department should be allocated and whether proposals should be put in place for such a scheme. The Member may have suggestions about or a desire for that. I know that the Member's grasp of economics is sometimes fairly tenuous, but he knows full well that if money is to be spent on a pupil premium, it will have to be taken from something else. It might be more useful if, when he asks such questions of and makes such suggestions to the Minister of Education, he would at least identify where he thinks the money to finance such a proposal should come from. That is a fairly reasonable question to ask, rather than simply saying that something is a good idea and we should act on it while totally disregarding its financial implications for other parts of the Budget.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. We welcome the fact that there is to be further consideration of public sector pay and the annual increment increases will not be affected. However, will the Minister confirm that the withholding of inflationary pay increases is a direct result of the policies of the Tory-led Government?

The Minister of Finance and Personnel: We have a Barnett consequential handed down to us as a result of decisions made about pay in the rest of the United Kingdom. To have moved away from that would have meant that although some people may have had more pay, fewer people would be getting any pay. The emphasis in this Budget is on protecting jobs. The only way in which we could have financed a different pay deal in Northern Ireland would have been to take money from other services or jobs to give an increase, because, as the Member rightly pointed out, we had a Barnett consequential.

Mr Ross: I also welcome the fact that we have a draft Budget in front of us today. A key issue that society faces is the increased dissident threat. Therefore, how will the draft Budget impact on policing and, more specifically, on the funding that will be available to enable the police college at Desertcreat to proceed?

The Minister of Finance and Personnel: The Department of Justice budget has been ring-fenced. We always said that when the devolution of policing and justice took place, we did not want the police budget and demands for policing to have implications for other spending programmes in Northern Ireland. Equally, ring-fencing the budget means that we have stronger leverage with the Treasury when making applications for additional funds in the event of increased terrorist activity in Northern Ireland.

The Member asked about the police college. I have been told by the Minister of Justice that it is not a police college but an integrated college because it will also contain the Fire and Rescue Service and the Prison Service. That element comes from other budgets, but we have made sure that the capital element for the Fire and Rescue Service has now been included so that the project will be able to proceed.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement and welcome his announcement that the Executive will adopt proposals from my Single Use Plastic Bags Bill, which I brought to the Assembly quite recently. I also welcome the Executive's approach of identifying additional revenue streams and refusing to be restricted by the Tory-imposed comprehensive spending review. Will the Minister confirm that that work will continue and further avenues for new revenue will be considered, including additional tax-varying and borrowing powers?

The Minister of Finance and Personnel: My only regret about the plastic bag tax is that leaflets will probably go all round north Antrim saying what a great triumph it is for Daithí McKay. He has caused me to have second thoughts about that proposal.

We have already hammered down and nailed down some revenue proposals, and £842 million worth of them are in the Budget. There is still work to be done on a large number of other proposals, and we have sought ways to ensure that they are followed up. Rather than simply saying that they are good ideas and hoping that

Ministers work at them in their Departments, they will be pushed forward by the Budget review group. Therefore, there will be some central drive. The Member is quite right: the strength of our Budget proposals and some of the discussions that we had will be that they can supplement the amount of money available for public spending in Northern Ireland.

Mr Weir: I thank the Minister for his statement and congratulate him on the Budget. In light of the ordinance of the Speaker to keep questions brief, I will ask how the health settlement in the draft Budget compares with that in other parts of the United Kingdom.

The Minister of Finance and Personnel: One of our priorities was the protection of front line services, and it was quite clear from my discussions with other Ministers, from the questions that I was asked in the Assembly and from the views of the public, that the public were concerned about the provision of an adequate Health Service in Northern Ireland. For that reason, we have protected the health budget.

Members can look at the table and work out the increases, but the biggest increase by far in spending over the next four years will be in the health budget. Although most other budgets have taken not only a real decrease but a cash decrease, the health budget will, I think, increase by 7% over that period. That compares favourably with the situation in Wales, where there was a 2.5% real reduction, and in Scotland, where there was a 3.03% real reduction.

The health element of the Department of Health, Social Services and Public Safety budget has been protected by 0.2% in Northern Ireland. In addition, the Health Minister has been given flexibility to move money around. He indicated some willingness to move money from his capital budget to his current budget to meet some of those pressures, and he has been given flexibility to do so.

All in all, this is a good settlement for the Health Minister. There has been some discussion about the £20 billion of efficiency savings that are required from the health budget in England. We have not required those in Northern Ireland, and it is up to the Minister to manage his budget. Having said that, there are still challenges, and it is up to the Minister to look at where the savings might be and how productivity can be increased and to take the necessary actions.

12.30 pm

Mr B McCrea: I welcome the publication of the draft Budget for consultation, and it is a good thing that it is for a four-year period. I note the Minister's statement that this is not a time to play politics with people's lives. Accordingly, I will ask him about the capital expenditure element of his statement, where he states that he wants to reclassify in excess of £250 million. What would be the actual impact on our capital expenditure if there were a fall in that? Just below that, he mentions a number of projects that he has kept going. What have the discussions been about the police training centre vis-à-vis more capital expenditure for our schools?

The Minister of Finance and Personnel: We have sought ways of supplementing the capital budget. The Member mentioned one element, the switch from current expenditure to capital expenditure of some £250 million over the four-year period. We have also sought ways of increasing capital receipts. We have a total of capital receipts of over £500 million over the period. Some of that will come from the better use of assets that we hold — for example, government offices — and from how we can raise revenue from the capital estate that we have. We will look at the reserves held by other bodies such as housing associations, which hold reserves of over £250 million, and the Harbour Commissioners, who hold reserves of nearly £60 million.

We have looked around to see where there is unused capital that we can bring into the Budget to mitigate the impact of the savage reduction of 40% in our capital budget. We have to be inventive to make up the gap, and, as I said, by the end of the four-year period, we will be spending £1.5 billion on capital investment, which is the same as was spent in 2005-06 and reflects the long-term trend. There was, of course, a peak during the last couple of years of this Executive's mandate, when additional capital became available and we spent it. We are probably back on to the long-term trend, and the important thing that I get from the construction industry is that it has available at least some idea of the trend, so that it can plan its investment and recruitment.

There has been a long-term commitment to the building of the police college, and that has been held back because the fire service training centre is included with it. That has now been

secured as a result of the allocation that has been made.

Mr P Ramsey: In light of the worry, concern and stress across Northern Ireland among vulnerable low-income and working-class families surrounding any increase in student fees and the loss or reduction of education maintenance allowance, what assurance can the Minister give that that will not happen in this Budget?

The Minister of Finance and Personnel: It will be for the Minister for Employment and Learning to bring forward proposals on the financing of universities and the implications that that may have for those who attend universities. Looking at the Department for Employment and Learning's budget, one can see that, despite the fact that there were Barnett consequentials as a result of the decision made in England, it is growing over the four years by 1.9%, which should help the Minister in making those decisions. However, ultimately, that is something that he will have to look at.

I emphasise that the one thing that we cannot afford not to have in Northern Ireland — the Minister of Enterprise, Trade and Investment will confirm this — is a first-class higher education sector. That is needed to produce the kind of student required to attract the high-quality international investment that we seek to bring into Northern Ireland. Such students have higher than average incomes, which, of course, would add to the productivity of our industry in Northern Ireland. There is a balance between ensuring a first-class higher education sector with a good flow of able students going through it and the financing of that. However, the details of that are not for me to say.

Mr I McCrea: I welcome the draft Budget laid before the House today. Given the slight increase in the regional rate, there is no doubt that there will be some pain for households in Northern Ireland. Will the Finance Minister tell us how much households will benefit from water rates not being brought in?

I welcome the fact that money for the policing college has now been ring-fenced by the Executive.

The Minister of Finance and Personnel: If water rates had been introduced there would have been an increase of around £400 a year in household bills. Therefore, households have been saved that money. Households are £1,600 better off as a result of decisions made by

the Executive over the past number of years on the regional rate and water charges. We are mindful that, before we start dipping into people's pockets, we must make sure that we have the most efficient form of public spending in Northern Ireland.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat, a Cheann Comhairle. Given the importance and potential of our creative industries, which employ approximately 36,000 people in the North, will the Executive acknowledge the importance of maintaining that key growth area in our economy and ensure that a cross-departmental approach is taken to stimulating it? On that point, I welcome the commitment to financial support for NI Screen, which will ensure that high-quality production facilities will continue to be supported.

The Minister of Finance and Personnel: A decision was made to invest in NI Screen and that part of the creative industries. People sometimes think of the creative industries as being simply arty stuff. However, as the Member rightly points out, real jobs are created there. When we talk about creating jobs in Northern Ireland, we should remember that a range of industries create a wide variety of jobs. There is potential within the creative industries to create jobs.

I am very pleased that we have announced the investment for NI Screen, which will enable it to chase after more productions and bring them to Northern Ireland. I have seen the impact of that in my area. As a result of one set being built in Magheramorne quarry, £2 million has been brought into the Larne economy in the past year. Local people were employed as joiners and caterers and in building sets and supplying transport and so on. From that, we can see where the real jobs come from.

Mr Lunn: I welcome the Minister's statement. Will he give us a further breakdown of the £842 million of revenue raising? How much of that depends on asset sales, given the instability of the property market at the present time?

The Minister of Finance and Personnel: That is a very good question. The one thing that I did not want to have in this Budget was fantasy figures or Monopoly money that would never materialise, hitting us, therefore, with problems further down the road.

Of the £842 million, over £500 million is coming from asset sales. All those figures have been tested, and, although I cannot remember the figure offhand, Departments identified something like £400 million of assets that could be sold. They surrendered those assets, and the indication from Departments is that those are available and saleable. A second amount of £100 million was realised as a result of the work of the asset realisation team. That team identified a number of opportunities, most of which, as I indicated earlier, relate to the sale and leaseback or other disposal of government buildings.

We asked for professional advice on that area, and, if Members look at the table of figures, they will see that that stream of spending is loaded towards the back end of the Budget period. We knew that it would not be delivered on quickly, that we would have to advertise and get people interested and that some work needed to be done. The figure rises to around £15 million in year four of the Budget period, and that is further evidence of our prudence. The implication of the Member's question was that we should not just stick figures in for the sake of it.

Mr Spratt: I also welcome the Minister's statement and his reference to the assistance package for the savers of the Presbyterian Mutual Society. When does the Minister expect that those savers will receive a payout?

The Minister of Finance and Personnel: It was a good thing that the draft Budget was endorsed last night and not just sent out for consultation. Indeed, it is ironic that some of those who wanted to abstain and put it out for consultation were in the vanguard of advocating a quick resolution to the problems of the savers of the Presbyterian Mutual Society. As the draft Budget was endorsed, we can take the next step and approach the European Union and talk to it about the state aid implications of making payments to savers. I understand that the Minister of Enterprise, Trade and Investment will approach Europe in the near future to ascertain that it has no difficulties with that approach. At the same time, the Minister will work up the scheme, because there is now certainty that the money is available to her. The endorsement of the draft Budget is, therefore, a step forward for the savers. The money for the payments is included in next year's Budget, and, therefore, we will be unable to make any payments until the next financial year. There are other steps

that must be taken, and the administrator and savers must also be consulted on the details of the scheme.

Mr Elliott: I also welcome the draft Budget being brought forward. We heard reports this morning about the raising of finance through the Port of Belfast. Can the Minister elaborate on that?

The Minister of Finance and Personnel: I can. Again, we applied the prudence principle in relation to the Port of Belfast. The figure in the press is that some £125 million might be achievable from the Port of Belfast over the four years of the Budget. However, most of that will require a change in legislation, and, rather than simply sticking all of that money into the Budget now, we have been fairly prudent. The immediate financing of a project for Northern Ireland Screen in the port can, we believe, be obtained from that source. We will also put £15 million from the Port of Belfast into the final two years of the Budget. That will give us time to pass legislation if legislative changes are needed. Therefore, we are not anticipating money that we cannot get, because we do not have the legal power to do so. We have not yet built into the Budget the additional money that might be available. That money is likely to be an additional £90 million, and we have simply said that, if it comes on stream, it will be allocated to future projects. I hope that the Member can see that we have included an element of caution in that proposal, rather than assuming that that money will be there.

12.45 pm

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. Like others, I thank the Minister for his statement. This has been a mature debate, which leads me to believe that the Health Minister may have handed out sedatives on the way in. However, there is no increase in his budget.

I agree with the Minister that the Budget facilitates economic growth and recovery. He went on to talk about improving the skills base of our young people, who are the bedrock upon which we will achieve that growth and recovery. Considering that the Minister voted against student fees in Westminster last week, does his previous answer indicate that there is no provision in the Budget to increase student fees and that the decision will be left to the Minister for Employment and Learning?

The Minister of Finance and Personnel: I just wish that the Sinn Féin MPs had been with me to join in the debate at Westminster and vote against the proposal; they would have reduced the Government's majority even further. I have made my personal position on student fees and that of my party very clear: I want people to be able to go to higher education on the basis of their ability to benefit from it rather than their ability to pay. I, and many other Assembly Members, benefited from that opportunity, and I do not want it to be lost. However, I must say a word of caution. One reason why I went to Westminster last week to speak and vote against the proposal was that I believed that it was wrong. The consequential of the proposal have already been passed to our Budget. If the proposal had been defeated, the issue of resource restrictions would not have arisen.

The Minister for Employment and Learning is consulting Joanne Stuart about a revision of her original paper. There is also need for a conversation with the universities about how they spend the money that they get. Every effort should be made to ensure that the principle that I elucidated at the beginning of my answer is upheld: people should receive higher education on the basis of their ability to benefit from it rather than their ability to pay. I hope that we will follow that principle in the debate.

Mrs D Kelly: I thank the Minister for his statement. However, can he explain to me and all the children in the North why the Executive decided to take £70 million out of the education budget but create a new £80 million social investment fund so that the many will pay for the needs of the few?

The Minister of Finance and Personnel: I am surprised that a member of the Social Democratic and Labour Party should adopt such an attitude. I hear members of her party paying lip service to their concern about the many communities in Northern Ireland that have been left behind. Those communities have huge problems of youth unemployment; underskilled and underqualified youths; households in poverty; and estates with poor living conditions that do not give people any aspiration to lift their vision and look to a better future for themselves and their family. Even though those people may not be the majority in our community, there are good grounds for saying that we cannot afford for them to be left behind. That is why the fund has been set up.

The proposals for the fund will come to the Executive. Let me say this to the Member: that fund will give Departments, such as the Department of Education, an opportunity to bid for projects to help young people in those estates who have not benefited from their time in school because of family, social or other circumstances. It will create an opportunity to bring those young people along as part of society, which is something that, I thought, the Member would have welcomed. [Interruption.]

Mr Speaker: Order.

Lord Morrow: I, too, welcome the statement. If some people were to be listened to during the week, the draft Budget has been achieved against all odds. It must come as a bitter disappointment to those who declared that it would never happen.

The Minister referred to quangos in his statement. I welcome that because this country has become "quango land". The Minister intends to introduce a Bill to rationalise quangos. Is there not a more effective, more efficient and quicker way to deal with quangos? How many does he envisage doing away with? I suspect that he could get rid of a couple of thousand and he still would not have them all away.

The Minister of Finance and Personnel: I am not sure whether there are a couple of thousand of them. The Member might be exaggerating a wee bit there. Nevertheless, there are a lot of arm's-length bodies and quangos. A Bill is required because some of those bodies are ensconced in legislation, and further legislation will be required to remove them. The issue is being left with the Budget review group, which includes Ministers from all the parties, because sometimes there is an understandable reluctance in Departments to deal with it. Furthermore, a Minister might listen to the departmental view on that issue. We want to take an Executive view on the issue, bring forward proposals and make savings.

Ms Purvis: I welcome the Minister's statement and the fact that the Executive have agreed a Budget. In his statement, the Minister referred to the four key priorities of the Budget. I agree with those priorities, although perhaps not in the order that they were listed. One of those priorities is to protect front line services. What mechanism or process has the Minister and his Executive colleagues put in place to monitor the

implementation of the Budget to ensure that front line services are protected?

The Minister of Finance and Personnel: That is not just a job for me as Finance Minister or for other Ministers. The real work to ensure that Departments protect front line services is for Assembly Members. The whole point of Committees is to bring Ministers along and question them about their spending plans, their savings plans and why they are deciding to save money in one area and not in another. That is the role of Committees, and I hope that they continue to fulfil it effectively. As Finance Minister, I have the job of ensuring that resources are allocated as effectively as possible within a limited Budget to Departments with responsibility for the front line services that have the greatest impact on the public. This Budget settlement has, by and large, done that in very difficult circumstances.

Mr Bell: In spite of the devastation that the Ulster Conservatives and Unionists have imposed on us, does the Minister feel that we can still make a positive contribution to the young people who are currently not in education, employment or training? Is it not the case that, after the cuts that the Ulster Conservatives and Unionists imposed, they are now the Ulster Conservatives — New Farce?

Mr Speaker: Order. I insist that parties are referred to by their official name in this House. That goes for all parties.

The Minister of Finance and Personnel: First, it is important to give our young people skills so that they can take up employment opportunities, not be a burden on society, make a contribution and raise their self-esteem. That is why, for example, the budget for the Department for Employment and Learning, which will deal with a lot of those young people and their training needs, has been protected. That is also why, in my answer to the Member for Upper Bann Dolores Kelly, I pointed out that the social investment fund will be important in how we deal with some of those people. Within the limited resources available to us, we have sought to remain true to the principle of having a skilled workforce in Northern Ireland. That means trying to reach those who are hard to reach and helping them towards productive activity in our society.

Mr Speaker: I call Mr Kinahan.

Mr Kinahan: Sorry, Mr Speaker, I cannot find my question.

Mr Dallat: Given that this Assembly was established against a background of inequality, particularly on a regional basis, and given that we learned today that capital expenditure is to be savagely cut, what hope can the Minister give to regions that still lack infrastructure and a lot of other things that people take for granted? What hope is there that those people are not now mothballed for the next three years?

The Minister of Finance and Personnel: Capital projects have been undertaken in the past in Northern Ireland. I take the time, maybe one morning or afternoon a week, to go around the Province to see the expenditure. That expenditure is spread across Northern Ireland. It is not located in just one area. I have visited projects in the west, south and north of the Province and here in the east. So, it is unfair to say that there is not a distribution of those projects across Northern Ireland.

As far as areas that may have been left behind are concerned, part of the social investment fund is to deal with that issue, albeit that it is a very limited amount of money. Nevertheless, that fund will deliberately target areas where people feel that they have been left behind and where, perhaps, there has not been the investment that we would have liked to see.

Again, of course, it is up to Members to ensure that, when capital programmes that are brought forward to Committees appear to be skewed in one way or another, Ministers are challenged about them. However, it is not a good idea to allocate capital purely to make sure that there is an even geographical spread. It has to be done on the basis of where the projects and infrastructure decisions can have the greatest return for Northern Ireland. In some cases, that may mean a huge bias towards one area in one year and not as much to another area. However, the basis should be whether the capital project is a sound capital project and whether it will contribute to the betterment of Northern Ireland and to our ability to compete in the world.

Mr Givan: I congratulate the Finance Minister and the Executive Ministers who constructively engaged in producing a Budget that goes some way to minimising the pain that would have been inflicted on us through the Tories' block grant to Northern Ireland. Undoubtedly, there will still be some pain, and the freeze on public sector

pay will hit some individuals. Had the Executive decided not to introduce a pay freeze, would people in the public sector ultimately have lost their job?

The Minister of Finance and Personnel: The answer is, quite clearly, yes. I should have the figures because, in the Budget review group, we did an exercise to show what the impact would be if we did not abide by the pay freeze at £21,000 and set it at a higher level or did not implement it at all. I do not want to give a misleading answer to the House, but we would be talking about hundreds of jobs had we not implemented the pay freeze, for which we already had a Barnett consequential and in respect of which we had our spending reduced on the basis of a decision elsewhere.

Mr Kinahan: Thank you very much, Mr Speaker, for letting me have another chance. We are very pleased to see a draft Budget in place. However, when we look at the funding for the Department of the Environment, it is hard to tell in which of the four years the review of public administration is planned to take place, along with the vital planning and financing of the councils. As you know, those go hand in hand. Can the Minister guarantee that the funding is in place for that to happen in the first year?

The Minister of Finance and Personnel: I am not past the detail of every line in the Department of the Environment budget or any other departmental budget. All I do know is that the Minister has made a commitment that he will move to try to rationalise and make better use of the finance available for local government. Anyway, those sorts of decisions are reflected in the Budget allocation. The Budget allocations will drive Ministers to look at how savings can be made.

1.00 pm

Sir Reg Empey: The draft Budget refers to progress on the creation of a new Education and Skills Authority (ESA). I would like to bring it to the Finance Minister's attention that two weeks ago, the Education Committee was briefed by senior departmental officials that they had not been authorised to carry out work on money-saving schemes. I ask the Minister, especially in light of the controversy surrounding the ESA, what exactly has been agreed and how senior officials in the Department of Education are supposed to produce detailed proposals within one week of the launch of the consultation process?

The Minister of Finance and Personnel: The tables show that money has been put in under the invest to save proposals for some of the upfront costs of establishing a single body to oversee the administration of education in Northern Ireland; I think that it is £10 million in each of the first two years. Therefore, finance has been made available to the Department of Education for that purpose, and I hope that progress can be made on it. I am sure that the Member will know well the difficulties that have held that up. However, just as there has been goodwill among parties in getting this draft Budget agreed, I am sure that we will try to build on that goodwill to make the kind of savings that can be made in education administration. Given the size of the education budget, there is a need to find ways of making savings on administration so that as much money as possible goes to schools.

Mr Speaker: I call Ms Anna Lo.

Ms Lo: At last; I thought that I was never going to get called. I welcome the statement from the Minister. Has the Minister considered the costs of division in our society and the potential savings from the promotion of a shared future?

The Minister of Finance and Personnel: Not only has thought been given to that, the comments that have been made over the last number of weeks by the First Minister have reflected the need for a huge debate on that. Huge savings can be made, not least in education. There are many ways in which money can be saved. All Ministers should be looking at every opportunity to save that money. However, with the issue that the Member raised, one has to be mindful of the situation on the ground, and you cannot do these things overnight. Nevertheless, it will be music to my ears if I hear of innovative ways in which Ministers believe that they can save money, so that the money that is being used is being used for the good, practical purposes of delivering services.

Mr Speaker: That concludes questions on the ministerial statement. I ask the House to take its ease as we move to the next item of business.

(Mr Deputy Speaker [Mr Molloy] in the Chair.)

Executive Committee Business

Debt Relief Bill: Royal Assent

Mr Deputy Speaker: I inform Members that the Debt Relief Bill has received Royal Assent. The Debt Relief Act (Northern Ireland) 2010 became law on 15 December 2010.

Unsolicited Services (Trade and Business Directories) Bill: Royal Assent

Mr Deputy Speaker: I inform Members that the Unsolicited Services (Trade and Business Directories) Bill has received Royal Assent. The Unsolicited Services (Trade and Business Directories) Act (Northern Ireland) 2010 became law on 15 December 2010.

Savings Accounts and Health in Pregnancy Grant Bill: Legislative Consent Motion

The Minister for Social Development

(Mr Attwood): I beg to move

That this Assembly agrees that the provisions in the Savings Accounts and Health in Pregnancy Grant Bill (consequential on the proposed repeal of the Saving Gateway Accounts Act 2009) dealing with the supply of information by the Department for Social Development and the classification of saving gateway accounts as an excepted matter under schedule 2 to the Northern Ireland Act 1998, should be considered by the UK Parliament.

The contrast between the debate that has just finished on the draft Budget and hopes that may otherwise have been raised by it is brought into sharp relief when one considers the legislative consent motion and legislation that is going through Westminster. That legislation not only repeals the saving gateway accounts proposals, which never actually went live, but ends eligibility for child trust funds and abolishes the health in pregnancy grant.

While we talk about the Northern Ireland Budget on one hand, we see the reality when it comes to Northern Ireland benefits on the other. The legislation in London cuts significant money from those who are in need, such as young mothers and pregnant mothers. I have two daughters under the age of five, and my family has benefited from child trust funds and health in pregnancy grants. The Chairperson of the Committee for Social Development is in the same position as I, given the age of his children. When we deal with Budget issues, therefore, we must be fully mindful of welfare and benefits issues, including the legislation that is going through Westminster as I speak.

The legislative consent motion performs one's technical function: it repeals a mechanism by which information was to be shared with Revenue and Customs on proposed saving gateway accounts. I will go into that in more detail. The legislative consent motion repeals a technical provision that relates to access to information by Revenue and Customs. It does not touch on the broader issues of child trust funds and the health in pregnancy grant because they are not devolved matters. They are reserved matters on which the London Government have exclusive authority to legislate because they affect the tax system. Therefore,

the consent motion, as I understand it, deals with a technical matter in respect of legislation that is going through Westminster. It does not touch upon wider issues that are part and parcel of that legislation.

On 15 September 2010, the Savings Accounts and Health in Pregnancy Grant Bill was introduced in the House of Commons; it contains measures to repeal the Saving Gateway Accounts Act 2009. The motion addresses that, although the Bill also contains measures to end eligibility to child trust funds and to abolish the health in pregnancy grant.

As a consequence of the proposed repeal of the Saving Gateway Accounts Act 2009, the Bill also repeals provisions to deal with the supply of information to Revenue and Customs by the Department for Social Development (DSD) and removes the saving gateway scheme from the list of excepted matters in schedule 2 to the Northern Ireland Act 1998. Therefore, the motion asks the Assembly to agree that those consequential provisions may be considered by the Westminster Parliament since, technically, at least, they result in a change in the Department's functions and the Assembly's legislative competence.

As I said in my opening remarks, the Assembly is not asked to endorse the Bill's policy intentions, as saving gateway accounts, child trust funds and the health in pregnancy grant are all excepted matters and outside the Assembly's legislative competence. I should explain that the saving gateway would have provided a cash saving account to people on low incomes. The aim was to provide a financial incentive to save through a matching Government contribution for every pound saved. The scheme was to be open to those who receive qualifying social security benefits and tax credits and was to be administered by Revenue and Customs. Saving gateway accounts for those who qualified were to have been available from July 2010. However, on 22 June 2010, in their emergency Budget, the British Government announced that the saving gateway was deemed unaffordable, given the need to reduce the deficit and that the Con-Dem coalition would not introduce the scheme.

My Department was to have been involved in facilitating the saving gateway scheme by providing information about those people who are in receipt of qualifying social security

benefits and who would have been eligible to open a saving gateway account.

As I said earlier, the Westminster Savings Accounts and Health in Pregnancy Grant Bill also contains provisions to abolish the health in pregnancy grant and to end eligibility for child trust funds. I emphasise that both of those policy areas are the responsibility of the London Government.

The purported aim of the health in pregnancy grant is to contribute towards an improved lifestyle and healthy diet during the final weeks of pregnancy and other additional costs faced at that time. It is meant to underpin the existing financial support, such as the Sure Start maternity grant, which is available to assist with the cost of a new baby. The decision to abolish the health in pregnancy grant and to end eligibility for child trust funds will have a grievous impact on low-income families with young children. They are already in need, and the decision to abolish the health in pregnancy grant and the child trust funds can only put them in more need. That is further reason why the proposed hardship fund, which I have argued for in the Budget, will be beefed up and developed over the next number of months. It will mean a lot more than it appears to mean on paper.

The legislative consent motion deals with the much narrower technical issues of the changes to DSD's functions and the list of excepted matters in the Northern Ireland Act 1998 as a result of the proposed repeal of the Saving Gateway Accounts Act 2009. Although Members may have reservations about the proposed repeal of the 2009 Act, as I do, I trust that we will use our influence in Westminster to try to mitigate the intentions of the Bill. It is not an issue that we as an Assembly have any power over. In many ways, it is more than a parity issue; it is an issue relating to an excepted matter, which, at this stage in our development, is a matter for which we do not have any legislative or operational competence. However, if Parliament agrees to the repeal, it would be inappropriate for us to deny it the opportunity to sort out the consequential changes to other legislation. On that basis, I ask the Assembly to support the motion.

The Chairperson of the Committee for Social Development (Mr Hamilton): I will begin my remarks by speaking in my capacity as Chairperson of the Committee. The motion

refers to the Saving Gateway Accounts Act 2009. As the House will recall, the Assembly debated a related legislative consent motion in that year which permitted Westminster to legislate to establish saving gateway accounts in Northern Ireland, as was the case in the rest of the United Kingdom.

The 2009 Act should have allowed some of the poorest individuals in society to establish a savings account. The accounts would have allowed those individuals to put aside a small amount of money, say £25 a month and, after a period, the Government were to top up the account with 50p for every pound saved, up to a limit of £300. As Members can imagine, the Committee warmly welcomed that provision. To help to identify people who might benefit from such accounts, the 2009 Act allowed information-sharing between the Department and Her Majesty's Revenue and Customs (HMRC), as outlined by the Minister.

The 2009 Act also included provisions which were to make the saving gateway accounts an excepted matter. As the House will recall, the relevant legislative consent motion was passed by the Assembly in March of last year.

On 25 November, the Social Development Committee considered the motion that is before us today. Members were dismayed that the Westminster Government had decided that the saving gateway accounts can no longer be afforded. As the Committee's recent report shows, members made inquiries and took some time to consider the benefits of the original proposals and the success of pilot schemes in Great Britain. The Committee concluded, with some regret, that it had no option other than to support the motion, which is to repeal the provisions relating to the saving gateway accounts. The Committee noted that the Savings Accounts and Health in Pregnancy Grant Bill also abolishes the health in pregnancy grant and child trust funds. The Committee also noted that both of those are excepted matters, and, as the Minister explained, they are not the subject of today's motion.

On behalf of the Committee, I record members' disappointment that the saving gateway accounts will not come into being and people from Northern Ireland will not benefit from them. The Committee believes that a great opportunity to help people develop a savings habit has been missed. As agreed, with regret,

by the Committee, I must also indicate that the Committee supports the motion that will permit the United Kingdom Parliament to repeal the named provisions.

1.15 pm

Speaking in a personal and party capacity, and as the Minister has said, I think that the motion and the effect of the Bill will be technical but will have a profound impact in Northern Ireland, particularly on people who need some of the support that would have been given. We will never know whether the savings gateway accounts would have had the positive impact that was hoped for in the first instance, because we will never see them come into being, other than through the pilot schemes that I mentioned before. However, simply because this is happening, it does not mean that there is not a job to do.

There is a massive job to do, particularly in Northern Ireland, which has the worst levels of financial exclusion of the whole United Kingdom. In fact, in my own constituency, which is sometimes seen as a very affluent area, the Scrabo ward in Newtownards, which largely covers the West Winds estate, is one of the 36 most financially excluded wards in Northern Ireland. That was discovered in a report by the Community Foundation. We can see for ourselves in Northern Ireland, in areas like that, the profound impact that financial exclusion — people not having a bank account or savings account of their own — can have on poverty. It can keep people in the grip of poverty.

I know that there is a lot of good and positive work done in Northern Ireland by credit unions. That is seen in the level of activity. Around 25% of people in Northern Ireland use or have used credit unions, compared to only around 2% in Great Britain, but even that high level of activity is not having the impact that we want to see. There is a task for the Assembly, in spite of the loss of savings gateway accounts, to try to ease the burden and the problems that come with financial exclusion of some of the most vulnerable in society.

I also regret the ending of the child trust fund. The Minister has already exposed my personal interest, like his, in that matter. However, the fund was not aimed primarily at helping the Minister for Social Development or me: it was aimed at helping people who, otherwise, would not have had the savings habit that I mentioned before. Children would have been

born into the world and would have had nothing set aside for them for a rainy day later in their lives. The figures show that the lowest level of uptake of the child trust fund has consistently been in some of our most disadvantaged communities. I know that the credit unions were hoping that there would be legislative change at Westminster to allow them to offer child trust funds to people in those areas. That has not come about, and we need to redouble our efforts in achieving that aim.

I regret the ending of the child trust fund. It was a small amount of money. A lot of people saw a reduction because of the fall in the stock market and how they had invested that, but, nonetheless, that account was there forever and a day, to be accessed by that child later in life when they became a young adult. I deeply regret its loss. Although it was only around for a few years, I think that the longer-term impact of it would have been immensely positive, particularly for vulnerable people in Northern Ireland. With all of that in mind, I support the motion out of necessity rather than out of choice. It is quite technical, but I reiterate that the impact could well be very profound, particularly for vulnerable people in Northern Ireland.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. The savings gateway accounts, the health and pregnancy grant and the child trust funds are all forward looking schemes that would have benefited families with young children, and were seen as progressive. Unfortunately, because of the Government's statement on 22 June that they were no longer affordable, they can only be seen in the light of cutbacks — one of the many cutbacks that are going to affect families, particularly families with young children.

The Minister and the Chairperson have both gone into some detail about the nature of the Bill. The Bill that we have contains provisions that are consequential on the proposed repeal of the Saving Gateway Accounts Act 2009. It means that the Bill will amend the law dealing with the supply of information by the Department for Social Development to Revenue and Customs. That will mean the removal of the requirement on the Department to provide Revenue and Customs with information relating to social security for the purposes of identifying individuals who would have been eligible to open a saving gateway account. Therefore, it is a technical amendment.

Given that the announcement was made on 22 June, and the scheme was not to be introduced here until July, it never took off, so unfortunately, nobody had the benefit of it. I reiterate: it is a cutback. A scheme that was forward looking and beneficial has again been knocked back.

Mrs M Bradley: Other Members and, indeed, the Minister said that they have concerns about the Bill, and I think it is of grave concern to us all that both the saving gateway account and the child trust fund, which both seem to be very worthy funds, will be taken away. It is unfortunate that we never had the opportunity to access the saving gateway account scheme. It would have definitely benefited communities in Northern Ireland.

Ms Lo: Although I support the technical point of sharing information with HMRC, I share the concerns of the other MLAs who have spoken. This was a very good scheme to encourage those who are not normally in the habit of saving with a bank, and it was unfortunate that, during the pilot schemes in England, there was a slow and low uptake. In fact, it was never rolled out to the whole of the UK, and it was unfortunate that the change of Government was seen as an easy opportunity to scrap the entire scheme.

The Minister mentioned the pregnancy grant, from which I benefited. It is a welcome bit of money, particularly when mothers such as me give up full-time jobs to stay at home and suddenly find that they lose their steady income. To have that extra bit of money always helps, so it is a great pity that the scheme was not rolled out.

The Minister for Social Development: I thank Members for their contributions. The comments of Mr Hamilton, Mr Brady, Mrs Bradley and Ms Lo captured the essence of the impact of this technical change and the broader legislation that is going through Westminster. Words used included “dismayed”, “regret”, “disappointment”, “opportunity missed”, “grave concern” and “great pity”. Mr Brady said that these were forward looking schemes, and I think that that describes them as well as any other term. They were forward looking because they were front line opportunities for people who were in particular need or potential distress.

Since 2005, 5.2 million child trust fund accounts were established in Northern Ireland and Britain, and since 2009, 850,000 women received the pregnancy grant of £190, 25 weeks into their pregnancy. Those are not small sums for people

on low incomes and represent no small opportunity for those who may not have had an inclination or opportunity to save in the past.

I concur with the remarks made, but it leads to the conclusion, as the Committee Chairperson said, that there is an obligation on us to do what we can to ease the burden. That principle has to inform policy and government, not least in consideration of the Budget that has now gone out for consultation, in which there are further interventions of some weight and significance to ease the burden on those who will be in new increased levels of need over the next four years.

With reluctance, I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly agrees that the provisions in the Savings Accounts and Health in Pregnancy Grant Bill (consequential on the proposed repeal of the Saving Gateway Accounts Act 2009) dealing with the supply of information by the Department for Social Development and the classification of saving gateway accounts as an excepted matter under schedule 2 to the Northern Ireland Act 1998, should be considered by the UK Parliament.

Waste and Contaminated Land (Amendment) Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of the Environment to move the Consideration Stage of the Waste and Contaminated Land (Amendment) Bill.

Moved. — [The Minister of the Environment (Mr Poots).]

Mr Deputy 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 two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 3, 4, 6 and 7, which deal with the fixed penalties for illegal waste activity and fees for appeals and remediation notices. The second debate will be on amendment No 5, which relates to the quality and nature of waste for recycling. Once the debate on each group is completed, any further 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 of the Bill. If that is clear, we will proceed.

Clause 1 (Fixed penalty notices for offences under Article 4)

Mr Deputy Speaker: We come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3, 4, 6 and 7. Those amendments deal with the enforcement of offences for illegal waste activity and making provision for fees to be charged for appeals.

The Minister of the Environment (Mr Poots): I beg to move amendment No 1: In page 2, line 19, leave out “£200” and insert “£400”.

The following amendments stood on the Marshalled List:

No 2: In clause 5, page 6, line 37, leave out

“(but not regulations under Article 5 (7))”. — [The Minister of the Environment (Mr Poots).]

No 3: In clause 5, page 6, line 41, leave out

“(but not regulations under Article 5(7))”. — [The Minister of the Environment (Mr Poots).]

No 4: In clause 5, page 6, line 41, at end insert

“() In Article 5A of the 1997 Order (fixed penalty notices for certain offences under Article 5(8))—

(a) in paragraph (1) for ‘the Department’ (where it first occurs) substitute ‘an authorised officer of an enforcing authority’ and for ‘to the Department’ substitute ‘to the enforcing authority’;

(b) in paragraph (2) for ‘Department’ substitute ‘authorised officer’ and at the end add ‘to the enforcing authority’;

(c) in paragraph (9) for ‘the Department’ substitute ‘an enforcing authority’;

(d) in paragraph (11) for ‘The Department may’ substitute ‘An enforcing authority may’ and for ‘by the Department’ substitute ‘by the enforcing authority’;

(e) for paragraph (13) substitute—

‘(12A) Article 22C (use of fixed penalty receipts by a district council) applies in relation to amounts received by a council under this Article as it applies in relation to amounts received under Article 22A.

(13) In this Article—

‘authorised officer’ means an officer of the enforcing authority who is authorised in writing by the enforcing authority for the purposes of this Article;

‘enforcing authority’ means—

(a) the Department; and

(b) in relation to an offence committed within its district, a district council.’” — [The Minister of the Environment (Mr Poots).]

No 6: In clause 8, page 8, line 38, at end insert

“() After paragraph (1) insert—

‘(1A) Article 127(2)(b) of the Planning (Northern Ireland) Order 1991 (power to prescribe fees for appeals to the planning appeals commission under that Order) shall apply to appeals under this Article as it applies to appeals under that Order; and a notice of appeal to the planning appeals commission under this Article shall be accompanied by such fee (if any) as may be prescribed under Article 127(2)(b) of that Order.’” — [The Minister of the Environment (Mr Poots).]

No 7: In schedule 1, page 11, line 7, at end insert

“4. In Article 82—

(a) in paragraph (1) at the beginning insert ‘Except as provided by paragraph (1A),’; and

(b) after paragraph (1) insert—

‘(1A) No order shall be made under Article 4A(10), 5A(10), 22B(5) or 42B(10) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.’” — [The Minister of the Environment (Mr Poots).]

The Minister of the Environment: A number of the amendments that we will debate arise from recommendations made by the Environment Committee. I express my appreciation to the Committee members for the work that they have done in a timely manner in considering this Bill.

Clause 1 provides for fixed penalties for minor fly-tipping offences. Those fines can be issued either by councils or by the Department. The Bill originally stipulated that those fines could range from between £100 and £200, with the issuing authority deciding what would be appropriate in each instance. The stakeholders who responded to the Environment Committee's consultation on Bill were supportive of the clause, but suggested that a higher upper limit might be appropriate. I have no objection to that suggestion. Indeed, I appreciate that a broader range of possible fixed penalty amounts may allow more scope for distinguishing between various types of fly-tipping offences. I therefore propose amendment No 1 to allow for a range of fines between £100 and £400. My officials have engaged with the Environment Committee on the issue, and my understanding is that the Committee is content with that proposal.

I turn to amendment Nos 2, 3 and 4, which relate to clause 5 of the Bill. Clause 5 gives councils investigative and enforcement powers in relation to illegal waste activity. Those powers currently rest solely with my Department. However, the Bill as originally drafted did not allow council officials to take enforcement action in the event of a failure to present appropriate waste documentation. Following further reflection and engagement with stakeholders, I now appreciate that it will be helpful to councils to have those powers. I therefore propose the amendments to allow councils to take enforcement action in the event of failure to present appropriate waste documentation to officials. That will enable councils either to prosecute through the courts or to issue a £300 fixed penalty notice. Again, I understand that the Environment Committee is supportive of that proposal.

I take this opportunity to mention briefly the development of a fly-tipping protocol, which will clarify the respective roles and responsibilities of the Department and councils in dealing with fly-tipped waste. I am pleased to confirm that formal consultation with the local government sector on this issue is due to commence shortly. I do not intend to commence the relevant provisions in the Bill until the protocol is in place. However, those powers in the Bill that can be used straight away will be commenced as soon as possible after the Bill receives Royal Assent.

1.30 pm

Clause 8 allows for all appeals against contaminated land remediation notices to be heard by the Planning Appeals Commission (PAC). However, there is currently no provision for the PAC to charge a fee for that type of appeal. At Committee Stage, Members expressed concern that unscrupulous operators may seek to use the appeals process to delay action on their obligation to take remedial action. It was suggested that the absence of a fee may encourage such activity. Therefore, having further considered the issue, I now agree that a fee is appropriate. It will be in line with the current fee for a planning appeal, which is £126. I would probably prefer it to be higher, but it has to be associated with the planning appeal fee, and the Planning Appeals Commission may consider whether to raise that fee. We hope that the fee will go some way towards dissuading frivolous appeals and to ensure a degree of consistency with similar provisions in environmental liability regulations. Therefore, I propose amendment No 6, which introduces a fee for appeals against remediation notices.

Finally, my proposed amendment No 7, to schedule 1 to the Bill, relates to the future amendment of fixed penalty amounts. The Bill originally provided that any future legislation amending fixed penalty amounts for fly-tipping offences should be subject to negative resolution, which is consistent with the existing fixed penalty provision in waste management legislation. I originally felt that negative resolution was appropriate on the grounds that the issue is neither sensitive nor controversial, and there was substantial legislative precedence for such an approach. However, we noted that the use of affirmative resolution is proposed for the future amendment of penalty amounts in other Bills

in the legislative programme. I recognised that the Environment Committee, on advice from the Examiner of Statutory Rules, recommended the use of affirmative resolution. Existing waste management legislation already provides for three fixed penalties, and the Bill provides for a fourth. Effectively, amendment No 7 would ensure that any change to the amount of those fixed penalties will be subject to affirmative resolution, which will afford the Assembly greater control in that area and ensure consistency with other Assembly legislation.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. Day three in the big house, so here we go with more legislation. I want to pay tribute to the departmental officials and the Committee staff for their work in bringing the Bill to this stage.

On behalf of the Environment Committee, I welcome the Bill's Consideration Stage, which I am sure Committee members will agree makes changes that will contribute to the ongoing battle to address waste problems in the North. The Bill makes some changes to the legislative framework in Part III of the Waste and Contaminated Land Order 1997 for the management of land that has been contaminated by pollution. That Part of the Order has not yet been commenced, and the Department indicated to the Committee that the amendments made by the Bill to that Order will mainly reflect lessons learned through the experience of operating legislation elsewhere. The Committee was content with the proposals, which include an amended definition of contaminated land that more accurately reflects the definition of controlled waters and introduces the notion of significant pollution of waterways, underground strata, or the significant possibility of such pollution.

The minor amendments made by the Bill to the Producer Responsibility Obligations Order 1998 were also acceptable to the Committee. Therefore, the Committee predominantly focused on the clauses that amend the Waste and Contaminated Land Order 1997 to clarify and strengthen the existing statutory framework for waste on land, and that legislate for a partnership approach between the Department and local government in tackling illegal waste activity. Having looked closely at what the Bill offers, I share Committee members' confidence

that it will take us a significant step forward in how we manage illegally dumped waste.

The Bill was referred to the Committee on 13 April 2010, and, to ensure that there was enough time to fully and effectively scrutinise it, the Committee sought an extension to the Committee Stage until early November. Members will confirm that that length of time was needed to go through the Bill in sufficient detail and to get the necessary information from the Department.

I am sure that my Committee colleagues will support me in noting the good working relationship that was established between the Committee and lead departmental officials during Committee Stage. The Committee's detailed scrutiny led to six recommendations, and I am pleased to report that the Minister has taken on board all of the Committee's recommendations for amendments. I thank the Minister for listening to the Committee and taking on board the necessary recommendations.

Before I talk about the amendments in detail, I must mention a significant issue that gave the Committee considerable concern and yet could not, in the Committee's opinion, be addressed in the Bill. The Committee is adamant that, as the Bill brings about the sharing of powers for dealing with illegal waste activity between central government and local authorities, there is a need for an agreed protocol between the Department and councils to outline which authority has responsibility for dealing with and clearing up different aspects and quantities of fly-tipped waste.

The Committee heard evidence from a range of councils and the Local Government Association about the need for clarifying and identifying the responsibilities of local authorities and the Department. In addition, many other respondents expressed frustration at the confusion between the Environment Agency and local authorities and at their unwillingness to take responsibility. Several respondents provided examples of where illegally dumped waste was left lying indefinitely, sometimes long after a court had penalised the offender, simply because agreement could not be reached on which authority had the responsibility to clear it up. Therefore, the Committee was adamant that a protocol must be agreed and put in place before the Bill is enacted.

I am pleased to report that the Committee recently had sight of a consultation on a draft protocol. It also appears that a threshold quantity of 20 sq m is being suggested as the level that would generally determine which authority takes responsibility for dealing with the waste. The Committee believes that that amount, which equates roughly to a lorry load, should be acceptable to councils. That is good news, but I would like the Minister's assurance today, just as his official assured the Committee, that he will not enact the clauses that relate to councils' enhanced waste management powers until the protocol has been agreed with councils and is in place. The Committee also wants the protocol or timely guidance to provide clarity on addressing the differences between domestic and commercial waste, dealing with hazardous waste or waste that is dumped on land that is unregistered or unoccupied, and addressing the ever difficult issue of landowner liability.

The six amendments in the first group have all been tabled by the Minister. However, as I mentioned earlier, each was recommended by the Committee to improve the Bill. Amendment No 1 raises the upper limit of the range of fixed penalty fees from £200 to £400. Most respondents to the Committee's call for evidence were adamant that fixed penalties must be set at a level that acts as a deterrent and felt that an upper limit of £200 was too low to ensure that. The Committee agreed, and it also noted that a larger range provided more scope for selecting different fine levels to reflect the seriousness of an offence, the level of damage caused and to punish repeat offenders. On behalf of the Committee, I welcome the Minister's amendment to clause 1.

I will combine amendment Nos 2, 3 and 4, as did the Minister, because, together, they amend clause 5 to address the Committee's recommendations that the same powers of entry and investigation that are afforded to the Department should be provided to councils. The Bill gives most of the powers that are currently available to the Department for addressing illegally dumped waste to councils. However, it does not, as drafted, devolve powers to take enforcement action in the event of a failure to present appropriate waste documents. Amendment Nos 2, 3 and 4 remedy that, and, on behalf of the Committee, I welcome them.

The Committee was pleased to learn that an appeals process was being put in place to address genuine concerns. However, on being advised that no mechanism was currently available for applying a charge when referring a case to the Planning Appeals Commission, the Committee was concerned that the appeals process could be used by offenders to buy time. The Committee recommended that the Department should consider an amendment to introduce a charge, and, on behalf of the Committee, I welcome amendment No 6.

Finally, in this group, I turn to amendment No 7. On the advice of the Examiner of Statutory Rules, the Committee suggested that the powers to change a fixed penalty fine that is identified in the Bill and exists in waste Orders should be subject to the highest available Assembly scrutiny. In addition to ensuring that proper debate accompanies changes to fine levels, it brings the Bill into line with other Bills with fixed penalties that are going through the Assembly.

During Committee Stage, the Department indicated that it would not table an amendment to that effect, so the Committee agreed its own amendment. However, on subsequently being advised that the Department had revisited the issue and would be tabling an amendment, the Committee agreed not to submit its amendment and to support the Minister. On behalf of the Committee, I am pleased, therefore, to support amendment No 7.

I shall now say a few words as a Sinn Féin MLA for Newry and Armagh. I welcome the work on the Bill, which is a good one. However, the important issue for us is that the protocol be set in place before the Bill is enacted. Go raibh maith agat.

Mr Kinahan: I, too, welcome the Bill, which has been long awaited and has involved a lot of hard work, on which I congratulate everyone. I, too, long to see the fly-tipping protocol agreed, and I ask that it be agreed before the Bill is enacted. My major concern about the protocol is to ensure that we do not enter a world where we are arguing over the size of waste dumps or who is responsible for them and, in particular, who will pay for clearing them. We need to ensure that, in the protocol, we have a fast, agreed and dynamic system for dealing with the problem, and I look forward to seeing it.

I am pleased to see that amendment No 1 raises the fine, yet the Department will still have the power to raise it further. Fly-tipping and illegal dumping are repugnant and lazy ways to deal with waste, so we have to make sure that everyone does what they are meant to do. I will not go into the other amendments in detail, although I welcome them all, and I look forward to speaking on my amendment in a second.

Mr Dallat: I add my support to the Bill and the amendments. I come from an area that has suffered considerably from illegal waste dumping and the difficulties that that brings, so I particularly appreciate the need for the Bill. Like other Members, I thank the Department and Committee officers for the harmonious way in which they helped us to work through Committee Stage to get the Bill to this stage.

Having been a councillor for many years, I am all too aware of the millions of pounds that are expended across the 26 councils every year on clearing up waste that is left by thoughtless people. Therefore, I support amendment Nos 1, 2, 3 and 4, and I tend to support Danny Kinahan's amendment No 5. I will explain that as I move through the debate. The increase in the fixed penalty is significant and important, because a considerable body of research in other jurisdictions shows that results are very positive when fixed penalties are increased. Of course, I take into account the fact that some people may not be able to afford to pay. However, I suppose that the answer to that is for them not to contribute to the waste.

In relation to amendment Nos 2, 3 and 4, I agree that councils should have the same power to enter premises as the Department. I do not see any point in affording anyone the opportunity to escape conviction for what I believe to be very serious crimes, and I am particularly pleased that the 24-hour warning will not be afforded, because, as we all know, massive changes can be made in 24 hours.

In relation to Mr Kinahan's amendment, I am influenced by what I have seen in other countries, particularly France, where rigid conditions are imposed at the point of collection, allowing the quality of waste to be enhanced significantly.

1.45 pm

Mr Deputy Speaker: The amendment on the issue of quality is in the second group.

Mr Dallat: I thank the Deputy Speaker for reminding me of that, and I apologise to Mr Kinahan if I have gatecrashed his section of the debate. However, I am sure that he will be relieved to know that his amendment has some support.

In general, the Bill is important, and its provisions will certainly be one of the positive aspects of the existence of local councils. We, therefore, support the Bill at this stage.

Mr B Wilson: I support the amendments. As a councillor for many years, I found it frustrating that we could do very little about illegal dumping. I, therefore, support these amendments, because, as well as giving councils additional powers, they would give them the same powers as the Department.

Mr McGlone: Like my colleague and party spokesperson on the environment, I support the Bill. Having sat through discussions on it, I compliment the Department for its hard and industrious work on the Bill, which addresses a very serious issue. I support all these amendments, but I wish to dwell a lot on amendment No 5. However, with your guidance, Mr Deputy Speaker, would you prefer it if I waited until we came to that group?

Mr Deputy Speaker: That amendment will be debated in the next group.

Mr Lyttle: I, too, support the amendments and welcome the hard work of the Department and the Committee on the Bill. I have direct experience of the scourge of illegal dumping in my constituency, so I welcome the increased powers to tackle the problem. I recognise the importance of waste management in protecting our natural environment for present and future generations. As custodians of the environment, that is one of our most important responsibilities from a moral and, increasingly now, an economic perspective.

To fully protect the natural environment, we will, of course, be required to lead attitudinal change on and awareness of the impact of the waste that we produce as individuals and as a community. The Assembly should, therefore, fully support the approved management and enforcement of illegal waste disposal that the Bill, if amended, would introduce. The increased powers for local government and enhanced partnership working between the Department and councils in tackling the illegal disposal of waste from fly-tipping and more serious criminal

activity are particularly positive provisions of the Bill, if amended.

Amendment No 1, which would raise the upper limit of a fixed penalty notice from £200 to £400, is to be welcomed. Amendment Nos 2, 3 and 4 would give councils the same powers of entry and investigation as the Department of the Environment. I think those are sensible recommendations from the Environment Committee, and they would further enhance enforcement of appropriate waste management in the region. I note that no amendment to clause 4 was tabled, which is evidence of the agreement in the House that suspected offenders of illegal dumping should be served with a notice to clean up that waste.

I also welcome the improved contaminated land provisions, and, from an environmental and economic perspective, I support the more effective identification and restoration of contaminated land that the Bill will introduce. I am, therefore, content to support amendment No 6 and the changes to schedule 1 to the Bill, which are proposed by amendment No 7.

In conclusion, the Minister of the Environment, the Executive and the Assembly must continue to lead fundamental attitudinal change in the community on the need for positive custodianship of our natural environment and on the impact that our waste production has on the world around us. However, we must also ensure that waste disposal and treatment are tightly controlled. I am content that the Bill, if amended, will improve local governance on this important matter.

The Minister of the Environment: I thank Members for the issues that they raised on the first group of amendments. I will briefly cover the points that were made.

The Chairperson of the Committee for the Environment, Cathal Boylan, raised the issue of an agreed protocol. We have been discussing unofficially with local authorities how we can better deal with fly-tipping. We now intend to enter into full consultation with local authorities on that issue. Prior to that full consultation, we have had discussions around the scale of the problem and about whether local government would be involved in the clean-up or the Department would take responsibility for dealing with fly-tipping. The Department's opinion was that it would kick in at around 20 cubic meters, which, it was indicated, is the equivalent of one

tipper lorry load. That represents a substantial amount of waste, and it would be right and appropriate that the Department should take over at that point. Assurances were sought that those elements of the Bill would not be introduced until a fly-tipping protocol was in place. I will give that assurance that it is not the Department's intention to introduce those aspects of the Bill until a fly-tipping protocol has been agreed and is in place with local authorities.

Some Members welcomed the raising of fees. It is the right thing to do. Other Members indicated that the Department has to give a lead on issues relating to waste and developing attitudinal change. That has been happening for quite a number of years now, going back to the Wake up to Waste campaign. We are now looking at Rethinking Waste, and a lot of effort is being put into media campaigns, into basic education in schools and through local government and councils. A considerable effort is being made to educate people, and I believe that people are responding. That is why we have 35% recycling, and it is why recycling is growing. People are dealing with their waste in a much more sensible way than dumping a settee or a bag of rubbish at the side of the road. Such actions are an inconvenience for everyone and a hazard for many people, and they make unnecessary work for local authorities when there are ways and means of dealing with that waste without imposing huge financial burdens on ordinary people.

I thank Members for that. I ask the House to support amendment Nos 1, 2, 3, 4, 6 and 7.

Question, That amendment No 1 be made, put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clauses 2 to 4 ordered to stand part of the Bill.

Clause 5 (Councils to enforce Articles 4 and 5 of 1997 Order)

Amendment No 2 made: In page 6, line 37, leave out

“(but not regulations under Article 5 (7)).” — [The Minister of the Environment (Mr Poots).]

Amendment No 3 made: In page 6, line 41, leave out

“(but not regulations under Article 5(7)).” — [The Minister of the Environment (Mr Poots).]

Amendment No 4 made: In page 6, line 41, at end insert

“() In Article 5A of the 1997 Order (fixed penalty notices for certain offences under Article 5(8))—

(a) in paragraph (1) for ‘the Department’ (where it first occurs) substitute ‘an authorised officer of an enforcing authority’ and for ‘to the Department’ substitute ‘to the enforcing authority’;

(b) in paragraph (2) for ‘Department’ substitute ‘authorised officer’ and at the end add ‘to the enforcing authority’;

(c) in paragraph (9) for ‘the Department’ substitute ‘an enforcing authority’;

(d) in paragraph (11) for ‘The Department may’ substitute ‘An enforcing authority may’ and for ‘by the Department’ substitute ‘by the enforcing authority’;

(e) for paragraph (13) substitute—

‘(12A) Article 22C (use of fixed penalty receipts by a district council) applies in relation to amounts received by a council under this Article as it applies in relation to amounts received under Article 22A.

(13) In this Article—

‘authorised officer’ means an officer of the enforcing authority who is authorised in writing by the enforcing authority for the purposes of this Article;

‘enforcing authority’ means—

(a) the Department; and

(b) in relation to an offence committed within its district, a district council.’” — [The Minister of the Environment (Mr Poots).]

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

New Clause

Mr Deputy Speaker: We now move to the second group of amendments for debate. There is only one amendment, amendment No 5, which would allow the Department to set requirements for the quality and nature of waste for recycling.

Mr Kinahan: I beg to move amendment No 5: After clause 6, insert the following new clause

“Quality of waste to be recycled

6A. After Article 26 of the 1997 Order insert—

‘Quality of waste to be recycled

26A. The Department may by regulations provide that in carrying out their duties under Article 20, district councils must meet such requirements as may be prescribed, in relation to the nature and quality of waste which is to be recycled.”

I am very pleased to debate the amendment today as the subject was discussed, albeit rather broadly, in Committee, and we did not all agree at the time. I wanted to learn a little bit more about the subject and, having done so, I tabled the amendment. The intention is to give the Department the necessary powers to regulate the nature and quality of waste that is being recycled. However, I was perplexed about why the matter was not proposed and agreed to in the Committee as it seemed extremely sensible.

As all Members know, we have European targets to recycle 50% of our waste by 2020, and I am told that the Minister hopes to raise that to 60%. The landfill figures for councils show that many are struggling to get near that figure and that they are all trying to meet the targets in different ways. I will be slightly partisan and congratulate Antrim Borough Council on being one of the top four councils that are below 50%. Different councils have different levels of achievement, different ways of recycling and, I imagine, different cost considerations as they try to reduce recycling costs. We need to ensure that they reach their landfill and recycling targets. We should note that four councils are below 50% at the moment. No others are below 60%; it is the same four. However, six are still over 70%. Therefore, there are problems, and we should try to set standards on recycling. That is very much part of the amendment.

The presentation notes that came to our Committee showed that 11% and 26% of the material that two of the recycling companies, namely Huhtamaki and Cherry Polymers, are being provided with is being rejected and, therefore, going to landfill. That indicates that some of the councils are maybe not achieving their figures in the right way and that they are passing the landfill on to somebody else. I appreciate fully that councils have financial pressures, and I do not see the amendment as one that gives the Department the power to come in incredibly strongly. Rather, it should be able to come in when it is necessary to set recycling

standards. We must set good standards in Northern Ireland when they are needed.

The export controls allow us to export lower quality, and that is one way that allows some councils to deal with their waste more cheaply or allows recycling companies to have a lower standard. However, that waste may well end up in landfill in another country or be re-sorted at their expense. The latter possibility is fine, but I do not think that any of us here wants further landfill in other countries. I am also told that it will cost only another 0.1% of the costs to put a standard recycling monitoring system in place.

Mr T Clarke: Will the Member give way?

Mr Kinahan: I will let you come in when I get to the end.

I was given other figures that I need to explore further. However, I have it on very definite authority that the Waste and Resources Action Programme (WRAP) research is telling us that 25% of recycled waste is appallingly bad and of such a low quality that it is no good to anyone. However, a great deal of the remaining 75% is also of a very poor standard. The Committee has not had time to consider that, and that is why I tabled the amendment. If that is really happening with the recycling of waste, we should look at that with great concern.

We need an accurate measurement and to sort it out so that we do not simply have a vague summary. I hope that all Members will support my amendment.

2.00 pm

We know that the revised waste framework directive, in which quality guidelines will be issued, is coming from Europe. Quality is very much an issue. Therefore, we must agree this amendment so that we can deal with that. I will now give way.

Mr T Clarke: I thank the Member for giving way. He said that he had wanted more information before tabling his amendment. From where did the Member seek that information? Was it from a group that would benefit from the waste? If that was the case, does he agree that, through talking directly to the market and tabling an amendment, he is interfering with the market process? That would mean that he is getting involved in something that he should not get involved in. We should encourage the free market.

Mr Kinahan: I thank the Member for that good point. I was very much aware that that may well have been behind the figures that I was given, because it started off with my being lobbied by someone who is on one side of the market. I was keen not to propose an amendment that would allow one side of the market to benefit over the other. However, we must remember that this issue should not always be driven by the market but by the standards that we, in Northern Ireland, want to set. That is why I tabled an enabling amendment that the Department could take on board. I am intrigued to hear the Minister's response. I want the Bill to provide the chance to deal with waste and to make sure that it is recycled to the right standard when we want it to be. If that does not happen now, we will have missed our chance.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. As we heard, amendment No 5 provides enabling powers for the Department to introduce, by regulation, targets for the quality of recycled material to be produced by councils. The Committee debated the issue at length. Following a visit to a waste recycling plant, members were concerned that the quality of recycled material collected by councils would deteriorate as councils were placed under building pressure to increase their amounts of recycled material. That scenario could have the perverse effect of increasing the waste that goes to landfill if a reduction in quality rendered the material too poor to enter the recycle market.

The Committee was briefed by the Department and received information from waste recycling companies that showed that not all such companies were of the one opinion on this issue. The Committee recognised that if such a power was invoked, it could place considerable cost burdens on local authorities and force them into waste collection models that may be less cost-effective in their particular circumstances. The Department informed the Committee that it is trying to achieve the same goal through voluntary initiatives and stressed that no other legislature had introduced legislation of this kind.

The Department was also concerned that a singular focus on quality could compromise our ability to meet EU recycling targets, which are solely quantitative. The Committee agreed that, on balance, it would be wiser to allow market forces to dictate the approach adopted

by local authorities in conjunction with waste management groups and material recycling facilities. Therefore, the Committee did not support the amendment.

With your indulgence, I will say a few words as a Member for Newry and Armagh. I waited to see what information on cost Mr Kinahan would bring to the table. The Committee debated the issue, and I know that some Committee members will speak today who were not there when we took the vote. I have to be honest: I think that you are misguided about the 0.1%. We need clarity around those figures from an independent source. We need to know what the amendment will cost councils. You said that it is enabling legislation, but there is nothing to stop it being enacted at any point in time. I visited Bryson House, and I found that all councils would be punished for the behaviour of a few.

Mr Trevor Clarke said today and in Committee that we should not favour one MRF over another. We should look across the board independently. In Committee, we received information from different MRFs.

Mr Kinahan: Do you not appreciate that we did not necessarily get all the facts in Committee? I am trying to ensure that we set high standards. The markets should not be the sole way of doing things in the future.

Mr Deputy Speaker: I remind Members to address their remarks through the Chair.

The Chairperson of the Committee for the Environment: I agree with what Mr Kinahan said about putting something forward on quality. We did bring forward the idea that we should look at the issue of quality, and we have put that in the report. However, he is saying that we did not receive all the information, but he is trying to make the case today for his amendment using only a certain piece of information. Perhaps more homework should be done. We received information in Committee from different groups, and rather than steer down one road in support of one group as opposed to another, let us get the information independently checked. The fear for us in Committee was the cost to the ratepayer. Nobody has convinced us — although perhaps other Members will when they get the chance to speak — that it will not be a cost to the ratepayer.

I agree that there should be a quality element to dealing with waste. Some councils are making

their targets. I put it to the Minister that, instead of incentivising councils that are making their targets, why not incentivise all councils? For instance, the Minister came with us when we went to Magherafelt District Council and saw the new contract that it has signed and the good work that it is doing. Banbridge council and my district council area, Armagh, are reaching their targets, and we should be incentivising those councils. However, this power would be a stick to beat those councils with. I agree with putting the quality element in our report, and perhaps the Department could look at that in other ways. However, putting it in legislation at this point in time —

Mr Beggs: Will the Chairperson giveaway?

The Chairperson of the Committee for the Environment: Yes

Mr Beggs: Does the Chairperson accept that the amendment is enabling legislation that would allow the Minister and the Department to make such judgements as to what intervention, if any, would be appropriate? It was mentioned earlier that the Department is trying to achieve the same goals through a voluntary mechanism rather than through using legislation. Should that voluntary mechanism be unsuccessful, the amendment would enable some sort of direct intervention so that we do not produce low-quality recycled material for export elsewhere that would, potentially, go to landfill. If waste is not being recycled, we may just be exporting problems, rather than ensuring a reasonable quality in our local recycled materials.

The Chairperson of the Committee for the Environment: I take the Member's point on board, but the amendment could also be construed as a stick to beat councils with. I will say again that, whether it is called enabling legislation or not, it is a stick to beat local councils with. At the end of the day, ratepayers will pay for this.

The question around quality is: why are some councils achieving their quality targets but others are not? Questions such as that need to be asked. A lot of Members sit on councils and in the Assembly. I would like them to go back to their local councils to ask those questions. I have left Armagh council, but, as a ratepayer, I have asked whether I am getting value for money. Armagh is achieving its targets.

Mr Kinahan knows that it was me who suggested the quality issue when we went to Bryson House.

However, on the whole, there is not enough information and a strong enough argument is not being made today about the figures. If Mr Kinahan had come to me to say that it would be of little cost to councils and that there would not be much change, I would have looked at the amendment. However, as a Sinn Féin Member, I cannot support the amendment.

Mr Ross: We will not be supporting the amendment either. Quality of waste is an important issue, and the amendment put forward by Mr Kinahan was probably well intended. Yet it is the unintended consequences of the amendment with which we perhaps have some difficulty. The Chairman said that the Committee has discussed the amendment, and he quite rightly said that the organisations that came forward had different opinions on it. It is probably fair to say that the companies benefitting directly from this are those that support it, which is a warning to us all of the dangers of interfering in the area.

During discussions, two key issues caused some Committee members concern. First, this is an issue over which local councils have power, and it is a contradiction that Mr Kinahan is tabling his amendment while many Members are calling for more powers and greater responsibility to be devolved to local councils. His amendment will remove some control and autonomy from local councils and will mean central government taking decisions for them. I am concerned about that. Local councils should have more power and should retain their power in this area. If there are issues with some council areas, the focus should be on those areas, and Mr Kinahan's colleagues on those councils should be bringing those issues to council meetings.

The second concern with the tabled amendment is that it will represent a significant change to the Bill and there will have been no public consultation on that change. If the amendment is agreed, a number of organisations throughout the Province will quite rightly say that there has been no consultation. We must be cognisant of that so that we do not leave ourselves open to criticism.

The Chairperson referred to the costs to taxpayers should the amendment be agreed. A number of councils in Northern Ireland operate some form of co-mingled collection of waste, and many are tied into contracts. If the amendment is agreed, and if the Department takes action against councils that are tied into longer-term contracts, there will be an obvious

cost to those councils, which will be passed on to ratepayers. We need to be cognisant of the potential for significant costs to be placed on councils and ratepayers.

The Committee was also concerned about intervention and interference in the market. Indeed, I am surprised that Mr Kinahan is so anti-market given that his party is aligned with the Conservative Party. It is strange that he is so opposed to a free market on this issue. Importantly, if the amendment is agreed, that will represent an intervention in the market, and as recycling companies are able to provide their services and not many of them are having difficulty in doing so, it is hard to justify the necessity for that intervention.

It is also important to say that if the Department —

Mr Beggs: We heard that 26% of some samples of recycled materials were made up of waste that is not suitable for recycling. If the market resulted in the production and export of extremely poor quality material from MRFs, with high levels of contaminants, would the Member still feel that there was no reason to intervene?

Mr Ross: I am always interested to hear Mr Beggs's opinions on dumps and waste, and I know that he has some knowledge of the issue. However, it is up to individual councils to determine how they deal with that, and if councils accept recycled materials that are not up to the necessary standards, it is up to them to change that. Mr Beggs and Mr Kinahan have been heavily influenced by the lobbying of certain companies that would gain an advantage from this type of intervention. I said that at the beginning of my contribution, and we must be aware and careful of that.

If the standards that were introduced were too high, it is possible that the amount of recycled material would be affected and some of it would not reach the level determined by the Department. As an unintended consequence, we may end up with more waste going to landfill. That is not what the amendment intends to do, but it may happen. Likewise, if standards were too low, there would be no incentive for companies to try to improve them. The tabled amendment has unintended consequences, and, as I said earlier, although it is well-intentioned, when we drill down into the detail, we all have concerns with how it will play out.

Therefore, the DUP will not be supporting the amendment in the name of Mr Kinahan.

2.15 pm

Mr Dallat: I feel that I should support amendment No 5. I welcome individual thinking in any group, particularly in a discussion about something as serious as waste. Although I was not present at the Committee meeting — I may have been adding to the carbon footprint elsewhere, but I cannot remember — I think that the amendment is worthy of consideration. I have spent a long time on a council on the north coast that is told, year in and year out, that market forces prevent any kind of recycling because it is always cheaper to chop down trees, pour waste oil down drains, and so on. If we are saying today that we rely on market forces to improve the environment and to encourage recycling, I am afraid that the future is not particularly bright.

The Bill is important, and it would be a pity to not take on board amendment No 5, which was proposed by Mr Kinahan. We can debate non-contentious issues without getting into people's personal lives and stuff like that. The remarks that were made earlier were unfortunate. Let us focus on the Bill. Amendment No 5 creates an opportunity to reinforce in the public's mind the absolute need for the highest standards. Mr Deputy Speaker, you may have read in the newspaper recently about one recycling company that has stopped accepting waste because it was finding dead animals and all sorts of things in it.

I would prefer that we have a healthy debate. We can vote and then continue the positive and helpful work of the Committee.

Mr B Wilson: I, too, support amendment No 5. As Mr Beggs pointed out, the legislation is only enabling legislation. We hope that it will never be necessary. If local councils are not meeting their standards, and a lot of their output is being dismissed because of contamination, there must be a body that regulates and monitors that. Who will lose out if that does not happen? It will be the ratepayers who pay council tax.

More important is all the contaminated waste that has been discarded, as it undermines public confidence in the whole waste system. It is important that councils are continually reminded that they must improve the quality of their waste. A few weeks ago, North Down

Borough Council was told that its area's waste has deteriorated in recent years. We took measures to publicise that and reissued guidance on what should be put in each of the bins, and so on, to try to improve quality. The reminder that standards are not being met is important. The amendment will create an enabling power that I hope the Department will not use, but it will be there to help.

Mr Deputy Speaker: I call Mr Peter Weir.

Mr Weir: Thank you, Mr Deputy Speaker. I saw you looking around for a second, trying to see where I was.

I declare an interest as a Member of North Down Borough Council, which the Member who spoke before me failed to do.

Amendment No 5 will affect councils, but there are a number of reasons why, although it is well intentioned, it is not the right amendment. I will pick up on some of the remarks made by Mr Brian Wilson and Mr Kinahan. Mr Wilson said that it was simply an enabling power that he hoped would never be used. The proposer of the amendment said that he did not want the Minister to be using the provision “incredibly strongly”. The whole point is that, once the stick — that is, an enabling element — has been created, there cannot be a degree of control over when that stick is brought out, who it hits and how hard it hits them. Although I have every faith in my colleague the Minister of the Environment, in six months' time, a new Minister from another party may be in office. We are talking about legislation, which gives a particular level of power to the Department, that will supersede the good sense that any individual may have. That is the first element of my reticence about the amendment.

Secondly, there is no doubt that there has been a very strong focus by councils on the issue over the past number of years. That focus has been necessary, even if they did not want it. For instance, anybody who has served on a council will know that the bill for waste and related issues, such as landfill, accounts for about 55% or 60% of expenditure for most councils. It will not be productive to add an extra burden to councils by creating a situation in which there is a higher level of uncertainty for them, in that they will not know what changes they will have to make to their methodology.

The amendment's focus is the wrong way round. As has been highlighted, the amendment would advantage certain companies at the expense of others. However, it is not the recycling companies that are at fault. If there is an argument, it is about the differential way that some of councils approach the issue. If we are looking at any degree of corrective action, financial or other, as the Chairperson of the Committee discussed, I would have thought that the focus should surely be on finding ways that the Department can work with councils. The amendment takes the focus away from that.

There is a danger that, if agreed, the amendment would lead to a focus that would heavily advantage a small number of companies that, I suspect, have been fairly effective in their lobbying on the issue. However, it would disadvantage a large number of other companies. There are two problems with that. First, the market is evolving and developing. Consequently, we do not want to create any barriers to market entry. Indeed, we want to facilitate the widest range of choices. That is right from a broad philosophical viewpoint. From a council point of view, if we create a situation in which the market is extremely limited, and if we get into what could be described as a neo-monopoly-type situation, there is a danger of the leverage being entirely handed to those companies at the expense of the ratepayer. That will mean that we end up with councils paying through the nose to deal with waste. I think that there is a problem there.

Additionally, there is a concern that if very high standards are enforced, people's natural reaction will be to shy away. If people feel that there will be some level of contamination, they will shy away from trying to recycle at all. Therefore, there could be a negative impact on recycling, because it could lead to a situation in which councils and individuals do not pass on waste in the first place. The end result will be a driving down in the amount of recycling.

I think that there is a more nuanced position for dealing with the issue. It probably lies in the relationship between the Department and the councils rather than in trying to restrict the market through the companies. Therefore, I want the philosophy behind the issue to be taken forward in a different way. If accepted, the amendment will be counterproductive to the end result that I am sure we all want to see. Therefore, I oppose the amendment.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I appreciate the mature debate that we are having on the amendment. I appreciate the rationale behind it. As others said, the amendment is well intentioned, but in light of new information, I cannot support it. I was at only a couple of meetings on the Bill, so I came to the issue late. It became clear that there was a difference of opinion between the companies on the matter. Therefore, I cannot support the amendment, however well intentioned.

Similar to others, I am concerned about the impact that the amendment would have on local government and, ultimately, the ratepayer. If agreed, the amendment would have serious financial implications for local authorities. I declare an interest as a councillor on Down District Council. Another implication is that more material would be deflected to landfill, which is not what we are trying to achieve. The amendment would send out mixed messages.

There is also a slightly hidden agenda. Perhaps somebody wants a waste stream with high calorific value to go for incineration to make incineration economically viable. I am not sure how well intentioned the amendment is.

As a local councillor and former member of Arc21, I have good knowledge of the waste industry. From a local government perspective, a huge amount of money is directed at recycling and, indeed, at the whole waste management programme. Anybody involved with local government will understand that. Should we seek to impose more financial burdens on local authorities at this time? A lot of legislation is coming from the Assembly to local government, and people are screaming out to keep the zero increase in rates. Therefore, it would be very difficult for local authorities to carry out what the Member is trying to achieve.

We have to ensure that there are more incentives for the public to do the right thing, whether that relates to co-mingled waste or kerbside collection. There should be more of the carrot, instead of the stick. There should also be incentives through grant aid for communities to improve their recycling. Housing estates with a threshold of good, uncontaminated recyclables should be rewarded with a grant to use for an environmental scheme in their locality. Such incentives would be much more beneficial.

As was outlined, councils were not consulted on the amendment. They did not bring it back to their members. NILGA, obviously, would have serious concerns, and I know that the LeasCheann Comhairle would have serious concerns. Have particular parties thought that through, even with their local government colleagues? It is OK saying something up here, but when it goes down to local government level, the same parties fight to throw it out. Sometimes, Members need to think things through and carry out a bit more consultation.

Mr Beggs: One piece of evidence that was given to the Environment Committee when I was on it was that some councils were introducing cloth into blue bins. The contents of blue bins are becoming increasingly complex, and material recycling facilities are not effective in separating those items. In fact, fibres were starting to contaminate some of the paper products. That material, which is being recycled by MRFs, still appears in the system as recycled material. It does not appear in anybody's bottom line. I suspect that the system is generally happy with that, but we are producing contaminated material that is difficult to recycle. It is important that that does not continue. Good quality material must be genuinely recycled, rather than simply appearing to be recycled.

If councils did not address such issues, the mechanism under discussion would give the Minister real authority to set quality levels that would insist that contamination be dealt with, rather than simply asking people nicely to deal with it.

Mr W Clarke: I thank the Member for his intervention. However, it comes back to the contracts that councils have with the MRFs. If a contract states that the MRF must take those materials along with paper, it is fair enough. However, a council knows what can be put into blue bins and other kerbside collections when it negotiates a contract. Therefore, I do not see that as a problem.

Councils have done a great deal to educate people about recycling. Fair enough, there are European directives, but it was primarily councils alone that carried that forward.

Councils took difficult decisions and put a lot of resources into involving people in recycling. It was a long journey and a longer journey for a lot of others.

2.30 pm

Council officers are placing a greater onus on inspection to ensure that bins are not contaminated. Councils and the Department need to work more closely with statutory agencies such as the Housing Executive and housing associations on how large housing estates are delivering waste management. There is a lot of cross-contamination in flats in particular, where refuse collections are not as well regulated as those for individual homes. There is work to be done on that.

Councils will ensure that MRFs improve when their contracts for recyclables are renegotiated. Councils do not want waste coming back to them and the burden falling on ratepayers of paying the cost of putting the waste into landfill in addition to a hefty fine. That situation will regulate itself and, in these more stringent times, councils will refocus their energies in that regard. Introducing a compulsory standard would restrict recycling targets, which would defeat what people are trying to achieve. That is why we will not support the Member's amendment.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I thank Mr Kinahan for tabling the amendment. When the amendment appeared in Committee, I was not minded one way or the other on it. Since then, I have done more research, and I certainly support the spirit of what Mr Kinahan is advocating. It raises issues on the political philosophy front, if I can call it that. Some parties here say that we should let the market determine the standards, and Mr Kinahan is being condemned for being linked to the Tories even though he talked about the introduction of standards to regulate the market. Therefore, the debate is unusual. Nevertheless, it raises serious issues.

Following discussions in Committee, I decided to make a few more enquiries about the matter. The issue boils down to quality control of the waste being sent to recycling plants. I contacted some businesses that accept waste. The standard of that waste is usually good, but in some cases, the standard is inadequate. This poses the question of how to raise the standard of the waste that goes to such plants, which are businesses that rely on high-quality material.

The argument that we should not interfere in the market is not justifiable. I have heard nothing that supports that argument with practical

details. When departmental officials appeared before the Committee, I commended them on the vast bulk of their work, but they were not in command of concerns in certain sections of the industry about the quality of material. In fact, they were not aware of those concerns at all. They have since visited some recycling plants to refresh the contemporary nature of the detail that they had when they assessed such matters.

At one level, if material being sent to a recycling plant is not of the quality required by that business, it will wind up in landfill.

Mr Dallat: Does the Member agree that the public are often well ahead of the game and are looking to the Assembly for guidance on how they can ensure that more materials are recycled? Does he also agree that the amendment would do nothing more than put in place practice that has existed in France and other European countries for many years, long before some people in this part of the world even realised what recycling was about?

Mr McGlone: I accept the Member's point entirely and thank him for it. The Assembly is supposed to encourage and nurture waste recycling. Mr Ross made the point about setting standards too high. The Assembly will not set standards too high if it is fully in command of the details and the requirements of the industry and, indeed, of society to encourage and nurture that recycling. I support the spirit of Mr Kinahan's argument: if adequate standards are not encouraged and set, what would happen? Quality could drop.

Exports from this country go to Asian countries where, perhaps, standards are not as high as they are here. That is not an argument for standards not to be high here; it is an argument for standards to be high, for recycling to be encouraged and supported and, indeed, for the industry to take off in this part of the country to the same level as that of European colleagues in a way that has not happened to date.

Those issues have been raised, and I thank Mr Kinahan for his amendment, which brings focus to them. We cannot deny that those issues with regard to waste recycling exist in the community. The way to deal with them is not through unregulated market forces; it never has been. We have seen how unregulated market forces have left world economies over the past while. They may bring about a wasteland of a different nature. That is not the way forward.

Mr Lyttle: I support the amendment and agree with my colleagues who have argued articulately in favour of it. The argument is not about market or council interference. It is not even about beating people with big sticks, as has been suggested. It is about the Assembly setting standards for recycling in Northern Ireland. I welcome the fact that it would give the Department the option to regulate on the nature and quality of waste to be recycled. That is a positive provision, which would demonstrate the Assembly's willingness to show leadership on the important issue of recycling.

Evidence shows that good quality control in recycling has environmental benefits and increases the amount of money received per ton collected while ensuring that the product can be sold. I understand why some members of the Committee for the Environment have concerns and are unable to support the amendment. I have also taken on board Mr Clarke's confession that he is well experienced in rubbish production. It is not the case that members are opposed to recycling or good quality control. Although I understand their concerns about cost implications and meeting EU quotas for recycling, recycling is not just about meeting quotas; it is about reducing impact on climate change and improving the environment.

Good quality control is key to good recycling. The Assembly must take the opportunity to show leadership on the issue. Therefore, I support the amendment.

The Minister of the Environment: I welcome the opportunity to respond to the debate. Having had an opportunity to give the amendment careful consideration, I have decided to oppose it on good grounds.

First, I recognise fully that a sustainable market for recyclables requires a consistent supply of material of a standard acceptable to the marketplace. I note concerns expressed by some stakeholders about the quality of recyclables. At this point, I must say that Bryson Recycling has been a leader in that regard. It has been ahead of the game. It is a social economy project that has set the highest standards in everything that it does.

As recycling has developed, other individuals have taken an interest in it. The private sector has taken an interest in it. Benefits are to be derived from it. Other businesses are involved and are doing a job. It is not for us to get involved in

setting standards at this point for materials that will be sold to another market; it is for the people who buy the material to set the standards and pay for the material that they receive.

I heard Mr Beggs talking about paper getting mixed with fabric and so forth, and about such contact leaving the paper valueless. I do not think that any MRF would last very long if that were the case. They survive on the product that they sell. Some Members who spoke in the debate came out with nonsense about people taking material to an MRF, sorting it and, if it is not of a good enough quality, exporting it to be dumped in a landfill site. That is not happening. It does not make financial sense. The MRFs that are operating are doing so on the basis that they will sell their product.

A lot of those companies have made huge investments in technology and equipment that can successfully separate the materials and achieve very high values for the product at the end of its life. There would be no point in having paper, which is worth roughly £50 a ton, contaminated by fabrics and not being able to achieve that price for the paper. There would be no point in producing plastics, which are worth around £100 a ton, and those going to a landfill site when they have that value. The people in that market are probably in it because they see it as a good business opportunity: fair play to them. We need people to look at business opportunities and to create jobs in this country.

We also need to ensure that we meet the targets for 2020 that have been set for us by the European Union. A target of 50% has been set. Not only will we achieve that target, we will surpass it. As a consequence of surpassing it, we will not need to spend the £600 million of public money that was identified for the facilities for energy recovery from waste, such as the potential incinerators, anaerobic digesters and gasification units, because we will have more recycling, and, as a consequence of that, the bill will be reduced.

If we go down the route proposed by Mr Kinahan and have a Rolls Royce recycling quality of waste, we will not get the quantities required to meet our targets. Therefore the councils will end up paying a tax to the European Union and more of our waste will go to landfill. I am surprised at Brian Wilson wanting more waste to go into landfill. That produces more methane gas and leachate, which are damaging to society and

create global warming. I do not know what the Green Party has come to.

Mr Beggs referred to enabling powers. If they are enabling powers, we need to ensure that they are drafted correctly in the first instance. Amendment No 5 is restrictive and specific. It requires councils to meet certain standards. It could not be used to set quality standards for output from MRFs, for instance. They are going after the councils, not the MRFs. We need to be certain about what we intend to achieve. There has not been consultation on that issue, nor is there research to justify it.

A couple of months ago, there was a media campaign on recycling. I condemn that campaign. A lot of people who were engaged in recycling were asking what the point of recycling was, if the materials were going to landfill. That was not the case, but it was made out to be so for particular interests. That was wrong.

Let us look at our targets and forget about meeting the EU's 50% target. Let us exceed that target greatly, because it is in the interests of the people of Northern Ireland that we go beyond the 50%. It will reduce the amount of material that goes to landfill and the amount of money that we have to spend on capturing energy from waste. It will enable us to sell more waste at a good value, whether that be paper, metal, batteries or plastics. Let us not get hung up on the quality of waste when we have not achieved the quantities that we need to achieve. When we have got to the quantities that need to be delivered and exceeded those, then, if an issue about quality is identified, it might be an appropriate time to deal with it.

2.45 pm

Mr Kinahan: I thank everyone for what was a much livelier debate than I thought we might have. I thought that it was a reasonably simple issue, in that we need to set some standards for the quality of our recycling, particularly as a lot of it is going to landfill, some of it possibly in other countries. I learned a great deal from some of the wisdom that has come from all Members today. I congratulate some of the Members of the party to my left on supporting their Minister, but among the petty point-scoring points there were some very good points.

I could spend ages summarising this today. A particularly strong point was that we need consultation with councils and that perhaps

tabling the amendment was not wise. I have certainly learned that a large number of us here want to see good quality control put in place, and we need to find a way to do that. I do not see it as a council problem; I see it as one for the Minister of the Environment. If he is holding the stick, he then decides how to use it, rather than feeling that he has to use it all the time just because we have put it in his hand. I could go on in great detail, but I am not going to. My intention is to seek to withdraw the amendment, because we have learned today that there is a lot that we have to study on the issue, and I think that it has to be brought back to the Committee. I beg to ask leave to withdraw amendment No 5.

Amendment No 5, by leave, withdrawn.

Clause 7 ordered to stand part of the Bill.

Clause 8 (Appeals against remediation notices)

Amendment No 6 made: In page 8, line 38, at end insert

"() After paragraph (1) insert—

'(1A) Article 127(2)(b) of the Planning (Northern Ireland) Order 1991 (power to prescribe fees for appeals to the planning appeals commission under that Order) shall apply to appeals under this Article as it applies to appeals under that Order; and a notice of appeal to the planning appeals commission under this Article shall be accompanied by such fee (if any) as may be prescribed under Article 127(2)(b) of that Order.'
— *[The Minister of the Environment (Mr Poots).]*

Clause 8, as amended, ordered to stand part of the Bill.

Clauses 9 to 14 ordered to stand part of the Bill.

Schedule 1 (Amendments)

Amendment No 7 made: In page 11, line 7, at end insert

"4. In Article 82—

(a) in paragraph (1) at the beginning insert 'Except as provided by paragraph (1A);' and

(b) after paragraph (1) insert—

'(1A) No order shall be made under Article 4A(10), 5A(10), 22B(5) or 42B(10) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.' — *[The Minister of the Environment (Mr Poots).]*

Schedule 1, as amended, agreed to.

Schedule 2 agreed to.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Waste and Contaminated Land (Amendment) Bill. The Bill stands referred to the Speaker.

Private Members' Business

Apartment Developments' Management Reform Bill: Second Stage

The following motion stood in the Order Paper:

That the Second Stage of the Apartment Developments' Management Reform Bill [NIA 4/10] be agreed. — [Mr McCarthy.]

Mr McCarthy: Following extensive discussions with the Minister of Finance and Personnel and others, I will not move the Bill at this stage.

Motion not moved.

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

Hunting Bill: Second Stage

Mr B Wilson: I beg to move

*That the Second Stage of the Hunting Bill
[NIA 5/10] be agreed.*

I have introduced the Bill to bring Northern Ireland into line with the rest of the United Kingdom with regard to hunting with dogs. The Bill merely implements the provisions of the Hunting Act 2004, which applies in England and Wales.

I have had a long-standing opposition to blood sports and was a regular protestor against hare-coursing at Crebilly in the 1970s. I still remember, one particularly cold Boxing Day, listening to the screaming as the hare was torn apart. North Down Members have had a long and honourable record of opposing blood sports. My former party colleagues Bertie McConnell and Lord Dunleath introduced Bills to abolish hare-coursing in 1970 and 1982 respectively. Both Bills were passed but fell when the Northern Ireland Parliament and the Assembly were prorogued.

I know that I will be criticised for the Bill. It will be argued that I am a spoilsport and a townie, that I do not understand country folk and that this is a further attack on rural communities. That is not the case. I believe that blood sports are barbaric and that fox-hunting, stag-hunting and hare-coursing have no place in civilised society and must go the way of cock-fighting and bear-baiting. Hunting with hounds has no place in the twenty-first century and seeing animals ripped to shreds by packs of dogs cannot be considered a sport.

The 2004 Act has changed the mindset in the majority of hunts in England. They have turned to drag-hunting, which provides all the excitement, colour and tradition of the chase without the cruelty of a small animal being torn apart. The predictions of doom-and-gloom merchants who foresaw thousands of horses and hounds being put down and a massive increase in rural unemployment have not been fulfilled. As with many other issues, we should demand parity with the rest of the UK. This Bill will bring us into line with the rest of the United Kingdom and end this cruel and barbaric practice.

I know that some people would like to expand the Bill so that it goes further than the

2004 Act. However, that would involve total redrafting and major changes that could not be implemented in this Assembly session. I accept that some will be disappointed that the legislation is not tighter and will think that there are too many exemptions, but it is not possible to make the appropriate changes within the legislative time frame.

Hunting foxes and other wild mammals with dogs is cruel. There is no debate to be had on that issue. All the evidence shows that foxes experience extreme trauma during the chase, and being ripped apart by dogs, if caught, is a horrendous way for an animal to die.

Mr D Bradley: The Member said “all the evidence shows”. Will he detail the evidence to which he refers?

Mr B Wilson: Research was carried out at Oxford, I think, seven or eight years ago, that involved testing of animals. I am sorry; I will refer the evidence to the Member later.

There is no distinction between the cruelty that takes place at a fox-hunt and that which takes place in badger-baiting. Those are unsavoury activities whereby people set dogs on other animals to chase and kill them for human pleasure. Badger-baiting is rightly banned, but the equally cruel practice of fox-hunting is still lawful. It is time to put that right.

The question today is whether we, as Members of the Legislative Assembly, believe that it is right for people to take pleasure in the suffering of any animal. Any other arguments are just a smokescreen to hide the real issue. People hunt because they like it. I have no doubt that Members have received numerous letters from the Countryside Alliance and its members, stating that the issue is pest control, that my Bill is an attack on rural traditions and that a ban will be a disaster for the rural economy. Let us look at the facts and put those myths to bed once and for all. The first myth that I would like to tackle is that existing animal welfare legislation would ban hunting if it caused unnecessary suffering. It is true that the Welfare of Animals Act (Northern Ireland) 1972 prohibits the causing of unnecessary suffering. However, the very next paragraph states that hunting is exempt from those provisions. Why? If hunting did not cause unnecessary suffering, that exemption would not have been necessary.

Mr Beggs: Does the Member accept that there is also huge cruelty when a lamb is lifted by a fox? The reason why many people in the rural community are content that fox-hunting continues is that it deals with that pest and prevents cruelty to farmed animals, whether lambs, chickens or hens.

Mr B Wilson: I do not disagree that foxes cause cruelty to other animals. However, this is not about fox control. There are much more efficient ways of controlling foxes. Getting a gang of dogs to chase a fox is not the most efficient means of doing that. If a fox disturbs hens or other animals, you cannot get the hounds out that night to chase it. There are other ways of dealing with that problem. Hunts take place only on certain days of the year. A hunt will not deal with a specific fox at a specific time.

Either the Countryside Alliance is ignorant of the facts or they read the Welfare of Animals Act (Northern Ireland) 1972 right up to the point where it prohibits unnecessary suffering or did not bother to read it all. That seems unlikely. What is more likely is that the Countryside Alliance has deliberately misled its members, the public and Members of this House. Every objection letter that I received during my consultation on the Bill opposed it on the basis that the causing of unnecessary suffering to animals is already outlawed. It is not. Therefore, every objection was based on a falsehood. I ask Members not to further propagate that falsehood in their speeches and to look on the Countryside Alliance's other arguments with a degree of scepticism.

There are a few other myths that Members have been subjected to. The other nonsense is that fox-hunting is about countryside management. If that is the case, why is there a need for the pomp and ceremony? Why would people come out to watch it? If you have vermin in your house, you do not ask your neighbours to come round and watch you kill it. I do not deny that farmers view foxes as pests, but only 6% of foxes killed are killed by hunting. It is an ineffective means of pest control, according to the Burns report. I remind Members of my earlier point: people hunt because they enjoy it. It is a spectator blood sport that is an anachronism in the twenty-first century, and it is time that we banned it.

I would like to tackle the economic argument because I am aware that some Members

received a letter from our esteemed former colleague and renowned animal rights defender, Jim "The Shooter" Shannon MP. Jim claims that hunting is worth £40 million annually to the rural economy of Northern Ireland, but he was not kind enough to point out the source of that figure, other than to say he was told so by the Countryside Alliance. I have done some research in that area. According to the Burns report, an independent report commissioned by the UK Government, the direct contribution of hunting to the UK economy before the English and Scottish bans was almost invisible: £15.6 million across the whole of the United Kingdom. Therefore, the idea that hunting activities contribute £40 million to the Northern Ireland economy is a nonsense in a long line of nonsensical arguments.

Even were that true, a large proportion of that would come from drag-hunts, which do not involve a fox, and which I am happy to advocate as an alternative. I will come back to that subject later. What is more, the Countryside Alliance's own figures show that the participation in hunting has increased in England since the cruelty element has been removed. Therefore, if anything, the ban has increased economic activity in rural communities.

3.00 pm

The Bill will end unnecessary cruelty in hunting, bring Northern Ireland into line with —

Mr D Bradley: Does the Member agree with me that the Hunting Act 2004 in England and Wales is largely ignored because it is unenforceable, as, probably, will be his own Bill?

Mr B Wilson: Thank you for the intervention. I will come to that in a minute or two.

The Bill will end unnecessary cruelty in hunting, bring Northern Ireland into line with the rest of the United Kingdom and potentially increase economic activity in rural communities — so far, so good.

I now come back to the alternative to hunting. Drag-hunting allows those who want to continue the traditions of the hunt to do so in a manner that does not involve cruelty. In a drag-hunt, dogs follow an artificial scent rather than a fox. All the trappings of the culture can be maintained. In fact, many hunts are already drag-hunts as opposed to fox-hunts. Those who insist that hunting cannot continue without a fox

being killed, again expose themselves as taking pleasure in the killing of an innocent animal.

This is not an urban versus rural debate; it is an animal welfare issue, on which the public agree with me. A Millward Brown poll in 2006 showed that 79% of people in Northern Ireland opposed cruelty in the name of the sport. A MORI poll conducted in England showed that 75% of the population would not support a repeal of the Hunting Act, including 70% of people in rural areas.

Just last week, I was contacted by a farmer from Armoy. He was vehemently against hunting and expressed support for the Bill. He does not want hunting dogs on his land. He said that he had little or no trouble with foxes and that he should be the one to decide how to manage his land. He assured me that there were more effective and humane ways of controlling foxes.

Mr Bell: Will the Member detail specifically what he believes to be the more effective and humane way in which to kill a fox? Do not mess about: tell us how you propose to kill a fox humanely, as you said could be done. Tell us exactly what your policy is designed to do.

Mr B Wilson: I have no experience in killing foxes. I do not know how that would be done, but I know that experts —

Mr Bell: How are you going to kill them?

Mr Deputy Speaker: Order. Mr Wilson, take your seat. I remind Members, once again, that all remarks will be made through the Chair. Otherwise, I may have to cage somebody. Carry on, Mr Wilson.

Mr B Wilson: As I said, I have no experience of killing foxes, but I have talked to farmers who indicate that there are other ways of dealing with the problem.

Mr Bell: Will the Member tell us what those other ways are?

Mr B Wilson: As far as I am concerned, the issue is one of animal cruelty, not how one kills foxes. I will not be drawn into that area.

The farmer assured me that there are more effective and humane ways of controlling foxes, and he welcomed their presence because they keep down the rabbit population, which causes more damage to his crops. He also told me that neighbouring farmers were against hunting with dogs and did not want horses on their lands.

Mr D Bradley: As the Member is unable to answer the question asked of him, I refer him to his own Bill and point out that it states that, in the event of hunting being banned, foxes will be shot by a “competent” shooter. That is what his Bill states.

Mr B Wilson: That is certainly an option, but there are probably other ways of dealing with the problem. The vast majority of foxes that are killed are not killed by hunts; only 6% are, so there must be other ways. People in different areas have different ways of carrying out that exercise.

Lord Morrow: I have listened to the Member trying his best not to answer the question. Does he accept that, from time to time, foxes need to be culled because they are predators? If he does, will he tell the House what he feels is the most humane, efficient and effective way of doing that? That is a straight question that needs a straight answer.

Mr B Wilson: I repeat what I have said already: I am not here to tell people how to cull foxes. There are ways of dealing with the problem without fox-hunting, and that is where I intend to remain. The problem has been resolved in many areas. The vast majority of farmers and people who have problems with foxes resolve those in a much more humane manner than hunting with hounds.

There is a belief that the rural community is all in favour of hunting with hounds. I have met farmers who do not want hunts going through their farms but who will not say that publicly.

Mr Molloy: On a point of order, Mr Deputy Speaker. Is the Member not aware that farmers can object to a hunt going through their farmland on any occasion, including the advice that he is given about other forms of hunting? At the end of the day, farmers have the right to say whether people can go on to their land.

Mr B Wilson: Yes, but —

Mr T Clarke: Will the Member give way?

Mr B Wilson: No. Foxes do not know that. If a fox goes onto a farmer's land, do the horses or hounds stop? Of course not.

Mr T Clarke: Will the Member give way?

Mr B Wilson: No. I have given way too many times already.

Mr T Clarke: You have not answered yet.

Mr B Wilson: I am sorry; I will not give way.

The farmer from Armoy whom I talked to also referred to a recent incident in which a pack of hounds charged uncontrolled through a neighbour's garden and caused physical damage to hedges, fences, and plants and frightened two young children who were playing in the garden. Given such incidents, it is easy to understand why some rural dwellers do not want hunts in their area. The fox does not know which farms have given permission for the hunt to take place on their land, nor do the hounds. It is no surprise, therefore, that hunts often trespass on neighbouring farms and cause damage to fences and hedges.

Members may recall the tragic case of Pip, the family pet that was ripped apart by hounds that were trained to kill; they did not distinguish between the family Jack Russell and a so-called pest. The poor children watched in horror as their much-loved dog was mauled before their eyes. The suffering of Pip was no different from the appalling death that foxes suffer to satisfy the bloodlust of the hunter. Pip's case brought home to the public, and quite literally to that family, the brutality of hounds that are trained to kill.

The Countryside Alliance likes to present itself as the voice of the rural community. It shouts very loudly, but the numbers are clear: hunting is the tyranny of a vocal minority. Members from rural constituencies oppose the Bill against the wishes of most of their constituents.

This is a necessary piece of legislation. The Scottish Parliament recognised that in 2002, and the UK Government recognised it in 2004. It is time that we in Northern Ireland recognised that there is no place in a compassionate society for hunting with dogs.

The legislation across the water is working. First, the ban acts as a deterrent. I agree with the Countryside Alliance that the majority of rural dwellers are law-abiding, and I have no reason to believe that they would be otherwise should we introduce a ban. However, those who choose to ignore the law will be brought to justice. By the end of 2008, 87 people had been found guilty of hunting offences in England since 2004. Yes, there were problems initially in implementing the ban, but they were overcome, and we can learn from experiences in England.

Members have raised concerns about the penalties in my Bill, and I am happy to discuss

the issue in more detail at a later stage.

However, Members should be aware that the penalties that I propose are in line with those proposed for animal cruelty offences in the Agriculture Department's Welfare of Animals Bill. It is important that we have consistency in the judicial system and that we send a clear signal that we will not accept animal cruelty in our society. Cruelty, by definition, is wrong. Hunting with dogs is inherently cruel. People who hunt do so for pleasure, and, therefore, take pleasure in cruelty. In our legislation, we abhor badger-baiting, but we condone fox-hunting. Which is it? Are we for or against animal cruelty? The question is that simple. I urge Members to support the Bill to ensure that this form of animal cruelty is outlawed in our society.

Mr Irwin: The Hunting Act 2004 enacted in England and Wales is seen by many as a mistake, and it has been impossible to enforce fully. Indeed, it came as no surprise to me that the decision to ban hunting was one of Tony Blair's regrets during his premiership. Recently, I heard him discussing his memoirs on TV, and he said that banning hunting was one of the biggest mistakes of his premiership. I find it hard to believe how many representations I have received since news of the Northern Ireland Bill has been carried. Indeed, I have been approached by more than 100 people from the community that I represent. I recall mass rallies and demonstrations across the UK against the ban, and I wonder how that failed to register with Mr Blair as he proceeded on his crusade against the countryside. Mr Blair's admission is of little comfort to those whom the 2004 Act has directly affected in England and Wales.

Of course, by tabling the Bill, the Green Party is jumping on the bandwagon for the sake of publicity, on a day when the Assembly is discussing more important issues, such as the Budget. The Green Party obviously cares little for the fact that country sports in Northern Ireland bring in more than £40 million to the economy and employ 2,000 people. Of course, Mr Wilson denies that. The Green Party feels that bringing Northern Ireland into line with the rest of the UK would be a beneficial move. However, this must be one of the few occasions when being set apart from the rest of the United Kingdom is a positive benefit.

Mr D Bradley: Does the Member agree that, although this is a devolved issue, what we have here today is direct rule: a Westminster Act

being delivered to us by a member of the Irish Green Party?

Mr Irwin: I agree with the Member for Newry and Armagh.

The Green Party feels that bringing Northern Ireland into line with the rest of the UK would be a beneficial move. Of course, I do not believe that, and I think that Mr Wilson is absolutely wrong. This is an occasion on which I very much welcome our ability to legislate for the Province. We can introduce or update legislation that benefits the Province specifically. No longer do we simply have to put up with laws introduced in Westminster that do not reflect our interests or unique circumstances.

Mr T Clarke: Mr Wilson referred to Pippa the dog. No right-thinking person would accept that such a thing should happen to a domesticated animal.

As the Member, who is a member of the Committee for Agriculture and Rural Development, rightly said, we legislate for the welfare of animals here. Part of that legislation prevents a dog from being set on, or urged to attack, another domesticated animal. The purpose of hunting in Northern Ireland has been to hunt vermin.

3.15 pm

Mr Irwin: I agree with the Member.

This is one of those examples where laws that affect mainland UK are not deemed necessary in Northern Ireland, nor are they wanted by rural people. If the Green Party were true to its conservation credentials, Mr Wilson would never have sponsored the Bill. The fact of animals hunting other animals has been a natural and necessary part of nature since the dawn of time.

Let us be clear: the Bill is a waste of Assembly time and resources, and the hundreds of people who contacted me to highlight their concerns about this attack on their livelihoods and their rural way of life are equally angered and concerned, and rightly so.

As a farmer, I know the true value of the rural economy and the financial pressures that people are under. The Green Party believes that it is right to introduce legislation to further diminish the rural economy at a time of immense hardship for rural people. However, the lack of support for such flawed policies is testament to its electoral strength and representation in the

Assembly. The Green Party is out of touch with rural Northern Ireland. As a rural dweller who represents a rural constituency, and as a farmer, I am totally opposed to the Bill, as it would be an infringement on the rights of country dwellers and would do a disservice to conservation in the countryside.

Mr Wilson commented on the tearing apart of foxes and hares. In my area, many clubs hunt with beagles. Good huntsmen do not kill the fox or hare, but Mr Wilson's Bill puts all huntsmen into the one sphere by banning hunting. Certainly, many of the huntsmen whom I know are rural dwellers and farmers who have hunted not for decades but for generations, and they should have the right to continue to do so.

I reject the Bill and hope that it ends up in the paper recycling centre. That, of course, would be in line with Green Party policy.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. I will speak against the Bill. The sponsor of the Bill is obviously very passionate about it. However, he started by saying that he wants the legislation to be kept in line with that in England. The reports from England are that the legislation that was introduced and the way in which it has been enacted has been an absolute travesty. I cannot understand why we would lift such legislation and bring it to the Chamber. I know that we have used examples of best practice in the past. If Mr Wilson had done his homework and tried to amend the Bill, he may have received some support. However, on behalf of Sinn Féin, I will not support it.

Mr Wilson talked about the Bill not being against rural people, and he talked about knowing some farmers who did not want hunts crossing their land. Like Mr Irwin, I represent a vast, rural community. Hunting is a way of life to rural people, as Mr Wilson would see if he spent some time in my constituency. He gave the example of Boxing Day and the cruelty of an animal being torn apart. No one in the Chamber would agree that that should happen, and there are few such examples. Mr Bradley asked about evidence. To be honest, I do not think that Mr Wilson made an evidence-based case to gain support for the Bill.

Mr T Clarke: Like the Member, I am a rural dweller. Mr Wilson cited evidence that some farmers are against hunting. It may be the case that those farmers are not against the hunt but that they do not want the horses on their land.

The Bill bans hunting, but the farmers whom Mr Wilson refers to are not necessarily against hunting. They are against horses going over their land because they can cause destruction.

Mr Boylan: I totally agree. That same point was made in an earlier intervention. Brian Wilson said that the fox did not know about boundaries, but he did not pick up on the point that was being made.

Hunting is part of the rural way of life. It is an inclusive pastime that crosses all boundaries, whether those are of religion, age or social class. Those who organise and participate in hunting are, for the most part, champions of the prevention of animal cruelty. I want to talk about what goes on in my constituency. I know a lot of responsible beagle men who go out on the hunt. They do not go out to rip a hare apart or anything else. *[Interruption.]* Mr Wells is here today, and I am sure that he will get his opportunity to speak. Those of us who genuinely know the countryside and know the people who are involved in country sports have a better understanding of the issue.

I was speaking in Armagh recently, where I happened to read a copy of your document. I am sorry; I will speak through the Chair. All it showed was an image of a fox being ripped apart. If such an image is presented to people who, perhaps, are sitting at home watching television, it paints one side of the story. However, people need to understand the whole situation. The Bill could be changed in certain ways. Its intent is to prevent hunting with dogs, which would include hunting with beagles, foxhounds, foot harriers, terriers and other types of dog. I cannot support that. If you recognised what goes on in the countryside, you would know that.

You argued that the Countryside Alliance said this and said that. The members of the Countryside Alliance are the keepers of it. They know what is going on, and they have the figures. The Countryside Alliance is comprised of properly constituted clubs that pay their moneys and try to do a responsible job. The way in which you portrayed the Countryside Alliance is just one side of the argument, but those people are entitled to their opinion.

You talked about the Burns report. What happened in England is just not working. The 2004 legislation is not working. We have to look at that. You tried to argue against the economic

benefits of hunting. There is a list of information available on the economic benefits of hunting to the rural economy, but you have tried to deny and disregard that. Hunting is worth over £110 million to the rural economy. I have the figures about the amount of people and official bodies that are involved in hunting.

Let us get to the crux of the debate.

Mr Wells: Will the Member give way?

Mr Deputy Speaker: Before I allow Mr Wells to intervene, I must remind Members to make their remarks through the Chair. I also remind Members that the only "you" in this Chamber is the Speaker or Deputy Speaker.

Mr Wells: I am a bit confused. One Member said that hunting was worth £40 million a year to the rural economy of Northern Ireland, but the Member for Newry and Armagh is suggesting that it is worth £110 million. Is that the figure for Northern Ireland or Ireland, or is it for the United Kingdom or the British Isles? That strikes me as a huge amount that hunting would be providing. If the Member is going to make those arguments, it is important to get some idea of the facts.

Mr Boylan: I will make my remarks through the Chair. I meant the island of Ireland. Mr Wells should have known that before he got up to ask.

Mr Wells: Are you talking about here?

Mr Boylan: I am talking about the island of Ireland. You have disregarded the economic argument. I am sorry; I will make my remarks through the Chair. He has disregarded that. Let us get back to the real issue, which is why you want to bring the Bill forward. It is the issue of cruelty. You have argued the whole case. The pictures that are shown all the time are selective.

If Members google that, they will see a hare or a fox being hung up. That is it. There are no facts or information about what happens. However, if we ask the huntsmen or the Countryside Alliance and other groups — there are loads of them out there — they clearly have the figures. There is no doubt that Mr Wilson could have brought those figures. If he had done his homework and proper consultation, he would have been able to bring some of those arguments to the Chamber.

Extensive veterinary research has shown that hunting is probably the most humane way to

control and manage wildlife. Ex-directors of the League Against Cruel Sports have come to the conclusion — it is an individual point, but I want to make it — that hunting does not cause unnecessary suffering and that banning hunting would be detrimental to animal welfare. I have another report that says that NIEA funded a full-time post to cull foxes in Glenwherry in north Antrim from 2002 to 2008 in an effort to reduce fox predation on endangered ground-nesting birds. That is fine. Dominic Bradley has answered, and maybe that is the way they tried to address that. Is the Member saying that, if a fox walks down a field with a chick in its mouth, that would not be cruel at all?

For all the socio-economic benefits that I have highlighted, it must be recognised that the Bill will also target individuals who take to the field each weekend with one or two dogs. They do not bring a horse or do so as part of an organisation; it is just a man partaking in a walk across the field. If the Bill is passed, that individual will be unable to do that. What I have described happens each and every day and in every county on this island. How is that meant to be policed or enforced? Obviously, I should have read the full Bill, but I do not know how we would go about trying to enforce that. It would be impossible, and it is farcical to suggest that we go down that route.

I appreciate that the Member is passionate about the issue, but he has not brought enough to the table to convince the Assembly to support the Bill. I will not support the Bill.

Mr McCallister: Like others, the one bit that I will support Mr Wilson on is his right to bring the Bill to the Chamber. I accept that we have other more pressing and important issues in progress, but it is a fundamental right of Members to be able to initiate legislation. There, I am afraid, ends the harmony.

Mr I McCrea: Although there is no doubt that Members have the right to bring forward Bills, the explanatory notes state that, following consultation, the main options considered were either to proceed with the Bill or not to legislate to ban hunting. Does the Member agree that, although Members have that right, the Member in question probably took the wrong decision in this case?

Mr McCallister: I will let Mr Wilson answer the question about his decision in his summing-up speech. It is important to have the debate, and

there will be a diverse range of opinions. Mr McCrea's colleague Mr Wells has not spoken yet, so he should not be too sure; there will be differences of opinion in all political parties.

I, for one, am a rural dweller and a landowner, and I am not a member of a hunt — *[Interruption.]* I stress that I am a very small landowner of some 1,500 acres of land. *[Laughter.]*

A Member: *[Interruption.]*

Mr McCallister: That certainly is not an accurate figure. I am supportive of and passionate about our rural way of life, and I urge Members of the Assembly to fight for and protect that. Like others, I am concerned that the Bill will be the thin end of the wedge for our rural way of life.

This Bill would be an attack on shooting and fishing. We need to send a clear signal from the Assembly that we do not want to go down the road of attacking our rural way of life. In Mr Wilson's opening remarks, he said that some will see the Bill as an attack on the rural way of life, and that is exactly how I see it.

3.30 pm

An argument for the Bill is to establish parity with the rest of the United Kingdom. In the area of welfare reform, for example, I am a great believer in parity with the rest of the UK. The rest of the UK may come back into line with this part of the kingdom in that the Act may be repealed —

Mr T Clarke: Do you have inside knowledge?

Mr McCallister: At last, some people are recognising the benefits of having a link to a national party that forms the Government of our country. They might not see it in other parts, but at least they see it now.

Mr Wells: Will the Member give way?

Mr Deputy Speaker: Order, please. I am afraid that some people have gone off the scent completely.

Mr McCallister: In an effort to get back on the scent, I will give way to Mr Wells, and I am sure that he will help.

Mr Wells: Will the honourable Member reassure us that his party's Westminster team is dealing with this issue as we speak?

Mr McCallister: I assure Mr Wells that our Lords are dealing with it very effectively. I find it strange that his party's Westminster team may not support him as loyally. At least he got rid of one Member to Westminster who opposed him in his efforts to ban shooting.

I hope that the coalition Government at Westminster look at the issue nationally, take the view that the Bill is unworkable and repeal the Act in England, because it is proven beyond doubt that it is unenforceable. It is not a priority for the police, and successful prosecutions, never mind convictions, have been limited and difficult to achieve. With all the evidence and experience from across the water, why would we do the same in Northern Ireland? Why would we tie up police resources in dealing with the Bill when we have many other issues to deal with? Why would we have the police dealing with and chasing after what everyone accepts is a law-abiding fraternity?

Mr Spratt: Would the Bill not be unenforceable for the Police Service? Would attempts to enforce such legislation, which has not been fully thought out, cause major problems?

Mr McCallister: That is exactly the point. The evidence from our colleagues in other parts of the UK is exactly that. The legislation is unenforceable and ties up police resources unnecessarily, and it has not produced the outcomes that the then Labour Government wanted. As Mr Irwin mentioned, former Prime Minister Tony Blair said that it was one of the issues that he regretted most from his time in the premiership. I worry that Mr Wilson's Bill would do exactly that here, and one of the most compelling arguments against it is that we would end up with unworkable and unusable legislation that we cannot enforce. It would tie up valuable police resources in chasing after and trying to secure prosecutions from a law-abiding group of citizens. We are asking what the Bill will achieve.

Mr McGlone: The Bill deals with regulations concerning the hunting of rats, and, following on from Mr Spratt's point, I can imagine someone making a phone call to a police station trying to articulate the problem of a rat being hunted and the reaction that that would get.

Mr McCallister: I can imagine that people might think that that is a bit much for the police to deal with. Where would we stop with that? I gather that the police might advise people to lock up

their cats and dogs and not to let them catch rats. The fact that we are getting to that stage shows how unworkable and ridiculous this is.

Mr Callaghan: Will the Member give way?

Mr McCallister: I do not know about giving way to somebody from a more urban constituency. *[Laughter.]*

Mr Callaghan: There is no need to go into shock, Mr Deputy Speaker.

Perhaps I am confused. Is it not the case that the hunting of rats would still largely be permitted under the Bill that is before the House?

Mr McCallister: I certainly hope so, but no doubt some people might want to see that included. Perhaps Mr Wells will put forward an amendment to prevent the hunting of rats.

Mr Wells: I have listened to some Members, one of whom has disappeared, make the point that the Bill requires amendment. It would be useful if Members declared quite clearly whether they intend to let the Bill get to Committee Stage, at which point those amendments could be proposed, or whether they are going to vote against Second Stage. It is no good saying that amendments are required and then saying that the Bill is not going to get any further. I would be interested to know what the Member's party's view is on that.

Mr McCallister: I am happy to answer that. Our party will be having a free vote, and I will be voting against the Second Stage of the Bill. I am sure that Mr Wells knew how I would be voting.

Looking at all the issues, I can see that the Bill cannot be enforced. The point has been made that the Bill must be passed for the sake of welfare. However, I can see evidence against that. I will read from Lord Burns's contribution in the House of Lords in October 2004:

"The committee did not have sufficient evidence to reach a clear conclusion on whether hunting involves significantly worse welfare effects than other legal methods of control."

That goes back to the question that Mr Wilson could not answer when it was put to him several times by Dominic Bradley. He could not answer the question because he did not have the knowledge of how the provisions would be controlled, whether he would support those methods of control or how that would work. He could not tell us whether that would give us

the results that we needed or whether it would have a beneficial or negative effect on animal welfare. We heard no evidence from Mr Wilson as to whether the Bill would contribute to animal welfare. The Burns report found that there is no evidence to suggest a benefit to animal welfare by banning hunting. Those are the two main points: there is no evidence to show benefit or improvement to animal welfare and there is no evidence to show that the Bill could be enforced. In fact, all the evidence points to the Bill not being enforceable.

In pressing for the Bill, Mr Wilson said that there are farmers who are against hunting. I have no doubt that there are farmers who are against hunting. I have no doubt that there are farmers who do not want horses and hunts on their land, as is their right. I defend the right of farmers across Northern Ireland to say that they do not want hunting on their land and to inform the local hunt of that. Over the past 15 to 20 years, hunts have made a tremendous effort to work with farmers and landowners across Northern Ireland. Hunts recognise that it is in their interests to be allowed on to land, so they look at issues such as not hunting in very wet or unsuitable weather, over new crops or over reseeded fields. That is how the hunting fraternity has kept the farming fraternity on board and supportive.

Colleagues mentioned attacks by foxes on lambs and poultry. It is vital that we limit that and have some control.

There are differences in our way of life in Northern Ireland, in our farm structure and in our field sizes, which mean that animals being hunted are slightly less likely to be caught.

My contribution is about protecting a way of life. It is about protecting a sport in which people have the right to participate and which they should have the freedom to enjoy in a free society. They should have the right to continue with that sport unimpeded by the police and free from the fear of prosecution under an unfair Bill that would ban hunting and criminalise those who want to exercise the right to pursue their sport. Those arguments overwhelmingly weigh against the Bill, and, therefore, I will be voting against it.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. I oppose the Bill. The purpose of Second Stage is to focus on the Bill's general principles, so let us consider those

principles. Mr Brian Wilson outlined them for us when he said that, through the Bill, he seeks to reduce cruelty to animals and to improve animal welfare. Those are noble aims. I do not think that anyone in the House would object to them. I certainly do not. However, they are not well served by the Bill, and neither did Mr Wilson serve his Bill well today. He refused to answer Members' questions, and he referred to evidence on which he was not knowledgeable. I found that unconvincing.

Having read the Bill in detail, I found it ill-thought out and ineffectual. As Mr McCallister pointed out, passing the Bill would make the House a laughing stock. It would create a law that would be impossible to enforce and which would waste valuable policing resources, which we all know need to be used more effectively than in addressing what is outlined in this Bill. "Ineffectual" is an accurate description of the Bill. It is not competent, decisive or authoritative enough to achieve its aims. It will not produce a satisfactory outcome, no matter which side of the argument one takes.

Hunting dates from time immemorial. Originally, it was to provide food, although it was also used to hunt those animals that posed a threat to the food supply. Therefore, as well as a means of supplying food, it was a means of controlling pests that endangered the food supply. Even though we have other means of controlling pests, hunting still has that function.

When introducing the Bill's Second Stage, Mr Wilson was asked for his alternatives to hunting as a means of controlling pests. He was unable to answer, even though he is the Bill's sponsor, which clearly tells us that the alternative is shooting. There are alternatives, including poisoning and snaring, which, though illegal, are still used. If hunting is banned, there is a danger that there will be a greater reliance on snaring and poisoning, which we should avoid at all costs.

3.45 pm

Before we seek to ban hunting, which, to all intents and purposes, is what the Bill seeks to do, we should have good reason for doing so. I do not believe that Mr Wilson has offered any good reasons today. Other Members have pointed out that a ban on hunting will affect the lives of many people who enjoy hunting in its various forms. Those people come from a wide variety of backgrounds across all our communities. Understandably, they will see a

ban on hunting as a draconian measure that will prevent them from participating in what they consider to be a legitimate pursuit and pastime that does no unnecessary harm to man or beast, and one that they have engaged in down through the generations. They will see it as an unnecessary intrusion on their freedom, over which they have had little or no say.

Let us return to the core of the debate: the principles of the Bill. As I said, the Bill, as outlined by Mr Wilson, relates to the welfare of wild animals. It seeks to protect the welfare of wild animals by making the hunting of a wild mammal with a dog an offence unless, according to the schedule, that particular hunting is exempt. Some of the exemptions are clearly cases in which pest control is necessary to prevent wild mammals causing damage to livestock, game, wild birds, food, crops, growing timber, fisheries, property, biodiversity or meat sources for human or animal consumption. Hunting is also permitted for field trials for shooting dogs. Wild mammals may be stalked or flushed out for that purpose. However, what happens when they are stalked or flushed out? They are to be shot. The Bill's principles obviously reflect the need for wild animals to be killed to protect what are mostly human food sources. One reason why people engage in hunting in the first place is to perform exactly the same function.

The principles of the Bill seem to be that cruelty can be reduced by relying on shooting. Mr Wilson obviously believes that shooting is a less cruel means of pest control than hunting. I asked him for the empirical evidence for that principle, but he did not have any. There is much controversy around this issue, and no conclusive evidence has been produced on one side or the other. We should not make laws in the House that are based only on supposition or the emotive arguments that Mr Wilson relied on at the beginning. Before we issue bans, we should have hard empirical evidence that points the way forward. That empirical evidence is quite simply not available in this case.

Mr Wilson referred to Lord Burns's report on the hunting inquiry. However, Lord Burns does not provide evidence for one of the main principles; namely, that shooting is a more humane form of pest control than hunting. In fact, the report states:

"In the event of a ban on hunting, there is a risk that a greater number of deer than at present would be shot by less skilful shooters, in which case wounding rates would increase."

Therefore, shooting would increase cruelty to animals, not reduce it. Later, the report states:

"None of the legal methods of fox control is without difficulty from an animal welfare perspective. Both snaring and shooting can have serious adverse welfare implications."

The report also states:

"In the event of a ban on hunting and coursing hares, it seems likely that a few more would be shot than at present. There are concerns about the welfare implications of shooting hares because of wounding rates."

Therefore, a reliance on shooting will not reduce cruelty to animals, as Mr Wilson seems to believe.

Talking about his report in general, Lord Burns said that there is not enough verifiable evidence or data to reach views about cruelty. He also said that he did not conclude that hunting is cruel. Therefore, the Bill is seriously flawed from an animal welfare point of view. Mr Wilson would contend that, as a means of pest control, hunting is not in the interests of animal welfare and is cruel. If we accept that, and if we accept the evidence in the Burns report, shooting is also cruel, yet the Bill would allow that and would exempt it from prosecution. Mr Wilson is trying to ban one form of pest control and replace it with another, which, from the evidence in the Burns report, is no better for animal welfare.

Why is he doing this? He is doing it because the Bill is ill thought out and is based on flawed Westminster legislation. As I said, this piece of legislation is a direct rule Bill that is being delivered indirectly to us by the Irish Green Party. We should not repeat the mistakes that have been made elsewhere because of a failure to look at the issue for ourselves and come to our own considered conclusions about it. That is why we have devolution.

Mr Wells: The Member will be delighted to hear that the Green Party here has recognised partition and is about to become the Northern Ireland Green Party and become one of the four UK parties. We all welcome that decision.

Mr D Bradley: I thank the Member for his intervention. I can understand why the Green Party is retreating from the South.

This Bill is ridiculous and unenforceable. If we allow it to pass this stage and then to be enacted, we run the risk of presenting the criminal justice system with a useless piece of legislation that cannot be enforced.

Police in England have said that the Hunting Act 2004 is extremely difficult to police and is highly resource intensive. I do not think that the public here would thank us for tying up police resources in an attempt to police this farcical piece of legislation. There are so many anomalies and contradictions in the Bill that anyone who wanted to could drive a horse and hounds through it and not be prosecuted.

According to the Bill, a hare cannot be hunted. However, if someone shoots and injures a hare, they can hunt it, provided that they do so on their own land or on land that they have permission to use and provided that they shoot it dead when they catch it.

In order to train a bird of prey in how to hunt a wild animal, people may hunt those wild mammals, provided that they shoot them dead when they are finished with them. Does that sound like reducing cruelty? It does not sound like it to me.

People can flush wild mammals from their dens to protect game birds or wild birds that they are preserving or keeping to shoot. People can do that, provided that they shoot the mammals when they flush them out. Once again, that does not sound to me like the promotion of anti-cruelty measures. In fact, it sounds like the opposite.

I believe that the alternative pest control measures that the schedule to the Bill offers will simply not work. Two dogs are utterly useless for flushing to guns. As I said earlier, farmers will resort to other more drastic forms of control, such as snaring or poisoning. As we know, poisoning will cause a fox a long and agonising death and, in turn, will lead to the deaths of birds of prey and smaller birds that feed on the carrion.

I believe that the fox is a beautiful animal, and I love to see it in the countryside. However, I also understand the damage that it can do to the livelihoods of farmers. I know that it needs to be culled. The hunt is a much more humane way to dispatch an animal than shooting or poisoning. In a hunt, the fox dies or escapes. If it is shot, it can be wounded and die a long, lingering

and painful death. I ask Mr Wilson: is that the general principle that the Bill hopes to promote?

Mr Wilson has not thought the Bill through. I fear that it is little more than plagiarism of an existing Westminster Bill. It is aimed at promoting the Green Party, with little thought for its practical outworkings. That is not a good reason for bringing proposed legislation before the House.

Mr McCallister stood up for Mr Wilson's right to bring legislation to the House. I stand up for that right as well, but what I want to see coming before the House is legislation that is original, drafted by the Members of this House and their parties, and not cut, pasted and copied from an existing Bill at Westminster. That is exactly what Mr Wilson has done in this case.

We should reject this Bill on the basis that the principles behind it are not well served by the Bill itself. Instead of improving animal welfare, this Bill would damage animal welfare and increase cruelty to animals. I am sure that no Member would wish to add his or her name to that cause.

I have dealt with the principles behind the Bill, and I find that the Bill is an ill-fitting vehicle to promote those noble principles. Therefore, I will be rejecting the Bill and voting against it.

Mr Bell: It is important that the conclusion that we come to in the debate is based on genuine animal welfare and the prevention of cruelty to animals, and that we have good law, not bad law.

I will set out the case in detail that on the basis of genuine animal welfare, the prevention of further cruelty to animals and good law versus bad law, the House would be right and correct to reject this Bill. This Bill is bad for animal welfare, will increase cruelty to animals and is, in its essence, bad law.

I have known Mr Wilson for a long time. I have listened to many of his debates. We have been on councils together for over a decade. He is a former lecturer, and I have listened to him as he gave many detailed and reasoned arguments on many other subjects. Today, he did not. I suggest that that is because today he cannot.

I have no doubt that he is sincere. However, the child who reaches for the bottle of fatal tablets thinking that they are sweets is sincere, but sincerely wrong. Equally, I have no doubt that the consequences, were the House foolish

enough to allow the Bill to go any further, are unintended on Mr Wilson's part. The consequences of the Bill's passing today would be bad for animal welfare, increase the level of cruelty and suffering of animals, and lead to bad law that is unenforceable.

Mr McDevitt: I respect the opinions of all Members on this matter, and it is important that we have an informed debate. However, the consequence of the Bill's going through today is that it goes to Committee. That is the only consequence of the Bill's going to another stage. It is just that it would be further scrutinised, and would have to stand up to that scrutiny. Jumping to the end of the legislative process, as if we are having a single-stage legislative process today, is a bit unfair to all of us, and particularly unfair to the Bill, and to the House and its procedures and Standing Committees.

4.00 pm

Mr Bell: Having gone through the Bill in detail and having read the import of it, and working on the basis of what is in the best interests of animals and preventing cruelty, I am in no doubt that what is in the best interests is to kill the Bill and to kill it today.

Let me make progress on the argument. The unintended consequence that Mr Wilson would bring about is the increased suffering of animals and animals experiencing a greater level of cruelty. Let me set out why that is the case.

As I was out walking with my girl last night just after midnight — I clarify that the girl is my golden retriever, Zara — I bumped into a gentleman, 80 years of age, and we got talking. He told me about how his daughter in Ballywalter had come back to her chickens to find 16 of them destroyed in the immediate past by a fox. Now, the fox did not kill the chickens for food. It came in, killed a chicken, left it, killed the next chicken, left it, killed the next chicken, left it, killed the next chicken — up to 16 times. You understand. The fox did not discriminate. The fox caught every chicken, not for food, and killed every one.

Mr T Clarke: We believe you.

Mr Bell: I think that I need to move on. Given that, the question that I posed, through the Deputy Speaker, to Mr Wilson was how he would deal with that fox. He does not know how

he would deal with that fox. I asked him what method he would use to cull that fox, and he does not know what method he would use to cull that fox.

Mr I McCrea: I thank the Member for giving way. Given that he posed that question to Mr Wilson, who had no idea how the fox that killed those 16 chickens might be dealt with, could the Member advise the House as to how he feels that that fox should be culled?

Mr Bell: I think, and I will lay out the evidence later on —

Mr T Clarke: Will the Member give way?

Mr Bell: Yes.

Mr T Clarke: Would the Member accept that the debate that he is going into is nearly as painful as the hunt itself and that we feel as though we are being hunted round this Chamber and killed?

Mr Bell: The evidence that I am going to present is from the Veterinary Association for Wildlife Management, because I want to work on the basis of veterinary expertise. That evidence states that the "most humane way" to deal with a fox — those are not my words, they are the words of the Veterinary Association for Wildlife Management — is to allow the natural hunt.

Let us look at what Mr Wilson has done. He has effectively lifted the English and Welsh legislation of 2004 and brought it across. Anybody looking at that legislation and looking to change it would be looking to increase the protection of the welfare of animals. Yet, having read the Bill, I see nothing in it for the welfare of animals. It is all about penalising human beings more, but it says nothing about the gross inadequacy of the English and Welsh legislation. That gross inadequacy was such that it led Lord Chilcot and others, when they reviewed the worst pieces of legislation over 20 years, to point to the Hunting Act 2004 in the same breath as they point to the poll tax and other pieces of flawed legislation. That is why we should not transport bad law across.

I was always interested in a story that my father told me. When he lived down in Blackwatertown, they were out hunting rabbits during the war years for food, and the dogs came across a fox and, instantaneously, killed it. Within seconds the fox was rendered insensible, and within a few seconds more the fox was dead. The three boys took it up to Blackwatertown barracks, and

the policeman there — I do not know whether it was Mr Spratt, it would be the same vintage — cut the tongue off the fox and gave it back to the boys, with the reward of six shillings, which they split, two shillings each. Now, why did the police —

Mr Spratt: Will the Member give way?

Mr Bell: I certainly will.

Mr Spratt: Just to reassure the Member of my vintage: when I joined the police, shillings had disappeared. *[Laughter.]* Paying out over the counter had also disappeared. When I joined in 1972, there was accountability.

Mr Bell: Mr Spratt is like a good wine: he gets better with age.

The reason why the young people were rewarded by the police is that foxes are vermin. They attack livestock, lambs and poultry. Therefore, it is necessary to cull them. We all agree that there is a necessity to cull foxes. What we have to decide on is the most humane method by which to do so, which promotes animal welfare and is less cruel. On each of those counts, we can present evidence to show that the proposed alternative methods by which to cull the fox are more damaging to its welfare and crueller than what is currently practised.

Black, bad law should not be replicated.

Mr McDevitt: Will the Member give way?

Mr Bell: Let me make some progress, and I will give way.

Northern Ireland is already ahead of the game. *[Interruption.]* OK, Mr Wells wishes me to give way. *[Laughter.]*

Mr McDevitt: I thank Mr Bell and Mr Wells both, Mr Deputy Speaker. *[Laughter.]*

Mr Bell is trying to build an interesting line of argument. It seems that he is trying to outline some animal welfare argument. However, the Bill is not substantially an animal welfare Bill.

Mr Wells: It is not.

Mr McDevitt: No. Therefore, the Bill does not deal with the animal welfare argument, as interesting as it might be. I suppose that one could sum up the Bill by saying that it deals with the debate on killing animals for sport rather than out of necessity. The kernel of the

argument is whether the Assembly wishes to set a standard legally on whether killing animals for sport or as a pastime is appropriate, while also accepting that it may need to be done out of necessity. I will make a fuller contribution later. The Bill is not particularly about animal welfare. If it were, that would be fine; the Assembly could debate the merits of animal welfare all day. It might be helpful to frame the debate in that way. On my reading of the Bill, it seems to me to be substantially about that.

Mr Bell: Although I thank the Member for drawing it to the House's attention that there is nothing in the Bill that promotes animal welfare, he is fundamentally wrong because everything in it will damage and be detrimental to animal welfare. Essentially, that is the basis on which the Assembly must ensure that the Bill is killed.

Northern Ireland is ahead of the game. In fact, the Welfare of Animals Act (Northern Ireland) 1972 has been in place here, which makes it an offence to cause unnecessary suffering to animals. That is inherent in the 1972 Act. Therefore, we have the legislation. We do not need to replicate it.

Having reviewed the relevant English and Welsh legislation, which they wish to replicate here, James Barrington, an ex-director of the League Against Cruel Sports, who, I believe, is supported by three other former directors of that organisation, said that hunting does not cause unnecessary suffering. We need to be sure of that today. The alternative methods of culling that Mr Wilson proposes, which he was unable to set out today but which are in his Bill, will be crueller and will cause greater suffering than those that are already practised. I am about to set out how. They say that instead of improving animal welfare, the English and Welsh Hunting Act 2004 has actually made it worse. Their detailed analysis of the law reveals the illogical and unprincipled conditions that in no way can be argued to be animal-friendly. Even a former director of the League Against Cruel Sports clearly concluded that hunting does not cause unnecessary suffering.

The Member for North Down Brian Wilson gave a diatribe against the Countryside Alliance, which would have been interesting, had it been true. However, I will go to the evidence-base. Much as I respect the intellect of Mr Wilson, I respect the intellect of a vet and someone who is trained in animal medicine and animal welfare a lot more.

I will go to the evidence from the Veterinary Association for Wildlife Management, which is a group of 560 qualified vets. They work in England, Scotland, Wales and Northern Ireland. Many of them have worked in general practice, many have had years of clinical experience working with domestic and wild animals and many of them have distinguished academic, valid research to their names. They include five veterinary professors of medicine and six fellows of the Royal College of Pathologists. Their conclusion is that hunting is the natural and most humane method of control. That is the evidence from practice vets with years of experience. The conclusion of the Veterinary Association for Wildlife Management is that hunting is the natural and most humane method of controlling the population of all four quarry species in the countryside. Most of us know the valid interests that the veterinary medicine professionals have in promoting animal welfare.

Members can quote examples of suffering. I can quote examples of chickens and lambs suffering, and I can show pictures of lambs slowly bleeding to death after the foxes have got them. In the natural order of things, dogs will chase cats, cats will chase birds and birds will chase worms. Maybe in some little well world in North Down dogs will no longer chase cats, cats will no longer chase birds and birds will no longer chase worms; perhaps, in that world, Mervyn Storey takes it easy on Caitríona Ruane. In fact, it is more likely that dogs will kiss cats, cats will kiss birds and birds will kiss worms than it is for Mervyn to take it easy on Caitríona. The natural order is that the quarry species present a deadly threat and have to be culled.

4.15 pm

The only thing that I did not hear in Mr Wilson's selective quoting of the Burns report was that Burns concluded that the hunt in no way provided for a form of unnecessary suffering. The Bill fails to address animal welfare. It is bad law, as we have seen from what Lord Chilcot and others have promoted. Mr Wilson did not know what was in the Bill and could not answer the questions that Dominic Bradley put to him. However, Mr Bradley, being a good teacher, pointed out to him what was in the Bill. Shooting a fox, which is what Mr Wilson's Bill states should happen, will cause unnecessary suffering. Evidence shows that a fox that is taken by a dog is rendered insensible within seconds and, seconds later, is dead. If the Bill

were to go through, the majority of foxes shot would not result in a clean kill. They will limp on for hours, possibly days, injured and in agony, and with no help. That is cruel.

Mr McGlone: I hear the argument that the Member is making, but as someone who is deeply interested in country sports and knows many people who are competent markspersons out after foxes at night, I would not like to think that the nature and tone of the debate is taking us to the point where the competency of those marksmen is being questioned. If there is evidence to support that, I would like to hear it, but there are people who go through quite extensive training courses to improve their level of marksmanship. Perhaps the Member will deliberate on that.

Mr Bell: I will, and, for the evidence he needs, I refer him to the Burns report. There are expert marksmen that can make a kill, but there are others who have shot who cannot. Mr Wilson's Bill is proposing to ban the hunt and use the alternative of shooting, and I am making the point that using that alternative will cause greater suffering and cruelty, as evidenced in the Burns report and by veterinarians. I would be delighted if every marks-person was a marks-person and got a clean kill, but that is not the case.

Do we go for greater wounding and increased suffering? Do we go for the number of dogs to be reduced to two? What that will mean is that the fox will suffer for longer, its pain will be greater, and the impact on the individual fox will be crueller. Is that what we want?

Often when a fox has been caught it will seek to go underground. I will point out to Mr Wilson — because he did not mention it, and he may not be aware that it is in his Bill — that if the Bill were to prevent the dogs from going underground, how on earth would the injured fox have its welfare protected? In those circumstances, one would be looking for an instantaneous end to the fox's life, but if the dogs are prevented from going underground, except for wild birds, and the number of dogs is limited to two, that will ensure that the fox stays injured and suffers for longer, and is therefore more cruel. It is for the reason of the prevention of suffering that the Bill will fail.

In conclusion, there is a basic law of medicine, which is that you do no harm. Mr Wilson has brought his opinion. As my dear father-in-law would say, everybody is entitled to their opinion,

no matter how wrong they are. I have no doubt that the motivation behind that opinion had links to animal welfare and to preventing cruelty, but I ask him to consider the evidence of 560 vets. He shakes his head. With respect, does he, with his knowledge base of town planning, know more about animal welfare than 560 vets? Does he know more than five veterinary professors and six fellows of the Royal College of Pathologists? I think not, and I think that, by default, the consequences of his Bill will hurt more animals, cause them to suffer longer, and will be a crueller position than that already in existence. On the basis of the medical law that one should do no harm, it is in the best interests of the House to kill the Bill in the interests of preventing animal cruelty and promoting their welfare.

Mr Kinahan: I apologise to Mr Wilson for not being here at the beginning of the debate to listen to him. I am extremely pleased to speak today, and I do not think that many of you will be amazed to find that I have to declare an interest, in that I used to hunt. *[Interruption.]* I was expecting that. I hunted until the age of around 22 or 23, which was some 30 years ago, as I am now 52 years young.

In my maiden speech, I promised that I would always try to uphold rural values. Although this is not necessarily an urban versus rural battle today, it is an attack on rural values.

I will try to give Members five different reasons why hunting should be allowed. 'The Sunday Times' said that such a bad law as the one in England has no right to survive, and it would be better to get rid of it. There will be much more to follow. I will try to show why this is a bad Bill that will not work, without repeating too much of what has been said; why hunting is natural and no crueller than other methods; and why hunting brings enormous benefits to the countryside and those who hunt. I will also comment on why I feel that this is purely an election gambit. However, what concerns me most is that this is the thin edge of a wedge: if this Bill were allowed to proceed, it would lead to many other rural sports being stopped.

I apologise if this quote has already been used, but Alastair McWhirter, Chief Constable of Suffolk, said:

"Parliament's vote for an outright ban on hunting with dogs fills many of my fellow officers with dread. Not because the police are pro-hunting —

the service is determinedly neutral — but because of the practical implications of enforcing such a ban."

That was written before the ban was put in place. We know that the law does not work. We have also heard that the coalition is set to repeal it, but, before anyone raises that point, I have not heard that first hand. Tony Blair said that the banning of hunting was the wrong way to go and, to put it bluntly, the ban on hunting in the form of the Act that was put in place in England has been universally condemned.

Mr Callaghan: The point about pressure on police resources has been made on a number of occasions this afternoon, but my understanding is that, up to 2008, 44 prosecutions have been proceeded with in the extant territory of the Hunting Act 2004. In four years, there seems to have been fewer than a dozen prosecutions in the whole of the territory to which that Act applies. That hardly seems a huge drain on the Prosecution Service or the police.

Mr Kinahan: I wish I had the figures to hand, because the Member referred only to prosecutions, not the waste of time and enormous number of investigations and referrals to police —

Mr McCallister: Will the Member give way?

Mr Kinahan: I will give way again.

Mr McCallister: Does my colleague agree that the previous intervention highlights why this is such an ineffectual Bill? It demonstrates why it does not work in England and why we should not have a similar measure here, because it will not work and it cannot be enforced. It would be a drain on resources, because it would be too time-consuming to achieve prosecutions. It would criminalise people who would not ever come into contact with the police: some of our most law-abiding citizens.

Mr Callaghan: Perhaps I take a more enlightened view of the hunting community in England than Mr McCallister, but does that not just as plausibly suggest that people are obeying the law in England? Is Mr McCallister suggesting that people are flouting the law, but that the police across the water are not pursuing such people?

Mr Kinahan: I think that we need evidence, as someone behind me has just said. It could just as easily show that there is little interest in

pursuing this law, and that not many people are chasing it through because they know that it does not work.

To return to my point, the fact is that the police believe that it is a waste of time. We are hearing from everyone else that the law does not work. We cannot clog up police time here in Northern Ireland. Others have already mentioned this; we already have problems with dissidents, and if you go from one end —

Mr McDavitt: Will the Member give way?

Mr Kinahan: Let me get a little further through my speech, please. At one end of the crime world here, we have the dissidents and, at the other end, we hear continually, every day, about youths gathering at street corners, although they are quite often there for innocent carryings on.

However, there is a need for more police on the ground, and all that I am saying is that we do not want to put the Bill in place because it will waste incredibly valuable police time.

The police will have to enforce the Bill. I will tell Members a story. Some Members may not know this, but I have a herd of deer. One day, police officers came to tell me that there was a stag out at Parkgate. I asked them what it looked like, and they said: "A stag". I showed them the deer and asked whether it looked like my deer. They said that they did not know. Therefore, a whole learning process is needed. There are wild deer and all sorts, but we cannot put more work onto the police.

I will now move on to hunting as a natural activity. The chase is natural.

Mr McDavitt: Will the Member please give way this time?

Mr Kinahan: I will give way this time.

Mr McDavitt: I genuinely appreciate it.

I want to address the argument that a ban is a bad law because there is no great evidence of prosecution. There is as much evidence to suggest that the hunting ban has worked perfectly well and that the tradition of hunting has been able to continue in drag form — pardon the pun in that remark, Mr Deputy Speaker — as that the ban has been flouted and hunting continues in traditional form. There is as much evidence to suggest that those who hold dear the tradition of hunting — ceremonial

traditions and countryside sporting activities — enjoy it as much in drag form. In fact, there are more hunts today in drag form than there were hunts in 2004. There is as much evidence of that as there is that everyone is out there every Saturday afternoon flouting the law. The Member has to concede that point. There is no categorical evidence that what we see is an absolute flouting of the law. There is none.

Mr Kinahan: There is no evidence that it is the other way around. I cannot give in to the Member's point. I can just accept that it might be true, but I will touch on drag-hunting later. That is the type of drag-hunting that I do. The Member's drag might be slightly different. *[Laughter.]*

My second point is that hunting is perfectly natural. As I said, the chase is natural. As we heard earlier, eating meat is probably the main reason for hunting, and we have to protect our food sources.

Hunting is cruel, and we have had plenty of examples of that. Half my thunder has been stolen already. I will let Members know that the fish is catching the fly, the cat is chasing the mouse or even the bird, and the bird is pulling at a worm. That is all part of the natural process. There are thousands of animals and birds and millions of insects. This is happening all day, every day, and we are simply picking on one little notch, which happens to be human beings on horseback pursuing one of four quarryies.

The Bill has misguided values behind it. I would accept the points from a vegan, but he has sadly left the Chamber. Vegans cannot eat or use animal products, so perhaps vegans have the right reasons to promote the Bill.

We all enjoy some form of thrill — do not explore this too far. *[Laughter.]* It is getting very dangerous. In many cases, the thrill is the chase, whether we see it on the sports ground or, for some of us —

Mr Kennedy: In the Assembly Chamber.

Mr Kinahan: Thank you. Thirdly, I want to illustrate the benefits of hunting because I do not think that anyone else will do so. Some 300,000 people in Ireland hunt. I am told that 35,500 people in Northern Ireland have horses, and I am sure that most of them hunt. There is an enormous rural sector in Northern Ireland, and all of it loves the countryside. I want Members to bear with me, even those who are

opposed to my views, as I take them through 24 hours of hunting to show them some of its benefits. I hope that Members are still awake at the end.

4.30 pm

It is 30 years since I last hunted. The night before, you prepared your tack, horse and yourself for the day to come. As grown-ups, that is fine, but for young people and children, it was a way of learning how to look smart and how to get things ready for the following day. The next morning, you were up at 5.00 am or 6.00 am. I wonder how many here have shovelled manure or cleaned out stables. We may deal with a great deal of it in here, but — *[Laughter.]*

I am trying to illustrate that it is good to learn how to do that and that it was a way of learning how to look after animals. Once you got up, you checked your horse or pony from top to bottom, you cleaned it, rubbed it down and you bonded with it. Children and young people learned how to look after animals. That is one of the greatest lessons that can be learned from hunting.

When we went to the meet, which, for those who do not know, is where we gathered to go hunting, we did not just gallop from field to field. We were part of nature; we watched it, whether it was birds in the trees or bushes or mammals on the ground. Had I listened to my mother all the time, I might have learnt much more. However, we were there, seeing how the whole countryside pulled together.

We were also, however, learning how to take risks. I do not know how many Members know that riding and hunting has the highest level of injury of any sport. You had to decide, at full flight, whether to jump a big ditch, go through a hedge or jump a five-bar gate. We learned how to take risks and to be brave, which is something that masses of our young people today need to know and about which all of us could learn.

There was liaison between the hunts and farmers. The hunts learned what fields they could not go on or whether they could go through farmers' land. It was all done with permission and everything worked together. The difficulty, and what I will go into now, is the thrill. Mr McDevitt mentioned the drag-hunt. The whole point of a hunt was the thrill when the hounds found the fox and the fox took us in its choice of direction, which the hunt had

to follow. Sometimes we could not cross the land. Sometimes we could not cope with the obstacles. However, the pace, the speed — and the danger — while watching how hunting works meant that everyone learned. A drag-hunt follows a set route. Your horse trots, canters and, perhaps, gallops, but it is never in full flight.

Mr T Clarke: Stop at the end of your hunt.

Mr Kinahan: You want me to hurry up? Thank you.

Drag-hunting does not work. As some Members might have heard me say before, I ran as the quarry in Germany for a drag-hunt. It does not work, mainly because — before one of you gets it in — I am too slow. *[Laughter.]* Much more than a Linford Christie was needed. I am trying to get across that drag-hunting is an alternative, but it is not the same. All who hunt would rather stay with what we have.

It is rural people who protect the countryside, who look after its hedges, fields and animals, and it is they who want hunting to carry on. Yet —

Mr Kennedy: I am grateful to the Member for giving way. Does he agree that rural communities believe that hunting is an expression of their role as custodians of the countryside and that it is a long-established custom that rural communities, rightly, expect to have the freedom to continue?

Mr Kinahan: I am grateful for that intervention. I totally agree that those in the hunting world see themselves as custodians of the countryside. Since the introduction of the hunting ban in England, we are told that fewer foxes have been seen by hunts, yet we have heard that there are more hunts.

That is because the ground is not looked after properly. The same applies to the red deer on Exmoor. We have heard that there has been a reduction of 19%. Similarly, Queen's University tells us that there are more hares here where hunting takes place.

We could look at those arguments from all sides, but I will move on because the Bill is really just an election gambit. We know that the Bill will not work and that hunting is good for the countryside, but the Bill plays to a large number of voters. We may want to be democratic, but there are times when we have to allow other people to have their normal ways of life, particularly in the countryside. I remember during a previous debate here that we were shown tired old

photographs of a hare that had been ripped apart. The end result of the kill is an appalling sight, but it is the same throughout nature.

Before the debate, I asked how many foxes were killed by hunting in a year. The answer was 36. I also asked how many foxes were killed in other ways, although I know that that is a hard figure to come up with. On four sites where studies were done in the same year in which 36 foxes were killed by hunting, 451 were killed by shooting or other means. If that logic is followed through, it means that thousands have been killed by other means, and, as we have heard from other Members, probably in a much nastier way.

Mr McDevitt: I thank the Member for giving way. Does he concede that the argument that he has presented in opposition to the Bill is the absolute opposite of what Mr Irwin presented in his speech? The Member is presenting an argument in favour of a sport, which is fair enough, and arguing that the thrill of the kill is necessary for the sport to be a sport in its fullest possible sense. On the other hand, Mr Irwin legitimately argued from an entirely different perspective that it was all about pest control in the countryside. However, the figures do not at all stand that up. It is about the most ineffective, unproductive and inefficient method of pest control.

Mr Kinahan: I think —

Mrs Foster: Will the Member give way?

Mr Kinahan: Yes.

Mrs Foster: Is the Member opposite really saying that there cannot be more than one argument against a Bill? That is ludicrous.

Mr Kinahan: I love the idea that one Member asks a question and another answers it for me. *[Laughter.]*

Are we really trying to ban fox-hunting when, in a year, only 30 or so are killed in that way and yet, as I said —

Mr Wells: Where was that?

Mr Kinahan: Northern Ireland. There are some 35,000 people here with horses. The debate has concentrated on foxes, but the Bill also aims to ban many other forms of hunting.

Mr Savage: Does the Member agree that more foxes are killed on the roads by motorists than are killed by hunts?

Mr Kinahan: I completely agree. Many more foxes are killed on the roads.

Mr McDevitt: Will the Member give way?

Mr Kinahan: I had intended to keep going. OK.

Mr McDevitt: I appreciate Mrs Foster's intervention. She did not have the benefit of being in the Chamber earlier. I am sure that you were following it on the TV — *[Interruption.]*

Mr Deputy Speaker: Order, please. The Member will resume his seat. Unfortunately, I have to again remind Members, even those who arrived late, that all remarks must be made through the Chair.

Mr McDevitt: Of course, I acknowledge that Members can follow the debate in other ways in other places.

We have to try to figure out what is bad about the Bill. Everything could be bad about it: Members could just take the view that it is bad — full stop. Perhaps they just do not like it and feel that they do not need to give a reason for not liking it. However, if Members wish to articulate a coherent argument against the Bill, it would help those of us who are trying to have an informed debate on the issue to understand exactly what it is. Is it an argument that fox-hunting — to single out one form of hunting that would be covered by the Bill — is an essential form of pest control and is, therefore, an integral part of the agricultural industry and countryside management and all that sort of stuff, and so needs to be defended in its current form, or —

Mr T Clarke: On a point of order, Mr Deputy Speaker. Surely an intervention should be an intervention and not a speech.

Mr Deputy Speaker: It is my custom to encourage interventions to be brief and to the point.

Mr McDevitt: I shall conclude.

Or is it a country sport that has no role in countryside management? In essence, that was my question.

Mr Kinahan: With so many interventions, it is hard to remember where I was. I am nearly finished.

We are being asked for evidence, but I do not think that we will ever find that evidence. We are trying to get across the fact that the Bill is determined to stop a way of life. On the question of whether we can find evidence, the mere fact that we cannot find enough evidence

to support the Bill is the same argument as saying that we cannot find enough evidence to oppose it.

We know that it is legal to hunt a rabbit but not a hare and a rat but not a mouse. The Bill would make it legal to use two dogs, but not three, to flush out mammals, yet it is to protect birds that are then going to be shot. There are lots of illogicalities in the Bill. It is confusing and pointless.

The argument that there is no place for fox-hunting in modern society has been put forward. I am not sure how to look at that. More and more people are riding and, as we heard, more and more people are hunting. We are told that 300,000 people hunt in Ireland. Hunting, therefore, is very much part of modern society. I have already touched on drag-hunting, so I will not go into it any further.

This is an illogical election gambit, and it is an action that has been taken in ignorance. Most of the arguments are being put forward because certain Members do not know the truth about what goes on in the countryside. I am scared that this is the thin end of the wedge. If we take the Bill forward, what will be next? Will we then try to stop shooting and fishing? How much further will things be taken? Today, it is purely an anti-hunting Bill. It is an attack on rural interests. If we let it go on, the rural life here that we all adore will fade away. One day, the countryside could become like what one sees in futuristic films: no trees; no wildlife; dull, grey brick and stone, and no one doing anything other than what goes on in the drab industrial world that goes with that vision.

Tolerance is a true measure of society, but the Bill shows a lack of tolerance for one section of the community. Hunting is natural, and the Bill is a blatant use of political prejudice. I oppose the Bill.

Mr Molloy: Go raibh maith agat, a LeasCheann Comhairle. I oppose Mr Wilson's Bill. In his opening remarks, he said that fox-hunting is a blood sport, and he referred to cockfighting, badger-baiting and hare-coursing. None of those activities is covered in his Bill, which, in line with evidence from other Members, has been lifted from the English model. I do not believe that even Mr Wilson knows the content of the Bill. He has simply transferred the English Act and put it forward here. The exclusions in the Bill mean that, as somebody said, it permits the hunting of rats and rabbits with dogs and

the retrieval of hares. So there are a number of areas of confusion in what he said. The Bill is not about animal welfare or cruelty. As the previous Member to speak said, it is simply a device to allow the Green Party to go into the next election saying that it put forward a Bill to ban hunting but lost the vote. It will lose the vote because the Assembly has more sense and will throw out the Bill. That is where we are.

4.45 pm

In one sense, it is hard to become overly annoyed about the Bill. However, it is a serious issue. If a ban on hunting were to be put in place, the whole rural way of life as we know it would be destroyed. Hunting and country sports have been part and parcel of the country way of life that people have enjoyed over the years and are the reasons why those people live in country areas rather than urban areas. Urban people sometimes do not understand that, because they have not witnessed it. They like to see rural hunt scenes in paintings that they buy to put on their walls, but that is as far as it goes. They ignore the fact that what is portrayed is an actual scene that represents the rural way of life.

We have been told, in this debate and in others, about the number of animals that are killed. I do not take part in hunts, but I have watched them on several occasions and have very seldom seen the hounds catching anything. It is a way of life. It is a walk in the countryside as much as anything. We are supposed to be encouraging people to go out walking and to enjoy the countryside, and a hunt is as good a way as any to do that.

Suggestions were made about drag-hunting. The thing about drag-hunting is that you know where it is going to finish up, which is probably in the pub. There is no real craic in that at all, because the result is a foregone conclusion. We need to take account of the facts that a number of Members covered. Foxes or hares will go wherever they want to go and will protect themselves as much as possible. They know where the safety nets are, which are part and parcel of the hunt. The beagle clubs that keep hounds are a part of the community. That community infrastructure is cross-community and inclusive. It involves the young and the old, and men and women. There are no divisions, no matter what part of the country you are in.

As was said earlier, 300,000 people enjoy hunting. That is only the tip of the iceberg.

We should draw attention to the numbers of people involved in rural sports and in the rural environment. It is a tourist attraction that will bring people to this country. The rural areas are the only places in which hunting exists, and we should take advantage of that. We should not sign up with failed legislation from England or Scotland. We should set ourselves apart and say that we have something here that we value and that we will encourage and maintain.

A ban will not be successful. It will simply alienate a large number of people and drive them out. The hunting fraternity here has been a very important part of the rural economy. It has brought people together. There are people who hunt on horses and who belong to equine associations. They are a major part of the economy: they not only own horses, but keep them, stock them and feed them, and they are involved in riding schools. There is a whole industry there. People should not lose sight of the fact that the hunt brings several aspects of rural life together.

Jim Wells's letter — I mean, Jim Shannon's letter —

Mr Wells: *[Interruption.]*

Mr Molloy: I am sorry, Mr Wells, my apologies.

The letter refers to a figure of £40 million and 2,000 jobs. That could be an underestimation. It is certainly an underestimation of what could be achieved if we set out to drive the industry forward and to encourage people. It is proper that we should regulate the industry. No one is saying that we should not do that.

Some of our city dwellers were asking whether hunting was a question of vermin control.

Mr McDevitt: Will the Member give way?

Mr Molloy: I will not give way. Too many Members have given way all day.

The city dwellers have asked whether hunting is about vermin control or sport. It is a combination of different aspects that come together. Some of it is about vermin control, about the menace of foxes in rural communities and the damage that they do. Deer are also a menace in certain rural communities and they have to be controlled. If they are not controlled by hunting, they have to be controlled in a different way. We need to deal with those issues.

Hunting is a sport, but it is not a blood sport. It is about management and control, and it is about bringing people together in various ways. It is about land management, which is also part of driving the rural economy.

The best thing that has been said today is that this is the thin end of the wedge. That is a very slight assessment of the whole issue. The current issue is hunting, but the next issue might be about what can be hunted. Will fishing, shooting or other sports that people are involved in be the next target? If the Green Party does not like those activities, we will have another Bill in the future. The only hope is that, like in the South of Ireland, the Green Party will have diminishing ideas. Maybe the same thing will happen here to allow the rural community to continue and to develop in the future.

The best solution is for the Assembly to vote down the Bill today, take it out at this stage and ensure that we do not inflict it on a Committee that already has an overpowering workload for the next number of months. The Bill would clog that up, and important business would be set aside while this issue, which will destroy the rural community, is discussed. I hope that the Assembly will see good sense and vote the Bill down.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. As Members will have noticed, there is a different emphasis in our party on various aspects of the Bill. We come to the debate with a free vote and a free mind. I come to this very much as a person from the rural community who represents a rural area and is an active participant in country sports. Some Members who are less knowledgeable about rural ways and country sports will probably speak today. However, I defend utterly their right to put across their view, albeit from a different perspective. In that regard, I defend utterly Mr Wilson's right to put forward those views today.

However, at this juncture, I will divert. It is important to place the debate in context. What we have before us today is widely perceived by the rural community and by active participants in rural sports as similar to what passed before, when an attempt, albeit an ill-informed one, was made in the Assembly to introduce legislation to prohibit shooting over areas of special scientific interest. That set off huge alarm bells in the rural community and among a variety of clubs

that saw it as an attempt to prohibit their way of life, their heritage and their sports. It was governance by Big Brother. Therefore, I have to say to Mr Wilson that the Hunting Bill is, in many people's eyes, part of a process or a conspiracy by some people outwith the Assembly to impose their views in toto on the rural community and on people for whom rural sports are part of their heritage.

Mr Beggs: The Member said that people are imposing a view on the rural community. Is he aware of the comment on the Department for Environment, Food and Rural Affairs website about the legislation? It says:

"The government considers the Act has not been a demonstrable success. It is flawed, illiberal and unenforceable. Furthermore, evidence produced since the Act came into effect suggests it has failed as an animal welfare measure and may be having a negative, impact in welfare terms, on the management of wild mammals."

Does he accept that the legislation has clearly been demonstrated as flawed in England?

Mr McGlone: I was not aware of that, but I thank the Member for his very valuable and informed contribution. Numerous points along those lines have been made already. That shows that the British Government are coming to the conclusions that are informing this evening's debate.

Many people from the area that I represent along the lough shore pursue those sports. Indeed, there are seven clubs in my immediate locality, and many of their representatives have been in touch with me to say how concerned they are about the Bill.

I am only an ordinary plebeian, unlike some Members, who are highly qualified with degrees in law and are practising solicitors. However, in my view, the Bill raises numerous issues. It raises major legal issues about permission to be on land and the practice of using more than two dogs. Anyone who has ever been out across the fields after pheasants will know that it raises hugely impracticable issues. To be fair, the Bill is totally unreasonable and impracticable, and it has no semblance of real life or the real world as people in the rural communities know them.

I have to draw attention to what the Bill says about the use of a gun once a wild animal has been flushed out. The Bill provides that flushing

out an animal is exempt hunting if it is shot dead by a "competent person". Who is the arbiter of what a "competent person" is? That raises further major legal issues. What would happen if one person were to say that someone were incompetent and raised that issue with the police? That is more regulation, and who deems that? It raises more issues about the carrying of written evidence to show ownership of the land. That is further bureaucracy, and who determines those issues?

Another issue is that for flushing out to be exempt hunting, it must not involve the use of more than one dog below ground at any given time. How in this world do you prevent dogs from going underground, especially dogs such as Jack Russells and terriers of that type, whose nature it is to go underground? How do you make sure that no more than one dog is underground if there are two, three, four or more holes in a warren nearby? It is totally impossible and impracticable, and it has no semblance of the real world or, indeed, nature.

Earlier, I referred to the regulation of hunting with rats and rabbits. When the legislation gets to that point, it takes off in a weird and wonderful direction altogether. Any of us who have been out with a dog will know that it is the most natural thing for a dog to chase a rat that runs across a roadway or a laneway into someone else's field. However, under the Bill, that would raise major and significant legal implications that could, if enforced, wind up in court.

I make no apology for the fact that I am a practitioner of country sports. I enjoy them, and they are what I was reared with and how I was brought up. They are my way of getting a breather from the political world. Aside from that, I see the Bill as being against common sense and, in fact, against nature. It will create a plethora of red tape, bureaucracy and legal ramifications. I thank Mr Beggs for the information that he gave when he said that it has already been concluded in Britain that such legislation is unenforceable and, in fact, impracticable in its workings. For those reasons, I oppose the Bill.

Ms Lo: I support the Bill wholeheartedly, and I thank Mr Wilson for introducing it.

I am saddened to hear Member after Member speak in defence a cruel sport. In particular, it was sickening to hear Mr Kinahan's description of a fox being hunted by a pack of dogs while

lots of grown-up men sit on horses that run after it. With due respect to Mr Kinahan, who said that that is his way of life and that he was brought up doing it, I find that really sickening. Can we really call that a sport? To me, a sport is between equals competing against each other. That is why there are football leagues and why boxers have to be weighed so that they are at the right weights.

How can we call lots of men on their high horses chasing after a single fox a sport?

5.00 pm

Mr Bell: Will the Member give way?

Ms Lo: No; I will not. You had enough chances. I have waited a long time for my chance to say my piece, so you will just have to listen to me.

I wish that there were more women here to speak. If there were, there would be more support for the Bill. I say that with respect to my two colleagues.

The practice of hunting wild animals with dogs is a barbaric, inhumane, cruel and outdated blood sport that has no place in a modern civilised society. Many of the arguments against the Bill are based on the lack of effect of the Act that was passed in England and Wales. However, according to a recent poll, the Act retains the support of 75% of the public in England and Wales. A further poll shows that 77% of the population wishes to see the hunting ban properly enforced. In their manifesto, the Conservatives promised a vote on the repeal of the ban; however, it is predicted that such a vote would be lost by up to 66 votes.

It is not enough to say that the Hunting Act has not stopped hunting in England and Wales and that therefore it should not be introduced in Northern Ireland. That is a poor reason not to introduce legislation. It is against the law to do many things that continue to take place, such as murder, rape, theft and speeding, to name a few. More than 100 people have been prosecuted for breaking this law since it was introduced.

People say that legislation is already in place to prevent animal cruelty. That is true. In fact, we are improving that legislation through the Dogs (Amendment) Bill and the Animal Welfare Bill, which the Committee for Agriculture and Rural Development is examining. However, the law on animal cruelty does not cover hunting; therefore, there is a need for this Bill.

Mr Beggs: Does the Member accept that a fox will kill hundreds of mammals in its lifetime, some farmed and some wild? It could be argued that dispatching a fox would protect the welfare of many other animals. When I was at primary school, I came across a group of hens that had been indiscriminately murdered. A fox does not kill one animal; it takes everything out. As was described earlier, a fox will kill everything and then wander off.

Ms Lo: That is a totally unacceptable argument. Surely, it is the responsibility of the farmer to have proper fencing to stop foxes coming in. Do those of you who have hens not have fencing?

Mr Beggs: My sister has free-range hens and has a very effective electric fence. I do not how, but foxes got in on two occasions. Foxes are very cunning, and, despite elaborate defences, frequently get in.

Ms Lo: I suggest that the farmer do better and get better fencing.

Dr Farry: Given Mr Beggs's attitude to animal welfare, does my colleague not find it strange that Mr Beggs said that the fox had "murdered" the hens? It seems a very strange term to use. Does she also accept that, whereas we can refer to things that happen in nature, men dressed in red or blue or black on a horse chasing a fox is not something that is in their nature? When animals hunt in nature it is for food, not for sport.

Ms Lo: Absolutely. It is natural for animals to hunt and kill other animals for food, not for sport. That is not the same as men running around like mad dogs to satisfy their desire for thrills.

Animals have thoughts and feelings, and, like humans, they experience fear and pain. It is obvious that pursued animals, during and after the chase — if they are lucky enough to survive — will suffer a negative reaction to the stresses and injuries inflicted on them. As humans and legislators, we have a moral responsibility for animal welfare, not just to our pets but to animals that live in the wild.

Last weekend, I was walking my dog in Roe Valley Forest Park, and my dog saw —

Mr Molloy: Will the Member give way?

Ms Lo: May I finish my story first? My collie saw a squirrel on the path and ran after it. I could

see how panicky that little squirrel was, as it ran up a tree and jumped from tree to tree.

Lord Morrow: What did the dog do?

Ms Lo: It was a squirrel.

Lord Morrow: Yes, but what did the dog do?

Ms Lo: My dog is a border collie, and we were very annoyed with it. I am a city dweller, but, as an animal lover, I could sense the pain that my pet dog had caused to that wild animal.

Mr Molloy: Does the Member accept that a dog is a wild animal? It has been domesticated, but what right does the Member have to hold that dog, put it into a pen, put a lead on it and control it? If we are talking about wildness, surely animals of all types should be allowed to run wild. By controlling her dog in that way, the Member is taking it away from its natural environment.

Ms Lo: Dogs are no longer wild animals. We all keep dogs in our home, but would the Member keep a wild animal in his house? Hunting dogs are different types of dogs, but they are not wild animals.

Mr Beggs: Will the Member give way again?

Ms Lo: Yes, for the last time.

Mr Beggs: The Member explained what happened when her dog came across a squirrel. Can she understand what would happen if a group of hounds out drag-hunting came across a fox? The police would have to investigate why hounds had chased and possibly killed a fox. That is what the legislation would do. It is bad legislation.

Dr Farry: It is not the fault of dogs but of men and their horses.

Ms Lo: Exactly. It is the fault of those who train their dogs and their horses.

Arguments have also been made that hunting is not about the kill, as hunts do not often result in a kill. If that is the case, what is wrong with drag-hunting? There is hypocrisy, in that some proponents of hunting say that it is about pest control. However, how can that be if hunts rarely result in kills? I am sure that farmers can control the fox population through other methods that are far less cruel.

Mr T Clarke: What are they?

Ms Lo: Another Member referred to shooting and other means of control such as traps.

Mr Bell: Will the Member give way to me for the first time?

Ms Lo: No, the Member had his chance.

Other Members said that hunting is a natural way to control the fox population, but how natural is it for people to spend hours chasing a single fox? What a waste of time. Fox-hunting was banned during the outbreak of foot-and-mouth disease, yet there was no significant effect on fox numbers. We must all bear that in mind.

Other Members argued that hunting is a traditional country pursuit and a way of life that is worth protecting, but I find it difficult to agree with that. Many things that were once acceptable, such as slavery, bear-baiting and cockfighting have been outlawed. Fox-hunting should be added to that list. The fact that something was once an accepted way of life does not make it legitimate for all time.

Statistics show that, in the six years that England and Wales has had the legislation, no hunt has gone out of business as a result of the hunting ban. In fact, ending hunting could entice people who are opposed to animal cruelty to join a hunt at which only drag-hunting is allowed. It is not a town versus country or even a class issue. Hunting any wild animal with dogs is a fundamentally cruel activity.

Lord Morrow: On a point of order, Mr Deputy Speaker. I draw your attention and that of the House to Standing Order 25. I believe that the matter has been debated right round the House and propose, therefore, that the Question be now decided.

Mr Deputy Speaker: I am content that all parties have had a reasonable opportunity to contribute to the debate. I will, therefore, put the Question as set out in Standing Order 25. I remind the House that this is not the Question on the Bill stage. It is the Question on whether the Question on the Bill stage should be put right away. If the House agrees to my first Question, I will put the Question on the Bill stage.

Question, That the Question be now decided, put and agreed to.

Main Question put and negatived.

Mr Deputy Speaker: The Second Stage of the Hunting Bill is not agreed. The Bill falls.

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

Motion made:

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

Adjournment

Shackleton Army Base Site, Ballykelly

Mr Deputy 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 up to eight minutes.

Mr Dallat: I thank the Business Committee for selecting this topic for an Adjournment debate. I welcome the attendance of other Assembly Members. I saw a couple of Ministers here during the Hunting Bill debate and was all excited because I thought that they were going to stay. However, I am sure that they will read Hansard and take into account what is said not just by me but by everyone else.

On a bright note, in recent times, the homes attached to the base have been purchased, and many families have taken up residence. Indeed, a new supermarket has opened to replace the old Navy, Army and Air Force Institutes (NAAFI) shop. All that is welcome news in an area in which there has been a great deal of despondency. I am sure that the new families and, indeed, all the people of Ballykelly and far beyond wish the site to be developed in a balanced way that will enhance and add value to the area and create the kind of commercial activity that will mean sustainable jobs for not only the present generation but future generations.

We could look back and be critical that the base was not gifted by the British Government in the same way that other former Army bases were. I know of two such bases in Omagh and another two in Derry. Indeed, we could feel angry that the Office of the First Minister and deputy First Minister expressed no interest in the camp being gifted. Surely, now is the time to take stock and put in place a master plan with new ideas and concepts and an enthusiasm for ensuring that this piece of the past does not simply become a relic of failure for the future.

5.15 pm

There is now an urgency to regenerate that area, especially as unemployment and a lack of opportunities are at an all-time high. Nowhere is that truer than in the north-west, where there has been a history of economic and social neglect.

It is important to look forward rather than back, but there must be outcomes. I want to create an enthusiasm and an appetite for looking outside the box for new ideas and concepts so that we can weave them with some traditional thinking, which has worked well in the Limavady area in the past. Above all, I want to pick up on the debate, run with it and beat it into the ploughshares of future enterprise and business opportunities. I want a clear signal to emerge that collectively we are determined to make this 900-acre site a success for the future, a dream emerging during one of the worst economic doldrums in modern history. We can and we will do that, but everyone needs to pull in the same direction. To date, that has not happened. All Departments must have their shoulder to the grindstone, be clearly focused and follow a plan that leads to regeneration and prosperity for the future.

In recent years, this area of the north-west has been devastated by job losses in agriculture, textiles and, latterly, the electronics and construction industries. Many people were engaged in construction prior to the virtual collapse of that industry. It is now but a dream gone horribly wrong, because the banks were not controlled and the speculators thought that they were in a gold rush.

It is important, however, to acknowledge the successes in creating new jobs, particularly where the local enterprise agency has worked in partnership with Limavady Borough Council. A demand for commercial office space was identified and provided for. The area needs more of that kind of accommodation, and the former Army barracks is ideally placed to provide it.

There have also been other successes, and I acknowledge the achievements of the Limavady Community Development Initiative, the North West Lifelong Learning Association and other groups that have clearly demonstrated that where there is a will there is a way. Surely, as an Assembly, we must back those groups.

“Blue-sky thinking” is not a term that I particularly like, but it is essential that we think outside the box at times. In times of crisis,

we must be more innovative than ever. The recent completion of Project Kelvin makes that more important than ever, because it creates boundless opportunities for new thinking. However, those opportunities are time-limited, because Project Kelvin is available to others. What a shame it would be if a world-class communications facility, which literally runs past the door, was not availed of.

The Ballykelly site has many strengths, but its fundamental weakness is that there is no strategy. Dare I hope that, after this debate, we will be able to encourage the Office of the First Minister and deputy First Minister and the various other Ministers who have a role to play to support the establishment of an economic task force? Such a task force could be established if there is the necessary will and drive at Government level.

Among the strengths of the site are the airstrip and its close proximity to the City of Derry Airport. The Derry to Belfast railway passes through the site. Imagine how important that could be if there was a range of industries that could utilise rail transport. I am thinking of the many recycling opportunities, which would raise no environmental issues and would provide well-paid and sustainable jobs.

The site has one of the biggest aircraft hangars in the world; it is a listed building. It has been suggested that that could become a transfer station of some kind, and I have no doubt that somewhere in the world there is an idea or a concept that needs that kind of building. If only the project was off the ground and being marketed aggressively, not just locally but abroad as well.

The site also has had one of the best all-weather pitches installed in recent years and has a first-class community centre of European dimensions. That could be the basis for investment in one industry that is expanding and growing steadily: the leisure industry.

If we had the concept on paper, we could develop it and make it possible to attract expressions of interest in a range of world-class sports capable of bringing new wealth and job creation to the area. I certainly cannot think of a more pleasant part of this island, overlooking as it does the sea and the beautiful coastline of Derry and Donegal. The potential for developing hotels and other accommodation sites would be unlimited. As was mentioned, the airport

is there. The railway is also there, and it is no ordinary railway. It featured some years ago in an episode of Michael Palin's 'Great Railway Journeys' in which he travelled from Derry to Kerry. The railway could be the umbilical cord that would feed new life and enterprise into the site, which, as I said, occupies one of the most beautiful coastlines.

I return to the more mundane type of provision. There is a market for short-term lets, where there is flexibility and rents are at the lower end of the spectrum. Offering rents at, say, a tenner a day would provide a massive impetus to home-run industries to move out and expand. Perhaps that is the blue-sky thinking that I mentioned, but it is important to remember that some of the greatest successes in the world were born out of a throwaway remark that was initially dismissed and forgotten about before being rediscovered.

This may sound like daydreaming, and perhaps to some that is because we have lived in an environment in which it has been traditional to look to government to create jobs and factories. However, the days of the big job providers are well and truly over. That is not to say that government does not have a role; of course it does. However, it is a very different and much more difficult role and one that is highly dependent on the co-operation and partnerships created locally by not just the council but the enterprise agency, the Chamber of Trade and other important organisations.

The former Army site at Ballykelly has so much to offer if we can create the interest and bring on board the entrepreneurs who still have money and seek opportunities to invest in long-term, sustainable businesses that will certainly not create fortunes overnight but have a future that is relatively risk-free in a competitive world. The Assembly, as a regional Parliament, must convince the public that it is important and has a role to play that stretches beyond many of the issues that bog it down from time to time or, as in the past, led to its suspension.

We are, dare I say it, at an important crossroads at which it is critical that we begin seriously to take action on the bread-and-butter issues that are important to people who have lost their job, want their children to stay at home and avoid emigrating and do not want to subscribe to an Assembly that does not have the capacity or capability to bang heads together to create the

sort of synergies that transform communities and people's lives.

Despite the fact that we do not have any Ministers in the Chamber, I hope that this debate leads to an initiative that helps to regenerate the north-west and puts the former Army camp to good use. The alternative is to do nothing and allow much of it to be reclaimed by the sea, because it depends on pumping stations and other things that I do not quite understand.

I want this generation to be remembered for what it built. Many in the past will be forgotten for what they neglected or, indeed, destroyed. The Assembly has yet to make the impact that is needed to convince our people that it means business and has the capacity to make the changes needed in an ever-changing world in which global issues have dominated people's lives.

I appeal to the Executive, in particular, to study this Adjournment debate and take seriously what is being said, not just by me but by the other Members who have given of their time to stay behind and take part in the debate. I hope that they will take seriously what has been said and begin a process that will be a driver for economic prosperity in the north-west and beyond.

Already, up the road, that is happening at the former Army bases at Ebrington and Fort George. I encourage anyone from outside that area to go and see for themselves what is possible if there is a will and a way. I believe that it must and can happen in Ballykelly too, not as a rival to our neighbours up the road but complementing the work that is needed in that part of the north-west, which in the past has suffered economic and social neglect.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. Thanks for the opportunity to discuss this matter in Adjournment debate form. There are many aspects of what Mr Dallat said that all of us could buy into as a point of principle. There are many needs and desires. We could go from housing to the rent situation, the railway connection, the hangar, the pumping station and all the aspects of the site.

I have two things to say on that. We have had trouble getting INI to give over land for development for foreign direct investment, we have a tourism strategy that ends at Magilligan Point and has never gone across the bay to Greencastle in Donegal, and we have difficulty

getting people to do blue-sky thinking on the Kelvin project. The appeal that has been made in the Chamber this afternoon is no doubt genuine and one that we could all buy into, but a lot of different organisations and agencies need to step up to the plate in a way that has not been done up to now.

Therefore, to deliver some or all of that or to even get to the point of the paper exercise, the strategy and all the rest of it, there would need to be an awful lot more co-operation. That co-operation could start in the Chamber this afternoon, among the MLAs for the area and out and beyond. I appreciate that Mr Dallat said that he did not like the term, but we know what he means about blue-sky thinking being required. That is essentially what is required for many of the sites. It is particularly required for the area that we are talking about, and it has been for many years.

My second point is that this particular site was one of the four sites mentioned in the Hillsborough agreement. We have called on everybody — I am sure that the Members yet to speak will call on people — to take one central element of this site very seriously. As I said, it was one of the four sites mentioned in the Hillsborough agreement, which outlines the whole idea of transferring the land over to the Executive. That gives rise to a very practical issue. Are we saying that, as of today, tomorrow or next week, the Executive should take on a bill? Even to start the whole array of thinking and strategising needed for that site is going to cost a fortune, unless the British Ministry of Defence lives up to its responsibilities.

Mr Dallat quite rightly mentioned Fort George: £8 million is the cost of decontaminating that site. The Shackleton site will also have to be decontaminated. What we do not want is the Ministry of Defence giving us something that will cost a fortune. I can say right away that, if we got Shackleton tomorrow and had to start to pay the bills for clearing, securing and, most particularly, decontaminating the site, I guarantee that a question will be put to this Assembly asking why we are wasting taxpayers' money and why it was not done before the handover was agreed.

What we have is a definite need, desire and possibility to work together as never before in that area and to progress something that is of value to the local community and beyond.

However, the whole idea of the negotiations on gifting the site and the process of its transfer requires the MOD to come up with the goods. The Executive, Assembly and taxpayers here should not be given the bill for the land to be made ready for handover to the community for its benefit and that of society in general.

5.30 pm

In conclusion, some ideas, desire and vision already exist. However, as the Member who secured the Adjournment debate said, a great deal of work is needed. Progress hits a brick wall when it comes to the central issue, which is that the site, like others, needs to be cleared and decontaminated for it to be of real value to the community locally and generally. Go raibh míle maith agat.

Mr G Robinson: I welcome the Assembly debate on an issue that is of such great economic importance to my East Londonderry constituency and to Limavady in particular. Mr Dallat and I are both aware of the strategic importance that the former Ministry of Defence site has for the future of the local economy.

The site still has a railway track that runs through it, an airfield and many fit-for-purpose buildings, some of which are fairly new, that could be used for all sorts of functions. Indeed, I have expressed my belief in Shackleton's importance on many occasions and in various locations. Mr Dallat may recall that, quite some time ago, I brought the site to the attention of Limavady Borough Council. At that time, after the decision was taken to close the site to military operations, I proposed that it would be the ideal location for the new policing college, which was mentioned earlier in the Finance Minister's statement. That would have attracted around 600 much-needed jobs to the area. Unfortunately, that proposal was rejected by the nine Sinn Féin members and six SDLP members of Limavady Borough Council.

Furthermore, at that time, I had the support of the then Secretary of State, Peter Hain. He said that I should lobby the security Minister, Paul Goggins. I did so, but to no avail. Indeed, Mr Dallat's party colleagues, along with Sinn Féin, appeared to be delighted to see the base close despite the benefits that such a development would have had for the whole community in Limavady.

I want to see the site developed to its full potential in a positive and constructive way.

Indeed, I am on record as saying that. Since the news broke that the site was to close, I have urged for a positive use for the site that benefits all people, which includes the proposal to which I have already referred. Despite the setback at council, I have continued to lobby for the police college to be located there. Most recently, in October 2010, I wrote to the First Minister in that regard. Although I now accept that that might not happen, I have also called for a carefully thought out approach to the site's development. Whether that is as a business park, a centre for developing small and medium-sized businesses, a leisure facility or for a mixture of uses, it is essential and imperative that it creates employment opportunities for the north-west and Limavady, in particular, which has suffered disproportionately in recent years from massive job losses. The erosion of the area's manufacturing bases has left it heavily dependent on leisure and service sector jobs, which have the reputation of being low-paid. I sincerely wish to see that being addressed. Shackleton Barracks must be viewed as a cornerstone for the employment and economic future of the area.

I will continue to lobby Ministers, from the First Minister to the Minister of Enterprise, Trade and Investment, for the site to be put to the best possible use when it is handed over to the Northern Ireland Executive. Although I welcome today's announcement of 300 new jobs for Londonderry, I will not fail in my efforts to ensure that such jobs are secured for Limavady in the future.

Finally, I welcome the opportunity to discuss Shackleton Barracks. Although Mr Dallat and his party are johnny-come-latelys to the issue, I hope that all parties will join in my desire to have the site used to the benefit of Limavady and the greater East Londonderry community at the earliest opportunity.

Mr McClarty: I welcome the opportunity to discuss the potential for Shackleton Barracks. This is no time to be playing party political games with the site. This is about the future economic welfare of the entire constituency of East Londonderry, and I contend that Shackleton Barracks will play a huge role in better times ahead.

I am sure that all Members will agree that the former Shackleton Army base is an asset for the north-west, particularly the Limavady Borough Council area. Shackleton, which began life as

Ballykelly RAF, was founded almost 70 years ago and, consequently, has had a long and eventful presence in the area. Apart from the important role that it had to play during the early 1940s, the base has become synonymous as the home of the 5th battalion of the Ulster Defence Regiment. It provided much employment and contributed hugely to the local economy for many years. Therefore many people throughout County Londonderry have had a personal connection to the base and continue to do so to this day.

I was saddened to see the military presence disappear completely from Ballykelly two years ago, but I am content that Northern Ireland no longer requires a large domestic military presence. Although some individuals are still deluded enough to use violence, they are few in number and even fewer in support.

Like every other area, the north-west has not escaped the slowdown in business in recent years. The closure of the Seagate factory had a detrimental impact on the local economy and, more recently, the difficulties experienced by Limavady Gear Company have only augmented those concerns. Therefore we should be looking at the potential capabilities of Shackleton. It is an enormous site, which stretches to well over 700 acres. Some say that it is 900 acres, but my information is that it is 700 acres. It is located in an ideal area for passing trade, is within easy reach of the City of Derry Airport and has good connections to Belfast International Airport. Most importantly, it is in an area where economic development would be embraced not only by the local council, but by the local population. In fact, it would probably be the skills of the local workforce that would act as the strongest pull factor to any potential inward investors. Not only is the local population exceptionally trained and deeply committed, but many of them have been educated at one of the area's two excellent university campuses — Coleraine and Magee.

It is easy to stand up and talk about the need for something to happen with the site, but it is often easier to forget to mention any specific proposals. I have a few suggestions. When Limavady Borough Council and the enterprise agency recently made available a number of units for small office accommodation, they had expected them to be taken up within a 36-month period, but all were taken up within 18 months. Perhaps that is something that

could be developed at the site. I suggest also that something could be done with the aircraft hangar, which is located at the bottom of the site. I know some in the council have been discussing that. The hangar is a tremendous building, and, like the Paint Hall at the Titanic Quarter, is a listed building. Perhaps the Minister of Culture, Arts and Leisure will look into how his Department could encourage and develop the creative industry in the locality and make use of the building. Presently, HBO is filming a blockbuster television series in the Paint Hall, which will mean an input of about £20 million to the local economy. The hangar has similar potential.

Given the size of the site at Ballykelly, there is ample room for several economic developments. Considering its central location, the area could no doubt benefit from a budget hotel. It would also make an ideal location for a call centre, as it would present firms with almost unlimited potential to expand.

I am disappointed that there will be no ministerial response to the debate. I thought that the Office of the First Minister and deputy First Minister or the Minister of Enterprise, Trade and Investment would have an interest in the debate.

Nevertheless, I hope that today's debate was not in vain. I am sure that the MOD would happily see the site put to good use. Even though the MOD is still spending a considerable amount of money on keeping it from flooding, I am sure that, with some effective negotiation, the First Minister and the deputy First Minister could come up with an attractive settlement with their counterparts in London. I support the debate.

Adjourned at 5.40 pm.

Written Ministerial Statements

The content of these written ministerial statements is as received at the time from the Ministers. It has not been subject to the official reporting (Hansard) process.

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Regional Development

Review of the Regional Development Strategy: Consultation

*Published at 9.00 am on
Thursday 6 January, 2011*

The Minister for Regional Development

(Mr Murphy): I am pleased to inform Assembly members that consultation on the review of the Regional Development Strategy (RDS) will commence on 6 January 2011 for three months until 31 March 2011.

As the spatial strategy of the Executive the RDS informs and supports the PfG, Budget decisions and the Investment Strategy for Northern Ireland. It provides an overarching strategic planning framework to facilitate and guide both the public and private sectors.

Whilst the original RDS, *Shaping our Future*, which was published in 2001 had much to commend it, the speed and direction of change in our society and economy requires a new approach. The revised RDS therefore addresses key challenges on climate change, rebuilding and rebalancing the economy, population growth, the location of jobs and houses, infrastructure provision and the protection of our natural and built environment.

The Executive's top priority is the economy. A new regional economic strategy is currently being developed focusing on rebalancing and rebuilding of the economy. It is essential that the spatial and economic strategies, are aligned in order to achieve maximum benefit for the Region. This means that decisions on the location of key infrastructure projects must be based on strategic principles.

The Investment Strategy seeks to ensure that the Region gets the right infrastructure in the

right place to enable equality of access and to ensure that public services are delivered more efficiently and effectively. The RDS is not in itself a bidding document; rather it aims to provide context and evidence, as well as a framework and guidance, for where development should happen.

The RDS therefore provides an important policy and evidence base on which ISNI draws conclusions about the shape and configuration of future service provision. This helps to address key questions such as where and what size public facilities like schools and hospitals should be to cater efficiently to public needs and secure the best value for the public purse.

Tackling climate change and promoting sustainability both continue to be priorities for the Executive. The revised draft RDS places a strong emphasis on sustainable development, social cohesion and the sensible use of resources, while caring for the environment. The recently published Sustainable Development Strategy recognises the central role the RDS has in providing long term policy directions from a spatial perspective. A new Regional Transportation Strategy is being developed which will complement the RDS with an emphasis on sustainable transport and cutting greenhouse gas emissions.

In summary, the key elements of the consultation document are:

- The importance of Belfast City, the heart of the Metropolitan Area, as the driver for regional economic growth and the focus for administration, commerce, specialised services and cultural amenities.
- The significant role which Derry has to play as the hub of the North West. Derry City has a pivotal role in cross-border and international relationships and is already the main urban centre in the North West

and a gateway to America and Europe. Securing a strong and vibrant Derry city is important to the economic and social wellbeing of the North West.

- The identification of sub-regional centres and the importance placed on them to benefit from, and add value to, balanced regional economic growth, in line with the cross-cutting theme in the new Economic Strategy.
- The importance of critical mass to attract growth through the identification of clusters of settlements.
- The need to sustain the overall strength of the rural community living in small towns, villages, small rural settlements and the open countryside.
- Housing figures for District Council areas designed to give an indication of what might be needed from 2008-2025.
- An integrated approach to ensure that decisions on land use and transportation are integrated; this is designed to develop compact urban areas making best use of existing infrastructure and services.
- A new emphasis on how to reduce dependence on the car and change travel behaviour – a theme which will be a key focus on the new Regional Transportation Strategy which is a sister document to the RDS.
- The importance in all aspects of forward planning to address the consequences of climate change; this means an even greater focus on where people live and work and how transport and energy needs are planned.

During the consultation we will be running a series of public events around the Region. I welcome your contribution to the consultation process.

The Consultation document and associated Impact Assessments are available on the Internet at www.drdni.gov.uk/shapingourfuture/

However if any member would prefer a personal hard copy, it can be obtained by contacting Louise Fitzpatrick on (028) 90540642.

Please note the above statement is embargoed until 9am on Thursday 6 January 2011.

Social Development

Proposals for Reform of Disability Living Allowance

*Published at 12.00 noon on
Friday 7 January, 2011*

The Minister for Social Development

(Mr Attwood): You will recall that on 23 November 2010 I made a statement to the Assembly about the welfare reforms being proposed by the Westminster Government. At that time, the specific proposals for Disability Living Allowance were not available.

I wish to advise Members that a consultation document has since been presented by the Secretary of State for Work and Pensions on Disability Living Allowance reform (6 December 2010). The document sets out the Westminster Government's argument that Disability Living Allowance is, as they see it, not fit for purpose and goes on to propose a new benefit, Personal Independence Payment, to contribute to the extra costs of overcoming the barriers faced by people with a disability to leading full and active lives. The London government considers that the Personal Independence Payment will be underpinned by a new objective assessment which it is claimed will help identify those who face the greatest need in a more consistent and transparent manner.

The consultation document asks for views to inform the policy for reforming Disability Living Allowance and introducing a new objective assessment.

Members will be aware that we have the highest percentage of Disability Living Allowance claimants per head of population compared to England, Scotland and Wales. I am very concerned at how these proposals could impact not only on individuals but on wider communities here. My concern has recently been confirmed in recent days by the Institute for Fiscal Studies, when their research, commissioned by the Law Centre, and the Economic and Social Research Council, concluded that people with low incomes in Northern Ireland will be disproportionately affected by the welfare and tax reforms proposed in the June 2010 Budget, due to the higher reliance on DLA and higher number of families with children.

To ensure that people here have the opportunity to make their views known on the proposals, I have issued the consultation document in Northern Ireland with a covering letter setting out my concerns. I urge everyone with an interest in this very important issue and MLAs to take this opportunity to make their views known.

A copy of the consultation document is available at www.dsdni.gov.uk/consultations.htm. Hard copies will be available from the Library.

The response of politicians, the people and community of Northern Ireland is crucial in this consultation. I believe in reform, in simplifying the benefit system but I oppose benefit cuts masquerading as reform, and I am gravely concerned that the welfare profile in Northern Ireland and the particular circumstances are not acknowledged or fully understood by parts of the London administration. DLA is a central and necessary element in welfare practice in Northern Ireland. I would urge all to respond.

Enterprise, Trade and Investment

NI Economic Strategy: Consultation on Priorities for Sustainable Growth and Prosperity

Published on Thursday 13 January 2011

The Minister of Enterprise, Trade and Investment (Mrs Foster):

I wish to advise Assembly members, on behalf of the Executive sub-committee on the economy, of the launch of the first phase of a consultation exercise on developing an Economic Strategy for Northern Ireland.

The Executive sub-committee was established last year and one of its key tasks is to oversee the production of a co-ordinated economic strategy to grow the economy in Northern Ireland.

In the consultation document launched today, the Executive sub-committee focuses on the medium to longer priorities associated with export led growth, and also on short-term employment based priorities in order to rebuild the economy as we emerge from recession.

The intention is that the responses to this initial public consultation will inform the development of the full NI Economic Strategy later in 2011. The full strategy will include the specific actions that NI departments will take to grow the economy and reduce the reliance on the public sector.

The need for this two stage approach is due to the UK Government's intention to produce its own consultation paper on rebalancing the Northern Ireland economy, including possible mechanisms to change the corporation tax rate. Any such changes could fundamentally change our entire approach to the Economic Strategy.

Economic Context

It has been well documented that the Northern Ireland economy has lagged other UK regions in terms of relative economic prosperity. This reflects some significant and longstanding structural weaknesses such as low levels of innovation, entrepreneurship and workforce skills, as well as a reliance on declining industries which have resulted in low levels of productivity and employment.

Aside from these longer term challenges, the economy is also faced with some very significant near-term pressures. In particular, the Northern Ireland labour market has been severely affected by the economic downturn, with unemployment increasing by 147.9% over the past three years. This represents the largest increase in unemployment of all UK regions during the recession.

The impact of the 2010 Spending Review and the reductions in State Aid limits means that there is less scope for the Executive to provide financial support to businesses. While all of these factors are serious in their own right, when taken together they highlight the need for the Executive and the Assembly to work together to agree on a set of priorities to grow the economy in Northern Ireland.

The consultation document outlines some of the significant steps we've already taken to grow the private sector in Northern Ireland. For example:

- Since April 2008, Invest NI promoted 3,935 new jobs with salaries above the Northern Ireland Private sector median;
- Over the last decade, there are now over 90,000 additional people in the labour market with Higher Professional and Technical and degree level qualifications and a greater proportion of pupils leaving school with 5 or more GCSEs at grades A*-C;
- Through ISNI, there has been £1.358bn planned investment in the productive / transport pillars during 2008-11 period.

Framework

The consultation paper outlines five strategic priorities that have been identified as a means of helping deliver the longer term priority of rebalancing the economy towards more sustained private sector growth. These include:

- i. stimulating innovation, R&D and creativity;
- ii. improving employability and the level, relevance and use of skills;
- iii. competing in the global economy;
- iv. encouraging business growth; and
- v. developing our economic infrastructure

These priorities have been informed by a major research programme undertaken by my Department. Encouragingly, these priorities are

not materially different from those identified in the current Programme for Government.

However, the recession has had a significant and ongoing impact on the Northern Ireland economy and the labour market in particular. In response, the Executive Sub-committee on the economy proposes that the strategy should also include two short term employment themes to tackle the impact of the recession on the local labour market and build on the initiatives that the Executive has already taken. The two short term themes are:

- i. improving employment opportunities and employability; and
- ii. promoting employment.

The Executive Sub-Committee on the economy recognises that the current focus of economic development policy is on supporting indigenous firms to be more competitive through improvements in innovation and workforce skills, as well as the attraction of high value added FDI projects. This continues to be the major and correct focus.

It is also clear that effective implementation of any economic strategy requires us to identify and co-ordinate the contributions from all Northern Ireland Departments and their agencies; local councils; the UK Government; community & voluntary sector organisations; the private sector (including social economy businesses) and the trade unions.

Timelines

Given the challenges we face, it is an imperative that all key stakeholders are given the opportunity to input as the strategy develops. That is why we are launching this first phase – to gauge the views of stakeholders on the proposed framework for the Economic Strategy.

The consultation asks the public and key stakeholders for their views on whether the priority themes outlined in the strategy are correct. It asks which of these themes should have the highest priority and seeks suggestions from consultees for actions which could be included in the strategy under each of the identified priorities.

This initial consultation will run for a period of six weeks and will close on February 24 2011. During this time officials from those Departments represented on the Executive sub-

committee on the economy will engage directly with key stakeholders including the business community, local government and the trade unions.

As outlined earlier, the intention is that the responses to this initial public consultation will inform the development of the full NI Economic Strategy which will include specific actions that NI departments will take to grow the private sector economy and reduce the reliance on the public sector.

The draft economic strategy will be subject to a full period of public consultation and will also be subject to the appropriate range of exercises, including screening for equality impact, rural proofing and environmental / sustainable development impacts.

The consultation document is available on the internet on both the nidirect and DETI websites at the following links:

<http://www.nidirect.gov.uk/index/information-and-services/government-citizens-and-rights/government-1/public-consultations/featured-consultations.htm> ; and

<http://www.detini.gov.uk>.

Committee Stages

Northern Ireland Assembly

Ad Hoc Committee

13 December 2010

Assembly Members (Independent Financial Review and Standards) Bill (NIA 3/10)

Members present for all or part of the proceedings:

Mr Fred Cobain (Chairperson)
Ms Sue Ramsey (Deputy Chairperson)
Mr John Dallat
Mr Paul Givan
Mr Kieran McCarthy
Mr Daithí McKay

Witnesses:

Ms Tara Caul	
Mr Paul Gill	Northern Ireland
Mr Tony Logue	Assembly
Mr Hugh Widdis	

The Chairperson (Mr Cobain): Officials from the Committee on Standards and Privileges will brief members on the amendments to the Assembly Members (Independent Financial Review and Standards) Bill.

Mr Paul Gill (Northern Ireland Assembly):

Thank you, Chairperson. The Committee on Standards and Privileges met last Wednesday and agreed to table four minor amendments to the Bill.

The first proposed amendment is to clause 17, which refers to investigations into breaches of the code of conduct. It subsequently refers to investigations into complaints that:

“the conduct of a member of the Assembly has... failed to comply with the Code of Conduct”.

There is no reason why the Bill should be inconsistent in that regard. The amendment provides for the clause to be consistent by referring to investigation of breaches of the code

whenever they occur, rather than investigating the conduct of Members. The amendment would also ensure that the Assembly was not unduly fettered if it wished to provide for the admissibility criteria for complaints to allow for complaints to be made against former Members. The Committee is aware that the admissibility criteria for complaints will be set out in a direction to the Commissioner under the provisions of clause 24. The Committee on Standards and Privileges will determine the admissibility criteria.

The second proposed amendment is to clause 31(2). It seeks to remove the unnecessary words “or make an affirmation” as the reference to oaths in the clause automatically extends to affirmations. The next proposed amendment is to clause 34. Clause 34(1) correctly refers to a “complaint or matter”, but subsection (2) and subsection (3) refer only to a “matter”. It is proposed that those references should be changed to “complaint or matter” for consistency.

The final proposed amendment is to schedule 4(6), which sets out the duty of the commissioner to consult the commission on any liability incurred by the commissioner that the Assembly Commission may be required to discharge. On reflection, the Committee was concerned that that paragraph read awkwardly and was not easily understood. The proposed amendment would not in any way alter the essence of schedule 4(6), but would improve the clarity of the duty in question. Those are the four proposed amendments that the Committee on Standards and Privileges has agreed that it will table.

Mr Givan: I want some clarity on clause 17 and the admissibility criteria that you mentioned. Are we specifically putting a provision in the legislation that will allow for the investigation of former Members?

Mr Gill: No; that is not the case. As drafted, the Bill is ambiguous on whether the commissioner would ever be able to investigate former Members. If the Assembly later decided that it wished the admissibility criteria to extend to former Members, there would be ambiguity about whether the functions of the commissioner would allow him to do so. In agreeing to the proposed amendment, there would not necessarily be an agreement that former Members may be investigated. Rather, if the Committee on Standards and Privileges and the Assembly

agreed at a later date that the commissioner should be able to do that, the legislation would not prevent that.

Mr Givan: Do the current arrangements allow the Committee on Standards and Privileges to investigate former Members?

Mr Gill: The current arrangements are not set out in legislation, and there is no existing statutory provision in respect of former Members. However, the Committee is of the view that, if it receives complaints about Members who subsequently resign, for example, there should be no difficulty and those investigations should continue.

Mr Givan: I am trying to establish the reason for including the amendment. Why was it necessary to draft that amendment?

Mr Gill: There is an inconsistency in the language that is used in the Bill. There are references to breaches of the code of conduct and subsequent references to the conduct of a Member being inconsistent with the code of conduct, but there is no reason why the Bill should refer in separate places to those terms in different ways. The Committee has also agreed that it does not want the Bill to prohibit the commissioner from being able to carry out investigations in respect of former Members at this stage. That is not to say that the Committee has taken the decision that the commissioner should launch those investigations; it just does not want to create a legislative provision that would prevent the commissioner from undertaking such investigations in the future. The concern is that, as drafted, there is ambiguity surrounding the commissioner's powers to do that. There is no ambiguity in the Scottish or Welsh legislation or in the powers of the Parliamentary Commissioner for Standards, so the Committee is keen that there should be no ambiguity in this Bill.

Mr Givan: I appreciate that clarification. However, if a person is no longer a Member of the House and is found to have breached some rule, what sanctions are available to punish that person? What is the point in having an investigation if sanctions cannot be applied because the person is no longer a Member?

Mr Gill: It is correct that the sanctions that the Assembly can apply to a Member who has breached the code of conduct apply only if that person continues to be a Member. However, the Committee on Standards and Privileges

has looked elsewhere at examples whereby Members breached codes of conduct and investigations were carried out even though those Members had become former Members. Those investigations provide an opportunity for the public and the body to establish the facts of exactly what happened, which has its own value. There is also an argument that internal procedures allow breaches to take place, and that, by establishing the full facts of what occurred, a body can learn from the mistakes that were made and make necessary improvements.

Mr Givan: If the amendment passed, would it still be up to the Committee on Standards and Privileges to instruct an investigation to take place?

Mr Gill: Yes; that is absolutely correct. The Committee on Standards and Privileges will issue a direction to the commissioner that sets out the admissibility criteria for investigating complaints or accepting complaints to be investigated. One of those criteria could be, for example, that a complaint needs to be about a current Member. The Committee on Standards and Privileges has not yet decided on the admissibility criteria. However, the amendment allows the Committee to include former Members if it decides that it wants to do that, and it ensures that the commissioner would be able to investigate those Members.

Mr Dallat: I presume that the reference to "document" includes electronic mail as well as hard copy?

Mr Gill: In which context?

Mr Dallat: Clause 31(1)(c) and 31(1)(d) refer to concealing or destroying documents. Documents that are electronically stored can be deleted.

Mr Gill: Yes, that includes electronic documents. It concerns the information contained in a document. Clause 28(4)(b) provides clarification:

"document" means anything in which information is recorded in any form.

Mr Dallat: That is grand.

The Chairperson: I have two quick questions for clarification. First, if a breach were minor, I do not understand why you would want to investigate a former Member who is no longer here, particularly given that no sanction would be available. Secondly, if it were a major breach, I assume that that would be a criminal matter

for the police to investigate. However, it may be a waste of time to investigate former members for what could be minor breaches. Therefore, what is the purpose?

Mr Gill: It is unlikely that former Members would be investigated for very minor breaches in any event.

The Chairperson: No. The amendment allows the power for that to happen. You cannot insert that amendment and then say that certain breaches will not be investigated. If someone complains to the commissioner about a breach, the Committee is not going to set out criteria that would allow the commissioner to decide which breaches of the regulations he will investigate. If a breach is reported, the commissioner must investigate it.

Mr Gill: The commissioner could reach the view that a complaint related to an allegation that was trivial or vexatious. In those circumstances, if the commissioner reached that view and reported that to the Committee, there would be no requirement for an investigation. That applies to current and former Members. I just want to emphasise that the Committee has not yet decided whether to enable the commissioner to carry out investigations of former Members.

The Chairperson: That amendment allows for the power to do that.

Mr Gill: That is one effect.

The Chairperson: If we agree to put it in, we agree to the ability of the Committee on Standards and Privileges to instruct the commissioner. Why else would you put it in?

Mr Gill: The reason for the amendment is to remove ambiguities so that if the Committee on Standards and Privileges decides in future that it wants to do that, it can. However, at this stage, the Committee has not yet decided whether or not it wants to do that, and the amendment does not commit it to do that.

The Chairperson: You are giving the Committee the power to do it, if it so decides. That is the same thing. Once it is in legislation and enacted, it is there for the Committee to use. It does not make any difference that the Committee may never need to use it. The very fact that is there, rather than whether or not it is ever going to be used, is the issue for us. The answer to whether it is there is yes. Therefore, the fact that it may never be used is not the point.

Mr Gill: One of the effects of the proposed amendment is to give the Committee the power to do that, if it decides to do so in the future. It thinks that that is important, because it has seen examples in other places where investigations into the conduct of former Members have been carried out and published. It is not always the case that sanctions can be applied to former Members. However, there are often broader more important lessons to be learned for the organisation in question.

Mr Dallat: I do think that there are any circumstances in which we would bring back Craigavon or Carson. A former Member could be someone who resigned today because there is an investigation. That person would be a former Member, and, if there were nothing in legislation, there could not be an inquiry.

The Chairperson: It could also be someone who left 14 years ago. That is the point.

Mr Gill: In theory, it could. However, the admissibility criteria for the current code of conduct state that a complaint should be made within 12 months of its being able to have been made.

The Chairperson: Irrespective of those caveats, once the amendment is agreed, the Committee on Standards and Privileges can make instructions.

Mr Gill: Yes; it would have the power to determine what the admissibility criteria should be.

The Chairperson: Is the Committee content with the proposed amendments?

Members indicated assent.

The Chairperson: We move to the issue of the wide-ranging definition of “family member” in schedule 3. We discussed that during our informal clause-by-clause scrutiny last week. Schedule 3 deals with disqualification from being appointed or serving as the commissioner. The Northern Ireland Human Rights Commission raised concerns that the Bill goes too far in barring people based on relationships that extend beyond the outer reaches of the family. Members have a copy of that submission.

Mr Gill: When looking at the category of persons who should be disqualified, the Committee thought that it was of crucial importance that the commissioner be not only independent and impartial, but seen and understood to be independent and impartial. The Committee felt

that it could be argued that, if the commissioner were a family member of an Assembly Member, he or she may not command widespread confidence of having that independence or impartiality.

The Committee recognised that the arguments on the breadth of the categories of persons who are disqualified are finely balanced. There is a discussion to be had on how widely the definition of a family member should go, and the Committee understands that, when the Bill was agreed, provision was made for schedule 3 to be amended by subordinate legislation, exactly for the sorts of reasons that we are looking at now. Others may have different views on that, and the Committee did not consult on this provision. If responses come back from the consultation that raise concerns on that, the Committee on Standards and Privileges will be happy to look at them.

The Chairperson: It is right to be as open and transparent as possible in dealing with the issue, but a number of Committee Members felt that the definition was a bit restrictive. It gets down to great nieces whether of “full or half blood”. Do you think that anyone will be available to fill the post?

Mr Gill: The Committee felt that there was an important principle concerning family members, but a pragmatic approach could be taken to how that is implemented in the legislation.

The Chairperson: We have a suggested amendment to remove the reference to “great grandparent or great grandchild” and remove the reference to: “great uncle, great aunt, great nephew or great niece (whether of the full or half blood)”.

I am not sure what that last part means. Under our suggested amendment, “family member” means parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, spouse or any person related to a spouse, civil partner or any person related to a civil partner, cohabitant or any person related to a cohabitant.

Ms S Ramsey: The Human Rights Commission, in its letter to the Committee, does not go as far as providing a form of words. Can we ask it to do that to ensure that the amendment is compatible with human rights legislation?

The Chairperson: It is a matter of making a decision, because we could discuss the definition for ever. Clearly, those family members are quite closely linked to the individual. For clarification and probity, it should include a parent, child, grandparent and grandchild. I do not think that anybody would be happy with someone as close as that, or a brother, sister, uncle, aunt, nephew or niece of a Member being able to be the commissioner. It is the next line down; we have to have a definition. The amendment strikes a balance. The definition should also include spouse, civil partner and cohabitant. That is as close as someone can get. Can we come back to this issue on Wednesday?

The Committee Clerk: We are not meeting again until January. We can agree an amendment.

The Chairperson: Do you want to see that?

Ms S Ramsey: Yes.

Mr Givan: Is there is a definition of “family member” elsewhere in legislation?

The Committee Clerk: Yes. Exactly the same definition is used for the financial review panel. The idea is for us to make the definition narrower for both the panel and the commissioner.

Mr Givan: Does someone need to propose that amendment? I am happy to do that at whatever stage.

Ms Tara Caul (Northern Ireland Assembly):

If it extends to the part of the Bill that deals with the panel, it is a similar definition. Will the Committee make a similar recommendation in respect of the panel?

The Chairperson: Yes. The definition would have to be the same for the panel and the Commissioner. We feel that the current definition is too wide. We are trying to ensure that everything is open and transparent, which are famous words, but the definition is a bit ludicrous. It is far too wide. The amendment meets the criteria, but it is fairer.

Ms S Ramsey: The letter that we received from Monica McWilliams states that the concerns that she raised are no different from what were already raised in: “written and oral evidence to the Assembly Committee on Standards and Privileges inquiry”.

Mr Gill: When the Committee carried out its consultation on the Assembly Commissioner for Standards, it did not consult on the specific categories of disqualification that may apply. When the Northern Ireland Human Rights Commission gave evidence to the Committee, it mentioned that there needed to be a justification for any category of disqualification that was agreed. I think that the Committee on Standards and Privileges is content that there is justification for the category of “family member”. It was provided with a definition of “family member” that is used elsewhere in legislation. That is why the Committee accepted it. However, I think that the Committee is open to reviewing whether that definition of “family member” is appropriate in this case, if that is what this Committee suggests.

Ms S Ramsey: Where is it used elsewhere?

Mr Gill: It is used elsewhere in this Bill; in respect of the panel, for example. I understand that there are other examples of legislation in which family members are defined. Those definitions were probably used to inform this legislation.

Ms S Ramsey: Are you referring to Assembly legislation?

Ms Caul: A fairly recent example is the Caravans Bill, which contains a very similar definition.

Ms S Ramsey: So there is precedent for the definition.

The Chairperson: We can have a look at the amendment. Paul can take it away and come back on 17 January.

Mr Gill: There will be no difficulty in taking the Ad Hoc Committee’s comments to the Committee on Standards and Privileges and agreeing an appropriate amendment.

The Chairperson: We will give you a copy of our amendment, and you can come back on 17 January.

Mr Gill: We will go to the Committee on Standards and Privileges and the Assembly Commission.

Ms S Ramsey: Perhaps Tara could also provide us with examples of where that definition is already in place.

Ms Caul: Yes.

The Chairperson: The Committee’s suggestion is that Paul looks at our amendment and comes back to us on 17 January. Are members agreed?

Members indicated assent.

The Chairperson: We move to formal clause-by-clause scrutiny. We will go through each of the clauses, 1 to 39, and schedules 2, 4, 5 and 6. We will seek the Committee’s final decision on each. Paul will stay and help us through it.

Mr Gill: I am happy to.

The Chairperson: I am glad to say that there is a lot of reading for me in this.

Clause 1 (Establishment and membership of the Panel)

The Chairperson: The National Assembly for Wales Remuneration Board considered that having five members allowed the board to draw on experience from a variety of backgrounds. The Commission considered that the proposed model of three is the most cost-effective and will allow it to draw on experience from a variety of backgrounds.

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

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4 (Appointments to the Panel)

The Chairperson: Some Committee members sought assurances that best practice, as developed by the Commissioner for Public Appointments, will be followed. The Commission has advised that there will be a fair and open appointments process consistent with the principles of best practice, as published by the Commissioner for Public Appointments.

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

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6 (Termination of membership of the Panel)

The Chairperson: The National Assembly for Wales Remuneration Board considered that the Committee needs to review what form of

safeguard against arbitrary dismissals is most likely to work best in practice. The Commission is satisfied that the grounds for dismissal are transparent and named in the Bill. It advises that arbitrary dismissal is guarded against by high levels of visibility and judicial review.

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

Clause 6 agreed to.

Clause 7 (Code of conduct for Panel members)

The Chairperson: The National Assembly for Wales Remuneration Board argued that the Bill does not provide any detail on how it will ensure that panel members will work with a code of conduct. The Commission is satisfied that the wording of clause 7 makes it clear that the intention is that members will work within the code of conduct, and that wording is modelled on the Parliamentary Standards Act 2009.

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

Clause 7 agreed to.

Clause 8 (Administration and finance)

The Chairperson: Some submissions commented that, as the panel will not have its own officials, arrangements will need to be monitored to ensure the independence of the advice given. The National Assembly for Wales Remuneration Board also wished that the Ad Hoc Committee should be satisfied that the panel will have sufficient resources. The Commission recognised the importance of establishing arrangements that ensure the independence of the panel and its proper use of resources.

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

Clause 8 agreed to.

Clauses 9 and 10 agreed to.

Clause 11 (Exercise of functions)

The Chairperson: The National Assembly for Wales Remuneration Board asked whether allowing more than one determination a year only in exceptional circumstances would reduce the flexibility of the panel to make further determinations in the light of circumstances or experience. The Assembly Commission is

satisfied that the clause makes appropriate provision and strikes the correct balance. I remind you that the Assembly Commission wishes to amend clause 11(6), page 4, line 37 by leaving out “this Act” and inserting “this Part”. Members previously indicated that they were content with that amendment.

Question, That the Committee is content with the clause, subject to the amendment proposed by the Assembly Commission, put and agreed to.

Clause 11, subject to the amendment proposed by the Assembly Commission, agreed to.

Clause 12 agreed to.

Clause 13 (Contents of determinations: pensions, gratuities and allowances)

The Chairperson: No issues were raised under clause 13. The Assembly Commission wishes to amend clause 13(2)(a), page 6, line 14 to leave out “such”. Members previously indicated that they were content with that amendment.

Question, That the Committee is content with the clause, subject to the amendment proposed by the Assembly Commission, put and agreed to.

Clause 13, subject to the amendment proposed by the Assembly Commission, agreed to.

Clause 14 (Availability of determinations)

The Chairperson: The Committee sought clarification that the determinations of the panel would be binding. The Commission confirmed that it does not have the power to amend or reject any determination and, pursuant to clause 14, all determinations will be published in full. The Commission cannot amend them prior to publication.

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

Clause 14 agreed to.

Clauses 15 and 16 agreed to.

Clause 17 (Functions of the Commissioner)

The Chairperson: The Scottish Parliamentary Standards Commissioner queried whether the commissioner should be under a duty to report on all complaints, particularly those which, after initial investigation, are found to be irrelevant or inadmissible. The Committee on Standards and

Privileges advised that, where it is agreed that no investigation should be carried out, there will be no requirement for any sort of report to be published on the details of the complaint. The Committee on Standards and Privileges wishes to make two amendments to the clause. First, at 17(1)(b), page 7, line 10, insert “at a relevant time”. Secondly, at 17(2)(a), page 7, line 18, leave out:

“the conduct of a Member of the Assembly has, at a relevant time, failed to comply with the Code of Conduct”,

and insert:

“a breach of the Code of Conduct has occurred”.

Question, That the Committee is content with the clause, subject to the amendments proposed by the Committee on Standards and Privileges, put and agreed to.

Clause 17, subject to the amendments proposed by the Committee on Standards and Privileges, agreed to.

Clause 18 agreed to.

Clause 19 (Appointment of the Commissioner)

The Chairperson: Confirmation was sought that best practice developed by the Commissioner for Public Appointments would be followed. The Scottish Parliamentary Standards Commissioner queried whether the five-year term was too short, and whether a provision for re-appointment should be included. The Committee on Standards and Privileges recognised that the Commissioner for Public Appointments has developed best practice, and agreed that any appointment should be made in line with best-practice principles. The Commissioner for Public Appointments should, therefore, be consulted on the proposals.

It should be noted that clause 19(4)(a) places a duty on the Assembly to ensure that the Commissioner for Standards is appointed by fair and open competition. It was the Commissioner for Public Appointments who recommended a one-off term of appointment of five years. The Committee on Standards and Privileges said that a Commissioner for Standards who may later require Members to support a reappointment could be perceived to be compromised.

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

Clause 19 agreed to.

Clause 20 (Disqualification from being appointed or serving as the Commissioner)

The Chairperson: Some members expressed concern that the list of qualifications was too broad, particularly the definition of “family member”. However, the definition is in schedule 3, rather than in this clause, so issues raised about the definition of those disqualified will be discussed when we reach schedule 3.

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

Clause 20 agreed to.

Clause 21 agreed to.

Clause 22 (Further provision about the Commissioner)

The Chairperson: The Scottish Parliamentary Standards Commissioner felt that the Commissioner for Standards should be able to appoint staff and obtain office accommodation as he or she sees fit, subject to Assembly Commission approval. The Committee on Standards and Privileges advised that although the Assembly Commission has a duty to provide administrative and other support, the Commissioner for Standards can secure the provision of such goods and services as are required to exercise his or her functions, as set out in schedule 4. However, he or she cannot directly employ persons, as there would be legal and financial implications.

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

Clause 22 agreed to.

Clause 23 agreed to.

Clause 24 (Directions to the Commissioner)

The Chairperson: Some members sought a provision that directions to the Commissioner would include directions on naming a complainant who prompted the Commissioner to undertake any investigation. The Committee on Standards and Privileges confirmed that clause 24 does provide the Assembly with the power to issue such directions.

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

Clause 24 agreed to.

Clause 25 (Investigations by the Commissioner)

The Chairperson: As with clause 17, the Scottish Parliamentary Standards Commissioner queried whether the commissioner should be under a duty to report all complaints. The Committee on Standards and Privileges advised that where it is agreed that no investigation should be carried out, there is no requirement for any sort of report to be published on the details of the complaint.

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

Clause 25 agreed to.

Clause 26 agreed to.

Clause 27 (Reports)

The Chairperson: As with clause 24, some members sought that directions to the commissioner would include directions on naming in a report any complainant who prompted the commissioner to undertake any investigation. The Committee on Standards and Privileges confirmed that clause 24 does provide the Assembly with the power to issue such directions regarding reports.

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

Clause 27 agreed to.

Clauses 28 to 30 agreed to.

Clause 31 (Offences)

The Chairperson: No issues were raised about clause 31. The Committee on Standards and Privileges wishes to amend the clause: at clause 31(2), page 12, line 8, leave out “or make an affirmation”.

Question, That the Committee is content with the clause, subject to the amendment proposed by the Committee on Standards and Privileges, put and agreed to.

Clause 31, subject to the amendment proposed by the Committee on Standards and Privileges, agreed to.

Clause 32 agreed to.

Clause 33 (Restriction on disclosure of information)

The Chairperson: The Scottish Parliamentary Standards Commissioner asked whether, if asked whether a complaint has been received about a particular member, the commissioner should have the authority to acknowledge that that is the case. The Committee on Standards and Privileges have advised that the Assembly could, if it felt it appropriate, give the commissioner authority to do so in a direction under clause 24.

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

Clause 33 agreed to.

Clause 34 (Transitional provisions)

The Chairperson: There were no issues raised under clause 34. However, the Committee on Standards and Privileges wishes to make two amendments to this clause. The first is at subsection (2), page 13, line 10: after “any” insert “complaint or”. The second is at subsection (3), page 13, line 16: after “a” insert “complaint or”.

Question, That the Committee is content with the clause, subject to the amendments proposed by the Committee on Standards and Privileges, put and agreed to.

Clause 34, subject to the amendments proposed by the Committee on Standards and Privileges, agreed to.

Clauses 35 to 39 agreed to.

The Chairperson: That is us finished. We will deal with the schedules in January. Thank you.

Northern Ireland Assembly

Committee for Agriculture and Rural Development

13 December 2010

Welfare of Animals Bill (NIA 28/09)

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
Mr Roy Beggs (Deputy Chairperson)
Mr Willie Clarke
Mr Simpson Gibson
Mr William Irwin
Mr Kieran McCarthy
Mr Francie Molloy
Mr George Savage

Witnesses:

Ms Kate Davey	<i>Department of</i>
Mr Andrew Kell	<i>Agriculture and</i>
Ms Colette McMaster	<i>Rural Development</i>

The Chairperson (Mr Moutray): We pick up where we left off last week on the Welfare of Animals Bill. The Committee agreed to table an amendment to clause 6, because it considered the Department's proposed amendments to be too restrictive. At the last meeting, members suggested minor revisions to the amendment, which have now been applied, and members have copies of the revised amendment.

Schedule 4A (Dogs specified for the purposes of section 6(7))

The Chairperson: At the last meeting, the Department said that it wanted to take legal advice on the definitions of "type" and "breed". The amended schedule, as it stands, could be interpreted as allowing the cross-breeding of types of dogs, for example, a spaniel with a terrier. My understanding is that members did not wish for that, but that breeds themselves could be crossed. The Department, having taken

legal advice, suggests that the amendment might read as follows: "4A

(1) *Spaniels of any breed or combination of breeds;*

(2) *Terriers of any breed or combination of breeds;*

(3) *Any breed commonly used for hunting, or any combination of such breeds;*

(4) *Any breed commonly used for pointing, or any combination of such breeds;*

(5) *Any breed commonly used for retrieving, or any combination of such breeds."*

The Committee Clerk contacted representatives of the British Association for Shooting and Conservation (BASC) and the Countryside Alliance for their views. The former agrees with the new definition, and the latter favours retaining the English model.

Mr Molloy: Is there any indication from the Department that it would be prepared to accept that definition, rather than the Committee having to make an amendment?

The Committee Clerk: No. The last correspondence from the Department on clause 6 was its proposed amendment, which the Committee felt was too narrow. On that basis, the Committee staff pursued the text of an amendment to be brought by the Committee.

Mr Molloy: The entire clause would be resolved if the Department agreed to the breeds defined in the paper, because it covers the breeds, working dogs, and hunting types. It would be better if the Department accepted that situation.

The Committee Clerk: I agree with the member. Unfortunately, the Department has not indicated that it is prepared to amend the clause to that extent. We have brought the text of the Committee amendment for consideration and approval.

Mr Molloy: Have breeds used for hunting, pointing and retrieving dropped off the list? The list refers to spaniels of any breed, but not to hunters, pointers and retrievers of any breed.

The Committee Clerk: The Chairperson referred to any breed commonly used for hunting, or any combination of such breeds, and any breed commonly used for pointing, or any combination of such breeds. That is the same thing.

Mr Beggs: Different opinions were expressed to the Committee about the possible use of "breed" or "type". If "breed" were used, would

that require a dog to be registered as a pedigree breed? That seems to be the issue that was highlighted by the Countryside Alliance. Is that factually correct?

The Committee Clerk: Not in respect of this clause. Part of the Department's original amendment referred to registration with the Kennel Club. The subsequent amendment proposed by the Minister removed the necessity for registration with the Kennel Club. This clause does not contain any reference to registration.

Mr Beggs: We are making legislation, but, ultimately, at some point, a court will decide whether a dog has to be registered as pedigree to be of a particular breed. How does an owner whose dog is not registered as pedigree prove that the dog is of a particular breed? That seems to be the issue of concern.

The Committee Clerk: The certification of the dog will be carried out by a vet. It will be presumed that the vet will be able to ascertain whether the dog falls into the particular breed.

Mr Beggs: Perhaps we should ask the departmental officials that question. They will be working on the issue.

The Chairperson: I call the officials to the table.

Mr Beggs: I am seeking clarification. There seems to be a diversity of opinion among those from whom we have taken evidence about a possible amendment. If the word "breed" were used, how would it be interpreted in law? Will there be a requirement for a particular dog to be registered as a pedigree dog with the Kennel Club or with any sort of breeding institution?

Ms Colette McMaster (Department of Agriculture and Rural Development): I will ask Kate to answer that question. She has been speaking to our lawyers about that matter.

Ms Kate Davey (Department of Agriculture and Rural Development): This is the Committee's amendment. There is no requirement for a dog to be a registered pedigree. The way in which a breed is determined will be established through subordinate legislation that will set out a certification process in which owners will self-declare the breed of the dog. When docking the dog's tail, the vet will have sight of the pups and the dam of the dog. On that basis, the vet will be able to say that the dam is of a particular breed, be it a springer spaniel or whatever.

Mr Beggs: That is helpful. I am glad to hear that the officials have taken legal advice.

The Chairperson: Are members content with the definitions that have been put before us today?

Mr Molloy: Has the Department varied its opinion about the content of that amendment before it is proposed for insertion into the Bill? Will the Committee have to make an amendment?

Ms McMaster: No. The Minister's position remains the same. She will proceed with the revised exemption that she proposed to the Committee. She had concerns about going beyond pure-bred dogs to include cross-bred dogs because of the difficulty that posed.

Mr Molloy: OK. We will see her in court then, I suppose.

The Chairperson: Are members content with the definitions that we read?

Members indicated assent.

Clause 6 (Docking of dogs' tails)

The Chairperson: I ask the departmental officials to leave the table, and I will bring in the Committee Clerk on both subsections of this clause.

The Committee Clerk: In respect of subsection (8) of the amendment, Members last week queried whether the regulatory powers that the Department would have were subject to the negative or the affirmative process. The Chairperson will come on to cover clause 55, which is where those powers are provided. The view is that the power should be related to the affirmative, rather than to the negative, process. That is in keeping with other regulatory powers which have been brought in respect of the clause.

In respect of subsection (6) of the amended clause 6, the condition that has been applied to showing a dog is:

"likely to be used for work in connection with lawful pest control or the lawful shooting of animals."

It is proposed to amend that, with members' approval, to read:

"likely to be used for work in connection with law enforcement, lawful pest control or the lawful shooting of animals."

Mr Molloy: Do we need to include the hunting or shooting of animals in that, too? I ask that

question because hunting is not covered in that proposed amendment.

The Committee Clerk: I took advice, and it could be included.

Mr Molloy: Often, a hunt may operate without shooting being involved. We should include the hunting of animals.

The Chairperson: We could ask the officials. Will the officials please return to the table?

Ms Davey: Let me explain. I suggest that hunting not be added to this clause, because clause 53 clearly states that nothing in the Bill affects hunting. It would be best if the clause were left like that. There is nothing in the Bill to prevent hunting animals with dogs.

Mr Molloy: In the same way, the Bill refers to the lawful shooting of animals and control. That is my only point. Often, the hunting of animals is not associated with shooting.

Ms Davey: I appreciate that. I am sorry, but will you elaborate? Are you talking about general hunt clubs, as in hunting with hounds?

Mr Molloy: Yes.

Ms Davey: The tails of such dogs are not normally or traditionally docked. The tails of foxhounds, bloodhounds and staghounds are not docked. The Committee is trying to restrict its amendment to dogs that required their tails to be docked.

Mr Molloy: OK.

Mr Beggs: The Committee Clerk said that a new revision to the amendment will exclude specialist dogs used by the services. Will he repeat the wording of that amendment?

The Committee Clerk: What is currently on the table before members reads that the dog is:

“likely to be used for work in connection with lawful pest control or the lawful shooting of animals”.

The suggestion is to amend that to read that the dog:

“is likely to be used for work in connection with law enforcement, lawful pest control or the lawful shooting of animals”.

Mr Beggs: I raised this issue weeks ago when we looked more closely at the English legislation. I believe that England has allowed that to be

included in its legislation. In particular, that amendment will include those breeds of dogs that are used for detecting drugs, etc. Such dogs can get excitable and cause damage to their tails. I am comfortable with that revision to the amendment.

The Chairperson: Are members content?

Members indicated assent.

The Committee Clerk: I refer members to subsections (12) and (14). At the last meeting, members asked that the reference to the payment of a fee at a dog show or an event be removed. I have spoken to legal advisers, and that would have the potential to widen significantly the definition of an event. The reference to the fee and the event is almost contractual in law, in that the event is defined as a dog show, for example. The removal of the payment of the fee leaves the interpretation that, for example, a person who attended a birthday party could instigate an offence should he or she be offended that a dog had had its tail docked. A situation in which a dog was present at a horse-jumping show would be open to the same interpretation. Do members wish to reconsider the decision that they made last week, or are they content to allow the interpretation to be tested through the courts?

Mr Molloy: If our amendment were accepted, that subsection of the clause would not apply to a show because it would come under the terms of treatment administered by a veterinary surgeon. Is that correct, or is the Department seeking to ban from shows those dogs that have their tails docked by whatever means?

The Committee Clerk: Under the amendment, dogs with docked tails will not be able to be shown at an event at which members of the public attend and pay an admission fee. There is an exemption from that for hunting dogs and working dogs that have had their tails docked and which demonstrate their working ability at a show. Subsections (12) and (14) are intended to prevent cosmetic docking by including dogs that have been docked cosmetically, but there is an exemption in subsection (13), which states:

“Where a dog is shown only for the purpose of demonstrating its working ability, subsection (12) does not apply if the dog is a subsection (4) dog.”

Mr Molloy: I foresee a major show involving dogs with docked tails. This calls out for an

alternative because, to start with, there is an equality issue. People who own a dog with a docked tail should have an equal right to show their dog, take part in competitions and everything else. If that were not allowed, I would be interested in organising some sort of a show or competition for dogs with docked tails, excluding other dogs, and let the Department deal with that. This is total discrimination in that it tries to exclude from competition people who have had their dog's tail docked.

The Committee Clerk: The idea is to prevent dogs that have received cosmetic surgery from taking part in shows.

Mr Molloy: My point is that it does not state that. It adds an exemption to tail-docking that is administered by veterinary surgeons, but it does not state that dogs will be excluded because they have been cosmetically docked.

The Committee Clerk: No, but it refers back to subsection (4), which defines the types of dogs on which docking is permitted. To restrict the potential for cosmetic docking, Members agreed that spaniels of any breed or combination of breeds be exempt. As working dogs, those breeds will still be able to be shown at a dog show if they are demonstrating their ability as working dogs.

Mr Molloy: Am I right in saying that a spaniel will not be allowed to be shown as a spaniel with its tail docked?

The Committee Clerk: No, because the dog will only have been certified as being a working dog to have its tail docked in the first instance.

Mr Molloy: It cannot take part in any other part of the show, so it is being excluded.

The Committee Clerk: It can take part in the show if it is demonstrating that it is a working dog.

The Chairperson: Are members content that we introduce into subsections (12) and (14): "admitted on payment of a fee".?

Mr Beggs: What is the exact wording that is being proposed? What is proposed to be put back in after "admitted"?

The Committee Clerk: It is the same as last week: "admitted on payment of a fee".

Mr Beggs: What appears in the tabled papers does not really make sense. It talks about

removal; it is not the exact wording. Are we going back to the wording in clause 6(4)?

The Committee Clerk: Yes, it is exactly as it was before. The wording that would be introduced into subsections (12)(a) and (14)(a) is "on payment of a fee".

The Bill Clerk: The proposal is simply to add the words "on payment of a fee" to both subsections.

Mr Molloy: Sorry, could that be clarified?

The Bill Clerk: Subsection (12)(a) reads: "that person shows the dog at an event to which members of the public are admitted".

If you were to reverse what you did before, you would be adding the words "on payment of a fee" to make it read:

"to which members of the public are admitted on payment of a fee".

Exactly the same words would go into subsection (14)(a), which would then read:

"that the event was not one to which members of the public were admitted on payment of a fee".

Mr Beggs: Is that at clause 6? I am trying to get the exact location in the main Bill. The reason why I did not like the words "on payment of a fee" was because I presumed that they would mean that, if there was no fee, the showing of cosmetically docked dogs could go ahead.

The Committee Clerk: Not necessarily.

The Chairperson: I will bring in one of the departmental officials.

Ms Davey: The policy intention was never to stop, for example, small church fetes or school fetes from showing dogs. That is what would happen if you removed "on payment of a fee". Therefore, the inclusion of "on payment of a fee" would still allow small, informal showings to go ahead, even of dogs with docked tails. The intention was to try to change the whole docking ethos within the dog breeding fraternity and the showing fraternity. It was not meant to place any sort of burden on small church fetes, etc.

Mr Beggs: If public entrance fees were not charged at large judging events, such as regional, Northern Ireland-wide, judging competitions, presumably docked tails would then be on display at those larger events.

Ms Davey: That is correct, but our understanding is that most of those events require the payment of a fee.

Mr Beggs: The wording in subsection (12)(a) is: “members of the public are admitted on payment of a fee”.

Ms Davey: Yes, that is right.

Mr Beggs: What if the wording were:

“payment of a fee for exhibitors or members of the public”?

Simply not charging the public for getting into events would still mean that events involving the highest level of judging could go ahead, whereas, if you prevented exhibitors from paying an entrance fee as well as spectators, I suspect that you would not affect the small church or rural fairs, but you would certainly affect the highest quality breed shows.

Ms Davey: That certainly sounds plausible.

Mr Beggs: If that wording is coming back in, I would want the exhibitors also to be prevented from paying a fee, because to do otherwise would encourage the exhibition of dogs with docked tails.

The Chairperson: Mr Beggs, will you repeat the exact wording of the amendment that you want? While you are formulating that, I make members aware that Janet Ryder from the Welsh Assembly is in the Public Gallery. You are very welcome this morning, Janet.

Mr Molloy: I have lost track of what we propose to do. Instead of making the situation easier, we are trying to make it more difficult.

Mr Beggs: We are back to the original published Welfare of Animals Bill. The wording that I am working with is: “A person commits an offence if—

(a) that person shows a dog at an event to which exhibitors pay a fee or members of the public are admitted on payment of a fee”.

My addition is “exhibitors pay a fee”.

Mr Molloy: That is an entirely new provision that is not even included in the Bill. In that sense, I am certainly opposed to it.

The Chairperson: Mr Beggs, what difference does including “exhibitors pay a fee” make to that clause?

Mr Beggs: I am posing a question. People could try to get around the law simply by not charging the public an entrance fee. The large breed or type exhibitions and judging competitions do not occur without charging some fees and awarding prize money. Therefore, people could get around the legislation and continue to show dogs with docked tails simply by not charging the public to get in to the events. They could simply run as normal. The breeders could still assess dog types as having docked tails when they may have been docked on a cosmetic basis. I do not agree with cosmetically docked tails. Therefore, I am just trying to find a way to prevent that option from being presented to breeders. They have more of an idea of breed or type than members of the public.

The Committee Clerk: If a show is significant enough to provide prize money, it follows from that that it will have to charge an admission fee of some type. Some shows in mainland UK have done away with an admission fee and now charge for car parking. The legal advice of which I am aware is that that is still an offence because there is still a contractual link between the payment of the car parking and the show.

Mr Beggs: How would the Department stop breeders entering cosmetically docked dogs to a show to which members of the public were not charged?

Ms Davey: The legislation, as currently drafted, would not stop that. What you have suggested, however, is a means of closing that loophole.

Mr Beggs: I beg to move that the Committee recommend to the Assembly that clause 6 (12) (a) and clause 6(14)(a) be amended as follows: After “to which”, insert “exhibitors pay a fee”.

The Committee Clerk: I want to confirm, Mr Beggs, that you propose that subsections (12) and (14) of the amended clause 6, which was tabled this morning, should read:

“that person shows a dog at an event to which exhibitors pay a fee or members of the public are admitted on payment of a fee”.

Mr Beggs: Yes.

Again, amended clause 6(14)(a) states:

“that the event was not one to which exhibitors pay a fee or members of the public were admitted on payment of a fee”.

Clause 6(14)(a) is followed by paragraphs (b) and (c); therefore, all of those will be affected. Is that right?

The Committee Clerk: Yes.

Mr Beggs: Well, let us just have clarification of that one.

Mr Molloy: Chairperson, our original proposal was to remove the reference to fees. Therefore, this is a counter proposal.

Mr Beggs: We were given an explanation of why it would not work, which is why I am going with the counter proposal.

Question put, that clause 6(12)(a) and 6(14)(a) be amended to read: "that person shows a dog at an event to which exhibitors pay a fee or members of the public are admitted on payment of a fee".

The Committee divided: Ayes 4; Noes 1.

Ayes

Mr Beggs, Mr Gibson, Mr Moutray, Mr McCartney.

Noes

Mr Molloy.

The Chairperson: The proposal will be subject to legal advice.

Mr W Clarke: I abstain because I do not agree with the Committee's amendment.

The Committee Clerk: We need to adjourn to make the amendment to the clause and bring it back to the Committee so that the Chairperson can put the formal question on the clause.

The Chairperson: OK. We will adjourn for 15 minutes.

Adjourned from 11.53 am to 12.23 pm.

The Chairperson: The Committee Clerk will now talk us through the draft amendment.

The Committee Clerk: The draft amendment to clause 6 has been tabled for members. Subsection (7) states: (7) The second condition referred to at subsection (5) is that the dog is of a breed specified in Schedule 4A".

Subsection (8) of the draft amendment reads:

"The Department may by regulations add to, or remove, breeds of dog from the list in Schedule 4A."

Subsection (9) of the proposed amendment reads:

"It is a defence for a person accused of an offence under subsection (1) or (2) to show that that person reasonably believed that the dog was one in relation to which subsection (4) applies."

In respect —

Mr Beggs: Why has the first one been added? It does not read well. Sorry, OK. It is fine.

The Committee Clerk: Subsection (12)(a) is the part that Mr Beggs asked to be amended. We have taken some quick legal advice on that, and the definition of an exhibitor may be open to question. However, the first part of subsection (12)(a) states that "that person shows a dog". So, in essence, that constitutes an exhibitor. With members' approval, I propose that subsection (12)(a) should read:

"that person shows a dog at an event to which that person or members of the public are admitted on payment of a fee".

Mr Savage: That needs to be put in, Chairperson, because it worried me. Something needs to be added there.

The Committee Clerk: The Chairperson previously brought to members' attention the fact that these proposed amendments are subject to legal advice, which we must take.

Mr Beggs: I am curious about why you have gone away from the original wording, even to have the amendment say: "that person pays a fee or members of the public are admitted on payment of a fee"

I thought that would have been clearer. One may pay a fee to enter a dog, but not to enter the event. I wanted to stop the exhibitor — although we have been given advice to avoid using that word — so, if the amendment said that "that person" did not pay a fee, which was more like an entrance fee for a dog, "or members of the public", I do not know whether that can be neatly captured in a single line in the way that you are talking. There are two issues — the entrance fee for the dog, which provides prizes for the competition; and members of the public paying a fee.

The Committee Clerk: I understand that you are suggesting that the proposed amendment should read:

“that person shows a dog at an event to which that person pays a fee or the public are admitted on payment of a fee”.

Mr Beggs: Yes. That is fine. I am happy with that.

The Chairperson: Are members content?

Mr Molloy: No. I oppose that.

The Committee Clerk: Subsection (12)(c) is an amendment that was not covered, which reads: “the removal took place after the coming into operation of this section.”

Amended subsection (14)(a) is based on the Deputy Chairperson’s proposals on subsection (12)(a), which might read:

“that the event was not one to which that person paid a fee or members of the public were admitted on payment of a fee”.

Amended subsection (18) should read:

“In this section ‘subsection (4) dog’ means a dog whose tail has, after the coming into operation of this section,”.

Finally, schedule 4A is entitled, “Dogs specified for the purposes of section 6(7)”, and reads:

“1. —(1) Spaniels of any breed or combination of breeds

(2) Terriers of any breed or combination of breeds

(3) Any breed commonly used for hunting, or any combination of such breeds

(4) Any breed commonly used for pointing, or any combination of such breeds

(5) Any breed commonly used for retrieving, or any combination of such breeds”.

Mr Molloy: I record my objection to subsection (14)(a).

The Chairperson: That has been noted.

Mr Gibson: In clause 6(6), we had talked about introducing the law enforcement exemption. That has not been included in the draft amendment.

The Committee Clerk: I apologise for that.

The Chairperson: We will include that.

Question put, That the Committee is content with clause 6, subject to the Committee’s proposed amendments, put and agreed to.

Clause 6 agreed to.

The Chairperson: There are a number of consequential amendments in respect of penalty offences. Members previously agreed the policy principle. The Committee has until 9.30 am on the Thursday before the Bill’s Consideration Stage to finalise the amendments. Members will, however, be asked to express whether they are content with the proposed amendments.

Before asking the Committee Clerk to speak on these matters, I advise members that any proposed amendments for the following clauses will be subject to legal advice that confirms that the amendments are competent and do not infringe on human rights.

Mr Molloy: There were a couple of small points that we said that we would come back to in order to discuss their definition. Maybe we have covered them; I cannot remember from last week. We said that we would further define those points.

The Committee Clerk: There were a number of suggestions about expansions and definitions in the report. We will come to those after we finish the clause-by-clause scrutiny.

As the Chairperson indicated, clause 6 as amended introduces two more offences, which have a knock-on impact on clauses 31 to 33, 36, 41 and 55.

Clause 31 (Penalties)

The Committee Clerk: Clause 31 deals with penalties and makes provision for either a summary penalty or an indictment. Clause 6(10), as amended, states: “A person commits an offence if—

(a) that person owns a subsection (4) dog, and

(b) fails to take reasonable steps to secure that, before the dog is 8 weeks old, it is identified as a subsection (4) dog in accordance with regulations made by the Department.

It is being proposed that that offence should carry a fine, which would mean that there needs to be a consequential amendment to clause 31(1).

Mr Molloy: Sorry, will you repeat that?

The Committee Clerk: Clause 6 as amended has created two new offences, the first being through clause 6(10). It is being proposed that it is an offence if a person owns a subsection 4 dog — a dog that is unable to be docked —

and, before the dog is eight weeks old, that person fails to take reasonable steps to have it identified as a subsection 4 dog in accordance with regulations made by the Department. That is a new offence. If there is failure to comply, it is proposed that a fine be imposed, which is the lesser of the two penalties.

Mr Molloy: It is saying, therefore, that a person who owns a dog specified in schedule 4A will have to register it at that time; otherwise they would be committing an offence.

The Committee Clerk: The proposed subordinate legislation would introduce a two-part certification process. The first part would require a dog to be certified before its tail is docked; before it is five days old. The second part must be completed before the dog is eight weeks old. Essentially, the breeder will have to certify and register the dog. If he fails to do so, he will have committed an offence under clause 6(10). It is proposed that that offence would be subject to a fine under clause 31(1), as opposed to summary conviction, imprisonment or indictment under clause 31(2).

Mr Molloy: Did you say eight weeks old?

The Committee Clerk: Yes, before a dog is eight weeks old.

Mr Savage: Does that mean that if I have a certain breed of dog that falls within that category, I must register it?

The Committee Clerk: Yes, you would have to register it with a vet.

Mr Savage: And it would have to fall within one of those categories?

The Committee Clerk: Before the tail is docked, the vet would certify whether the dog falls within one of the schedule 4A breeds as currently drafted, thus completing the certification process before the dog is weaned from the dam. It falls to the breeder.

Mr Molloy: Are there any proposals to make it a hanging offence? That is about the only thing that is missing.

Mr Beggs: You seem to be talking about amending clause 31(1). Presently, it states that someone: "shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5".

Both penalties are presently included. What is being proposed?

The Bill Clerk: For each of two main offences, the Committee has to decide whether it wants the penalty to be summary conviction in a Magistrate's Court, where there would be a choice of imprisonment for a term not exceeding six months or a fine not exceeding level 5, which, I believe, is up to £5,000. Alternatively, if members feel that that penalty is not serious enough, they could attach the new offence to subsection 31(2), which also allows the offence to go to summary conviction. The difference is that, as well as going to summary conviction, it can go to conviction on indictment in the Crown Court. In that case, imprisonment could be for a period not exceeding two years and an unlimited fine could be imposed. It depends on how serious you want the penalty for each offence to be.

Mr Molloy: Why would we need that? If a person does not register a dog, surely that would exclude it from having its tail docked.

The Committee Clerk: It does not. The tail might already have been docked, and if it is not docked in accordance with the certification process, by receiving veterinary certification, that, in itself, would be an offence. Therefore, the tail would already have been docked, so the certification process would have already commenced.

Mr Molloy: I think that we are debating whether bad practice in the past will be exaggerated further. We will find that people deal with the legislation in the normal way and that we will have more stray dogs than ever, because we are making the registration process more complicated than necessary. However, that seems to be the Department's way of doing things.

The Chairperson: Are members content to add the offence to clause 31(1)?

Mr Molloy: What level of penalty would that entail?

The Committee Clerk: The offence would be created under proposed amended clause 6(10). Under clause 31(1) anyone convicted of the offence would be: "liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale".

Therefore, the fine could not exceed £5,000.

Mr Molloy: I am totally opposed; it is madness.

Mr Beggs: Where are we? I am looking at clause 6(10) in the Bill —

The Committee Clerk: We are considering the proposed amended clause, as agreed by the Committee.

Mr Beggs: OK.

Question put, That amended clause 6(10) be attached to clause 31(1).

The Committee divided: Ayes 5; Noes 1.

Ayes

Mr Beggs, Mr Gibson, Mr Irwin, Mr McCartney, Mr Moutray.

Noes

Mr Molloy.

Question accordingly agreed to.

Mr Savage: Although I am not voting against it, we could be solving one problem and creating another.

The Chairperson: We will record Mr Molloy's opposition.

The Committee Clerk: The second offence is created under proposed amended clause 6(15), which reads:

"A person commits an offence if that person knowingly gives false information to a veterinary surgeon in connection with the giving of a certificate for the purposes of this section."

Again, members must consider whether that proposed amended subsection should be attached to clause 31(1) or whether it is a more serious offence that should be attached to clause 31(2).

Mr Molloy: I suppose that the only safety in all of this is that it would be impossible to police and would never actually happen. In that sense, the whole Bill will become redundant after a period of time.

The Chairperson: Members may believe that that is a more serious offence and that it should be attached to clause 31(2) because it covers someone knowingly giving false information.

Question put, That amended clause 6(15) be attached to clause 31(2).

The Committee divided: Ayes 6; Noes 1.

Ayes

Mr Beggs, Mr Gibson, Mr Irwin, Mr McCartney, Mr Moutray, Mr Savage.

Noes

Mr Molloy.

Question accordingly agreed to.

Question put, That the Committee is content with the clause subject to the Committee's proposed amendment.

The Committee divided: Ayes 6; Noes 1.

Ayes

Mr Beggs, Mr Gibson, Mr Irwin, Mr McCartney, Mr Moutray, Mr Savage.

Noes

Mr Molloy.

Question accordingly agreed to.

Clause 31 agreed to.

Clause 32 (Deprivation)

The Committee Clerk: Under clause 32, the court can deprive the owner of ownership of an animal. Members are again asked to consider whether the two offences created in proposed amended clauses 6(10) and 6(15) are serious enough to be attached to clause 32(2), so that ownership may be deprived.

The Chairperson: This relates to the giving of false information. Members may want the more serious penalty to apply.

Question put, That proposed amended clause 6(15) be attached to clause 32.

The Committee divided: Ayes 6; Noes 1.

Ayes

Mr Beggs, Mr Gibson, Mr Irwin, Mr McCartney, Mr Moutray, Mr Savage.

Noes

Mr Molloy.

Question accordingly agreed to.

Question put, That the Committee is content with clause 32 as amended.

The Committee divided: Ayes 6; Noes 1.

Ayes

Mr Beggs, Mr Gibson, Mr Irwin, Mr McCartney, Mr Moutray, Mr Savage.

Noes

Mr Molloy.

Question accordingly agreed to.

Clause 32 agreed to.

The Committee Clerk: I would like to point out that clauses 32, 33, 36 and 41, which we are considering, will be subject to legal advice on competence and whether they are in line with human rights. We will take that advice afterwards.

Clause 33 (Disqualification)

The Committee Clerk: Members are asked to consider whether either or both offences in proposed amended clauses 6(10) and 6(15) should be attached to clause 33, whereby, if an individual is in breach of the offence, the courts can disqualify that person from owning a dog.

Mr Molloy: Chairperson, are we dealing with reality? This is our amendment, and people want to get it through. However, you are going the wrong way about getting it through. I will oppose it in the Committee. Getting the clause through will be a problem. It is unrealistic to ban one person in a house from keeping a dog, because everyone else in the house can keep one.

Mr Beggs: I want to be clear about what we are doing in respect of section 16. You talked about clause 33, disqualification, and then referenced that to clause 6.

The Committee Clerk: We are discussing proposed amended clauses 6(10) and 6(15).

Mr Beggs: Where is that in hard print?

The Committee Clerk: It is tabled. Members agreed the amendment, and two offences have been created at clauses 6(10) and 6(15). As members agreed to create those two offences, they have to allocate the level of penalty against those offences.

Mr Beggs: OK. I understand.

The Committee Clerk: Members do not actually have to prescribe it. They can assess whether deprivation is a high enough penalty, whether the court should have the right to disqualify,

or, as in clause 36, whether the animal should be destroyed. What is being asked is whether members wish to attach either of the offences to clause 33 to disqualify a person from owning a dog.

Mr Savage: When we talk about animals, does that cover the whole spectrum: poultry, dogs and so on?

The Committee Clerk: No; it is in respect of dogs only.

Mr Molloy: That is where the Department's sleight of hand comes in. One would have thought from the start that we were dealing with dogs' legislation, but, on some occasions, the Department wants authority to deal with all animals. Mr Savage is correct. This is unclear, because the Department will be able to take the offences that are being created in relation to dogs here and interpret and implement them in relation to all animals at any time. As the Department has said before, it is a Welfare of Animals Bill not dogs legislation.

The Chairperson: OK. I invite the departmental officials to the table.

Mr Molloy: What time are we breaking at?

The Chairperson: Do members wish to adjourn now?

Members indicated assent.

The Chairperson: We will adjourn for an hour.

Adjourned from 12.44 pm to 1.59 pm.

The Chairperson: We will resume with clause 33. At this point, I will ask the Committee Clerk to speak.

The Committee Clerk: Members were considering whether to attach either clause 6(10) or clause 6(15) to clause 33, which is entitled "Disqualification". It was proposed to attach clause 6(15), which is about providing false information to a veterinary surgeon, to clause 33 to deal with circumstances in which, for example, a breeding establishment continually provides false information or docks tails itself. It may then be appropriate to allow the courts to disqualify that person from keeping animals.

The definition in the Bill is in clause 33, which mentions that there will be disqualification from owning or keeping animals. However, clause 33(5) provides the courts with the opportunity

to stipulate what range of animals should be disqualified. It states that:

“Disqualification under subsection (2), (3) or (4) may be imposed in relation to animals generally, or in relation to animals of one or more kinds.”

If an offence in relation to tail-docking were brought before the courts, it would be expected that if disqualification were to be applied, it would be applied against the keeping of dogs. However, the courts have the power within the Bill to go beyond that range.

The Chairperson: Is that clear to members?

Question, That clause 6(15) be attached to clause 33, put and agreed to.

Question, That the Committee is content with clause 33 as amended by the Committee, put and agreed to.

Clause 33 agreed to.

Clause 36 (Destruction in the interests of an animal)

The Committee Clerk: It is proposed that clause 6(15) be attached to clause 36. Again, I use the example of a breeding establishment that continually provides false information and so on, or in this case, where the tail-docking has been carried out without or by someone other than a veterinary surgeon. It may be that, for the welfare of the animal, it has to be destroyed.

Mr Beggs: The Clerk has given a useful explanation about the exceptional circumstances under which these powers may be required. I am aware that where clarification or direction is helpful, it can be made in the course of the Assembly debate, so that it is made clear that the powers we are talking about here would only be seen in exceptional circumstances. I ask the Clerk to check out if it would be appropriate for the Chairperson, in pushing these amendments, to highlight the fact that the power would only be used in exceptional circumstances, otherwise it might be overly executed by the courts. I see it being applied only in really harsh, exceptional circumstances.

The Committee Clerk: It would be entirely appropriate to state that during the debate, but it would also be appropriate if members were of a view to state that in the Committee report.

Mr Beggs: I think it would be important to do so.

The Committee Clerk: It is going to be discussed at a later point.

The Bill Clerk: The destruction of animals section says that the court may, if satisfied, on the basis of the evidence given by the veterinary surgeon, if it is appropriate to do so in the interests of the animal —

Mr Beggs: My comments were as much about previous evidence.

The Bill Clerk: It is a little bit narrower.

Question, That the Committee is content with clause 36 as amended by the Committee, put and agreed to.

Clause 36 agreed to.

Clause 41 (Orders with respect to licences)

The Committee Clerk: Members will be aware that the Bill will allow for the licensing and registration of breeding establishments. If continual false information was being given from such an establishment, it may be appropriate for the courts to remove its licence.

Question, That clause 6(15) be attached to clause 41, put and agreed to.

Question, That the Committee is content with clause 41 as amended by the Committee, put and agreed to.

Clause 41 agreed to.

Clause 55 (Regulations)

The Committee Clerk: The Department and the Committee have previously agreed that the Department would amend clause 55 in respect of clause 1(3). Members then had concerns about clause 6(8) and the regulatory powers in their amendment. That will be included in clause 55, which will allow for the regulatory powers to be of the affirmative process as opposed to a negative process.

Question, That the Committee is content with clause 55 as amended by the Committee, put and agreed to.

Clause 55 agreed to.

The Committee Clerk: I will draw members' attentions to some editorial amendments that will result in clauses 31, 32, 33, 36 and 41. They are editorial, because we removed various

parts of clause 6. They refer to a change in numbering. We do not have to formally table those amendments because they are editorial, but members may wish to note them.

Schedule 1 (Procedures to which section 5 does not apply)

The Committee Clerk: At previous meetings, the Department explained that schedule 1 is to be withdrawn and replaced by a list of permitted procedures. Members previously agreed to do that.

Question, That the Committee is content with the schedule, put and negatived.

Schedule 1 disagreed to.

Long title agreed to.

Northern Ireland Assembly

Committee for the Environment

16 December 2010

Clean Neighbourhoods and Environment Bill (NIA 31/09)

Members present for all or part of the proceedings:

Mr Cathal Boylan (Chairperson)
Mr Patsy McGlone (Deputy Chairperson)
Mr Thomas Buchanan
Mr Trevor Clarke
Mr Willie Clarke
Mr John Dallat
Mr Danny Kinahan
Mr Alastair Ross
Mr Peter Weir
Mr Brian Wilson

Witnesses:

Ms Helen Anderson	
Ms Hazel Bleeks	<i>Department of the</i>
Mr Robert Gray	<i>Environment</i>
Mr Jackie Lambe	
Mr Anketell	<i>Department for</i>
Mr Brian O'Neill	<i>Regional Development</i>

The Chairperson (Mr Boylan): I initially welcome Robert Gray and Helen Anderson from the Department of the Environment (DOE) and Gerry Anketell and Brian O'Neill from the Department for Regional Development (DRD). We will go through Parts 1, 2 and 3 of the Clean Neighbourhoods and Environment Bill, and Committee members will be able to seek clarification on any points on which they require it.

Clause 1 (Gating orders)

The Chairperson: Issues were raised about clause 1. I remind members that, at its meeting of 2 December, the Committee asked whether the Department had received legal advice

on clause 1, as there was a feeling that the introduction of the Bill will lead to a situation in which expectations are raised about the installation of gates. The Department's response stated: "The Bill does not impose a duty on district councils to make gating orders; rather it gives them the power to do so in respect of a road which is facilitating high and persistent levels of crime and/or anti-social behaviour that adversely affect local residents or businesses."

It continued:

"There is no legal advice in respect of the point raised concerning clause 1 and the Department does not see any need for such advice. It will be a matter for a district council to take a decision as to whether it is appropriate to make a gating order after taking all of the relevant circumstances into account."

I also inform members that NILGA has provided further details on the costs, specification and benchmarking of the alley gates that are in place. That information is provided in members' packs. Are members content to incorporate those responses into the Committee's report?

Members indicated assent.

Do any members wish to comment on clause 1?

Mr Dallat: Is the Department sure that there are no section 75 problems with clause 1? Has it checked cases that were taken to the Equality Commission, which recently ordered the payment of fairly substantial sums of money because of obstructions that had been placed in the way of wheelchair users?

Mr Brian O'Neill (Department for Regional Development): I am not aware of cases being taken for obstructing wheelchair users.

Mr Dallat: I know of a case that was taken against Coleraine Borough Council. That case was settled out of court, and the council paid £3,000 for obstructing wheelchair users. I am not certain whether that was as a result of alley gates or kissing gates, but I believe that it was gating.

Mr B O'Neill: The gates that have been approved by Roads Service have primarily been in Belfast, with a few in Craigavon. No issues at all have been raised on your point, Mr Dallat. There have been no complaints about any obstructions to any person in the Belfast area, where all the gates have been put up.

Mr Dallat: Has the Fire and Rescue Service Board had any input into gating? Does it have issues with access for hoses, and so on?

Mr B O'Neill: Local councils consult all the relevant statutory authorities before proposals are brought to us. Therefore, the Fire and Rescue Service Board is consulted by the local council.

Mr Weir: Will the Fire and Rescue Service not have skeleton keys for gates? I would have thought that, in most cases, they are not likely to want to put hoses down back alleyways. However, I presume that the emergency services will have a means of gaining complete access to those places anyway. I do not know the individual circumstances in Coleraine, but I wonder whether it was an alley-gating situation or whether the gates were blocking general access for the public and had a specific impact on the disabled in a more general area than a back alleyway.

Mr Dallat: I mentioned previously that there have been a number of very serious fires at backs of houses in Limavady because some clowns were running around lighting oil tanks. Some families were very lucky to escape with their lives.

Mr Weir: Presumably, if alley gates prevented people getting access to oil tanks, it would stop, or reduce massively, that threat. It could even cut out the problem in a different way.

The Chairperson: Mr Dallat has raised the issue of disabled people. That is fine. That issue should be incorporated into part of the consultation process that has been happening up to now anyway. I am glad that he made the point, because, during discussions, we should be mindful to invite representatives of such bodies.

Mr Gerry Anketell (Department for Regional Development): It is fair to say that all the emergency services will be given provision for access to any gated area.

Mr W Clarke: The Department is telling me that anybody who installs gates will have to carry out an equality impact assessment (EQIA). Is that correct?

Mr Robert Gray (Department of the Environment): It is imperative that, under the proposals, if the local council —

Mr W Clarke: Or the Housing Executive.

Mr Gray: The councils will make the gating orders.

Mr W Clarke: For the Housing Executive.

Mr Gray: They will do so on behalf of the proposer of the gating scheme. The order can be implemented only if the council makes the gating order, and it is imperative that it undertake a thorough section 75 screening.

Mr W Clarke: I wanted that on the record.

The Chairperson: I will put that recommendation at the end of the report under matters raised.

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

Clause 1 agreed to.

The Chairperson: Thank you very much for your input, Gerry and Brian. We now move on to Part 2, and I welcome Jackie Lambe and Hazel Bleeks from DOE.

Clause 2 (Exposing vehicles for sale on a road)

The Chairperson: One question was asked about the clause, and we sought clarity on the proposals that relate to the sale of two or more cars that are parked within 500 m of each other. We were content with the explanation provided by the Department.

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

Clause 2 agreed to.

Mr Dallat: I am not sure whether any other members have noticed, but, recently, perhaps in anticipation of the legislation, people have started to put one car out on the road while leaving the rest of them behind a wall. Presumably, that is OK. However, it still creates a road hazard, because people stop and queue, and so on.

Mr T Clarke: Why can we not just make it that people cannot have any cars for sale out on the road?

The Chairperson: I remind members that I have already put the Question and got agreement on it. We have previously discussed the issue at length. We are certainly not rushing into it.

Mr Weir: We will have to wait for the Christmas episode of 'Doctor Who' to go back in time.

Clause 3 (Repairing vehicles on a road)

The Chairperson: Members were concerned about the impact on broken-down vehicles but were content when advised that there was a 72-hour exemption for breakdowns and accidents. Do members have any comments before I put the Question?

Mr Dallat: Have we discussed the 72-hour exemption? That is not flexible, no? Seventy-two hours is three days, which is a fair while for a car or lorry to be sitting on a road.

The Chairperson: We were concerned about broken-down cars being taken away and wanted to give people an opportunity to remove their cars. Are we now saying that we are against an exemption?

Mr Kinahan: It is needed if someone cannot get the parts.

The Chairperson: I think that it is quite reasonable.

Mr Dallat: All right.

Mr W Clarke: There is also the example of a car that is stuck in snow.

The Chairperson: It could be snowed in for two days.

Mr T Clarke: Discretion will be applied if it is snowed in.

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

Clause 3 agreed to.

Clause 4 (Power to give fixed penalty notices)

The Chairperson: I remind members that subsection (9) provides a power for the Department to substitute a new amount of fixed penalty payment specified in the Bill. The Examiner of Statutory Rules suggests that the power should be subject to draft affirmative procedure, in keeping with all the other Bills that are going through the Assembly. The Department has agreed an amendment to allow for the power to be subject to draft affirmative procedure. That is all very well, but we have not seen the amendment. What has happened?

Mr Gray: The point about draft affirmative procedure will apply to numerous clauses. There are powers that relate to the amount of fixed penalty notice throughout the Bill, and we

have grouped all those together. I have written to the draftsman to seek the amendments. This would be only one of around eight or nine amendments.

The Chairperson: That is OK. However, I will be putting the Question to the Committee, and we have not seen the amendment. Are you giving us an assurance that we will receive the amendment?

Mr Gray: We have asked the draftsman for it, so I do not see any problem.

The Chairperson: Are you listening very carefully, gentlemen? Robert does not see any problem.

Mr McGlone: Where are we leaving it, then?

The Chairperson: We have received assurance that subsection (9) will be subject to draft affirmative procedure, which is what we want. Robert, once we have agreed to this, we have agreed to it. Are you giving the Committee an assurance that it will be subject to draft affirmative procedure?

Mr Gray: The Minister has agreed that it will be subject to draft affirmative procedure.

The Chairperson: That is fine. Are we happy enough, gentlemen?

Mr McGlone: What is the time frame for that?

Mr Gray: I would like to have all the amendments that will be subject to draft affirmative procedure ready in time for the next meeting of the Committee.

Mr McGlone: Will we see them then?

Mr Gray: Yes.

Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.

Clause 4, subject to the Department's proposed amendment, agreed to.

Clauses 5 and 6 agreed to.

Clause 7 (Offence of abandoning a vehicle: fixed penalty notices)

The Chairperson: I remind members that subsection (9) provides a power for the Department to substitute a new amount of a fixed penalty payment. Again, it should be

subject to draft affirmative procedure. We have received assurances that we will have that.

Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.

Clause 7, subject to the Department's proposed amendment, agreed to.

Clauses 8 to 13 agreed to.

Clause 14 (Offence of dropping litter in lake, pond or watercourse)

The Chairperson: We now move on to Part 3. I remind members that they raised concerns about the definition of "litter" in the clause. We sought clarity, and members were content with the Department's response.

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

Clause 14 agreed to.

Clause 15 (Penalty for failing to provide name)

The Chairperson: Members discussed the introduction of fixed penalty notices for giving false name and address information but concluded that those were unworkable. Members were subsequently content with the clause.

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

Clause 15 agreed to.

Clause 16 (Litter offence: fixed penalty notice)

The Chairperson: Members questioned the level of the default fine, which is £75. We discussed the option for councils to encourage payment of fines by increasing the amount for late payments. The Department confirmed that the age of criminal responsibility — that is, to which fixed penalties can be issued — is 10 years of age and that guidance on issuing fines to minors will be issued.

Does anyone wish to make any further comments? We received clarification at our previous meeting. We had a discussion last week in Limavady about who would pick up the fine. It was also raised during the discussion on a later clause. Can you provide clarification on that? It concerned the parent picking up the fine. Was that the

issue that was raised about a later clause? How does that impact on clause 16?

Mr Jackie Lambe (Department of the Environment): On the question of who is liable for the fine, there is no onus on the parent of a young person to pay the fine on the young person's behalf. The fine would be issued — if it is, in fact, issued — to the person responsible for the offence.

The Chairperson: Do members have any comments to make?

Mr W Clarke: I still have serious concerns about criminalising children at 10 years of age. I cannot my head get around that, and I do not care what guidance is given. I have a seven-year-old child, and I am thinking about her coming home at 10 years of age crying her eyes out over being given a fixed penalty. I cannot accept that. It is too young an age at which to criminalise young people.

There has to be an educational aspect to this. The school should get it through to children that if they drop litter, they will have to sit some sort of module, or something similar. If we criminalise 10-year-old children and send them home to their parents with a fixed penalty, we do not know how the home will react. There are a number of issues around that, and I am not happy about it at all. I want it on the record that I do not support the clause.

Mr T Clarke: That issue came up last week concerning graffiti. I am still of the same opinion. The drive down from Limavady over the mountain did not change my view. If someone commits a crime, he or she has to pay the fine. As I said last week, I have three children myself — all minors — and if they committed a crime, they would have to pay the fine. If we want to try to improve and clean the streets, and we will probably find that most of the litter incidents are down to younger ones anyway, so —

Mr W Clarke: That is totally wrong.

Mr T Clarke: I am sorry, but I am speaking. If they take the fine home with them, it is up to the parents to pay it by whatever means, but they have to pay up.

Mr W Clarke: To say that the majority of litter on the street is left by young people and 10-year-olds is an outrageous comment to make. That is absolutely disgraceful. There is more education in school about the environment than there ever

was. It is older people who cause most of the litter problems. I need to put that on the record. I will not support the clause, no matter what guise is put on it.

Mr T Clarke: Get Willie Clarke out litter-picking.

Mr Dallat: There is a war between the Clarkes.

Mr Kinahan: I think that I will sit back a little.

The Chairperson: The problem was raised under a different clause. We were content with the comments, but what I asked about last week was the legal opinion. Do we look at making the parent or responsible person pay the fine? Is there any way of amending it or of looking to another clause as a means of dealing with the issue?

Mr Gray: Let me take this opportunity to clarify to the Committee what the Department's intention is, and this will hopefully reassure the Committee about the whole business of issuing fixed penalty notices to juveniles. The Department's intention is to issue guidance based on that already in force in other parts of the UK about issuing fixed penalty notices to juveniles. That guidance makes it clear at the outset that councils need to think very carefully about issuing a fixed penalty notice to a juvenile, and it recommends using different procedures. It recommends different procedures for 16- and 17-year-olds, and for children between the age of 10 and 15.

It strongly advises authorities — in our case, councils — to include age-specific policies in operational and enforcement procedures. That includes the kind of thing that you were talking about, such as education in schools, but there will always be the possibility of a fixed penalty notice being issued under this legislation. That is the current position, but the guidance strongly recommends that councils look at the matter very carefully.

The Chairperson: For clarification, the point is that the Bill will introduce a fixed penalty notice. It does not matter what age the person who drops the litter is. We are saying that a different Department sets the age group. We cannot do anything about it under the Bill. It is not within DOE's remit.

Mr W Clarke: We could make a recommendation.

The Chairperson: We can put it in the report. We can make a recommendation, but can we change the age range or not?

Mr Gray: There is nothing to prevent the Committee from tabling an amendment that outlaws issuing a fixed penalty notice to a child, but if you do that, the only other course open is to prosecute.

The Chairperson: I am not saying that. What I am trying to say is that the legislation will issue a fixed penalty notice, but as regards the justice system, I do not think that we can change the age.

Mr Weir: It is the age of criminal responsibility.

The Chairperson: That is not for us to say. A different Department has to look at that. Is that correct?

Mr Weir: As I said, 10 years of age is the age of criminal responsibility.

The Chairperson: All that I am saying is that we will make a recommendation in the report that it is not correct.

Mr Ross: People do not get a criminal record for receiving a fixed penalty notice.

Mr W Clarke: They do if they do not pay.

The Chairperson: I am trying to deal with how the Committee thinks that the clause should be dealt with by the Department. It is a fixed penalty.

The other issue is the age group. We can put in the report that some members are unhappy with the age group. Beyond that, we cannot change it. My understanding is that it is up to some other Department if it wants to change the age. Is that correct?

Mr Gray: Yes.

Mr McGlone: Mr Gray referred to guidance on those matters for local authorities in Britain. It would be very useful if the Committee could see that guidance or some read-across guidance associated with the legislation for the North. At the minute, we are stabbing in the dark a wee bit.

Mr Gray: A letter has been drafted to the Committee and is awaiting approval. That letter includes the verbatim guidance. That will be with you in the next few days. The deadline for that was tomorrow.

Mr W Clarke: I feel very strongly that 10 years of age is far too young. I do not care what the other Departments are saying. We have the opportunity to table an amendment stating that an older threshold for fixed penalty notices will have to be reached.

Mr T Clarke: Grandparents or 85-year-olds?

Mr W Clarke: I am thinking around 16 or 18 years of age, although I even have doubts about that. It is a serious issue if a 10-year-old is given a fixed penalty. Instead of going home, that child may run away. Who will take responsibility if that happens? If the Committee does not want to table an amendment, that is fair enough. I will put one down. However, we have the power to put down an amendment that fixed penalties not be issued to children between the age of 10 and 16.

Mr T Clarke: Therefore, we tell them that it is acceptable to throw litter?

Mr W Clarke: No. Councils would then look at a different policy for that age group, similar to the guidelines that have been explained. A different measure should be used for that age group. What do we do with a nine-year-old?

The Chairperson: I want to seek clarification before we move on. If we agree to table an amendment to raise the age to 16, are we saying that that would be legally binding and that it would be up to councils to enforce it? Is that correct or is it outside the Committee's remit to deal with that?

Mr Gray: If the legislation said that councils could issue fixed penalty notices only to those who are over the age of 16, that is what councils would have to do. The question is how are 15- or 16-year-olds dealt with? What is the deterrent to stop them dropping litter? The Department will try to deal with that through very strong guidance, which the Committee will see very shortly.

The Chairperson: Until we see the guidance, we will put clause 16 on hold and come back to it.

Clause 16 referred for further consideration.

Clause 17 (Litter clearing notices)

The Chairperson: I remind members that, at the meeting on 2 December 2010, we asked departmental officials to provide clarification on clause 17 on exemptions for Crown land

and educational establishments. Members also asked for more information on enforcement action that has been taken to date under the Litter Order 1994 on Crown land. Members have been provided with a copy of the departmental reply, which states that article 12 of the 1994 Order includes powers to allow district councils to take formal enforcement action, including action in respect of Crown land that is defaced by litter.

Concerning enforcement action, the Department states that it contacted a number of councils across the North, and responses indicate that any concerns that councils might have regarding Crown land that is defaced by litter be addressed voluntarily through an informal approach, rather than through having to resort to formal enforcement action. No councils contacted indicated that they found it necessary to take any formal action. Are members content with the Department's response, or are there any other questions?

Mr T Clarke: Is the reply suggesting that there is an exemption? If it is saying that there is an exemption, I do not believe that there should be an exemption for anyone. Crown land should be treated equally to any other public building.

Mr Gray: We have explained that there is an exemption, because there is already a legal duty to clean up Crown land.

Mr Dallat: It does not do it.

Mr T Clarke: Therefore, why should it be exempt?

Mr Gray: It is already under a duty. We are talking about a litter-clearing notice provision that will apply to other bodies and other landowners instructing them to clean up their land because they are currently not under any statutory duty to do so.

The Chairperson: An Order is already in place?

Mr Gray: Yes.

The Chairperson: I am only seeking clarification, because we discussed that.

Mr Gray: I said then that it would be a double whammy to remove that exemption.

The Chairperson: OK. Are members happy enough with that explanation?

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

Clause 17 agreed to.

Clause 18 (Street litter: control notices)

The Chairperson: Members raised concerns about addressing smoking-related litter outside pubs, clubs, restaurants, and so on, that has arisen since the new smoking laws came in. I have been advised that the Department will address that issue in subordinate regulations. We were content enough with that.

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

Clause 18 agreed to.

Clauses 19 and 20 agreed to.

Clause 21 (Controls on free distribution of printed matter)

The Chairperson: There were concerns about the clause. At our meeting on 2 December, members asked the Department to provide the Committee with legal opinion on the grounds on which a council may base a decision to approve or refuse consent to distribute printed material on the street and for more information on how the Department envisages that working in practice. The departmental reply states that it cannot provide a legal opinion on that, as: "Each case received by a council will have to be considered on its merits and a decision made by that particular council. In reaching such a decision the district council may decide to seek a legal opinion relevant to the particular case in question."

Clause 21 of the Bill makes clear that a council may refuse consent where, for example, it considers that the proposed distribution would in all the circumstances be likely to lead to the defacement of the designated land."

It goes on to say:

"Clause 21 of the Bill also includes a process whereby a decision of the council can be appealed to a court of summary jurisdiction. A person aggrieved by a decision of a district council therefore has this option and it is likely that legal opinion relevant to the grounds on which the council's decision was made would be required."

The Department will be bringing forward, as soon as possible after the Bill is passed by the Assembly, comprehensive guidance covering the practical implementation of the new provisions on controlling the distribution of free literature. The

Guidance will be subject to full consultation and it is expected that any concerns raised by councils on the practical workings of the new provisions would be addressed in that Guidance."

Are members content with the Department's response, or are there any questions?

Mr Dallat: What will happen with literature on windscreens?

The Chairperson: It is down to making an application to the council, is that correct?

Mr Gray: Windscreens are covered if the distribution of free material is on relevant, designated land. However, distributors of such material would need to get permission to put flyers under window wipers.

The Chairperson: It is down to councils to make that decision, and, if someone is unhappy, there is an appeals process.

Mr McGlone: Would that also apply to what are loosely described as Crown properties?

Mr Gray: Do you mean cars that are parked on Crown properties?

Mr McGlone: Aye, I am picking up on John's point.

Mr Gray: I would need to check that one. Jackie, do you have any views?

Mr Lambe: We may have to come back to the Committee on that, as I do not want to give inaccurate information. However, my initial reaction is that Crown properties do not fall into the category of: "relevant land of the district council".

My feeling is that councils could not designate an area where the distribution of free printed material requires approval if that included Crown land, unless it is a road that is maintained by Roads Service. However, I would want to be absolutely certain on that.

Mr McGlone: Forgive my ignorance, but I am thinking about car parks that could be interpreted as being Crown property and that are publically open and accessible to everybody.

Mr Lambe: I would want to check with colleagues in Roads Service, but my understanding is that Roads Service does not own many car parks. It manages some leased sites in and around Belfast that are used as car parks, but those sites do not fall into the definition of "Crown

land” as they are not owned by the Crown. However, I will seek clarification on that point.

Mr McGlone: Thank you.

The Chairperson: I cannot put the Question. However, in reality, when would people ever access Crown land to advertise?

Mr Lambe: An example that comes to mind is the car park here in Stormont, which is not designated by a council under this provision, because it does not fall into the category of: “relevant land of the district council”.

It is only land in which councils have a role with respect to litter.

The Chairperson: What I am trying to get at is whether people would be able to come in and put stuff on car windscreens on Crown land. Are there any examples of that having happened on Crown land anywhere?

Mr Lambe: I am not aware of any, but primarily —

The Chairperson: I would not imagine so. The Committee member has asked a question, and we cannot put the Question on the clause until we get a definition from the Department.

Clause 21 referred for further consideration.

Clauses 22 and 23 agreed to.

Clause 24 (Abandoned shopping and luggage trolleys)

The Chairperson: I remind members that the Committee raised the prospect of including shopping baskets in the clause but recognised that there would be difficulties with that, as those baskets generally have no identifying marks. Members thrashed the issue out last week after Mr Clarke had raised it, but the Committee was content for the Department to consider the issue at a later date. There are no further updates from the Department or views from Committee members, so I will put the Question.

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

Clause 24 agreed to.

Clause 25 agreed to.

The Chairperson: That concludes the formal clause-by-clause scrutiny of Parts 1, 2 and 3 of the Clean Neighbourhoods and Environment

Bill. The Committee needs to come back to two clauses, and it will do so at its meeting of 13 January 2011. At that stage, we will have all the information from the Department. Thank you very much.

Northern Ireland Assembly

Committee for Social Development

16 December 2010

Housing (Amendment) (No.2) Bill (NIA 32/09)

Members present for all or part of the proceedings:

Mr Simon Hamilton (Chairperson)
Ms Carál Ní Chuilín (Deputy Chairperson)
Mr Sydney Anderson
Mrs Mary Bradley
Mr Mickey Brady
Mr Alex Easton
Mr John McCallister

Witnesses:

Mr Stephen Baird	
Mr Alastair Campbell	<i>Department for Social</i>
Ms Angela Clarke	<i>Development</i>

The Chairperson (Mr Hamilton): The Committee concluded its informal review of the clauses and proposed amendments to the Housing (Amendment) (No.2) Bill on 9 December 2010. At that meeting, the Committee also agreed that it was content to begin formal clause-by-clause scrutiny of the Bill.

Joining us are Alastair Campbell, Stephen Baird and Angela Clarke from the Department's housing division. You are all very welcome back.

Included in members' papers is a revised copy of the clause-by-clause scrutiny table for the Bill and a copy of the report from the Examiner of Statutory Rules on the associated subordinate legislation. Is the Committee content to note the Examiner's report?

Members indicated assent.

The Chairperson: The Department has tabled a response to some of the queries that were raised by the Committee during its informal

review of the clauses. Members should refer to their Bill folder, which has been updated with all the submissions received during Committee Stage.

During this session, the Committee will step through the clause-by-clause table, and members will be asked to give their final views on the clauses and proposed amendments. If consensus cannot be reached on a clause or an amendment, the Committee will divide. In some cases, we may have to park it in order to get clarification and to come back to it. We all have everything that we need. Therefore, we shall begin.

Clause 1 (Abolition of statement of tenancy terms)

The Chairperson: Clause 1 abolishes the requirement for landlords to provide tenants with a statement of tenancy terms. Stakeholders who commented on the clause generally welcomed it, but they wanted assurances in respect of the level of information that would be supplied to tenants in their rent books. Thus, the only amendment that was proposed would add additional Assembly scrutiny to the regulations relating to the provision of rent books. The Committee agreed informally that it did not support the amendment, which would change the level of Assembly scrutiny associated with the provision of information in rent books from negative to affirmative resolution.

Does the Department have any further comment to make on the clause? Do members wish to raise any matter or query? No.

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

Clause 1 agreed to.

Clause 2 (Tenancy deposit schemes)

The Chairperson: Clause 2 allows the Department to make regulations to establish a tenancy deposit scheme that will safeguard the deposits of tenants in the private-rented sector. Members will recall that a private landlords group opposed the provisions and its representatives indicated that they felt that such measures were unnecessary and may be expensive and bureaucratic. Other stakeholders welcomed the clause but suggested some amendments. Those include proposed amendments B and C. The Committee agreed informally that it supported amendments that would make the establishment of a tenancy deposit scheme a

duty, not just a power, and would include a time frame for the establishment of the scheme. The Department has not provided the wording of the amendment, which replaces “may” with “shall” and incorporates a time frame. Does the Department have any further comment to make?

Ms Angela Clarke (Department for Social Development): No, Chairperson. It has been agreed in principle. We will submit the draft clause as soon as possible.

The Chairperson: OK. We cannot formally consider the amendment at this stage. If members are content, we will move on and come back to it when we get the wording.

Members indicated assent.

The Chairperson: The Committee agreed informally that it would not support a number of other suggested amendments. Members did not support proposed amendment D, as a change to the time period for the provision of information to tenants on deposits schemes would lead to a mismatch with other tenancy legislation. Members also rejected proposed amendments E, F, J and K, as the Department advised that those proposals, which include dispute resolution and the use of secure accounts, were already included in the Bill. Members also noted the Department’s assurances that it will regulate the scheme and that district councils will enforce it. Consequently, the Committee agreed informally not to support proposed amendments G and H. The Committee informally expressed its support for the scheme and, thus, rejected proposed amendment I, which was to throw out the entire tenancy deposit scheme.

Does the Department have any further comment to make?

Ms A Clarke: As regards regulation, I clarify that the Department will not regulate but will approve scheme providers.

The Chairperson: OK. Therefore, perhaps “regulation” is the wrong term. What about “monitoring”?

Ms A Clarke: We will certainly be monitoring; absolutely. However, because the companies are private companies, they will be regulated separately. The Department will approve and, certainly, monitor them.

The Chairperson: Fair enough. Is there a need for formal regulation?

Ms A Clarke: I suppose that, because they are handling money, they will be subject to the normal regulation of any company or body that handles money. Certainly, the Department will set down its requirements. Companies will have to demonstrate that they can meet those requirements. We will then monitor how they are meeting them. Companies can operate only when they have our approval.

The Chairperson: Do members wish to raise any queries or issues? No.

Is the Committee content to state formally that it does not support amendments D, E, F, K, G, H, I and J?

Members indicated assent.

The Chairperson: The Department has tabled a response on proposed amendment L that sets out information on the SmartMove bond scheme for vulnerable tenants who find it difficult to pay a deposit. Will the officials give us some information on that for the record?

Ms A Clarke: SmartMove currently provides a number of schemes across Northern Ireland, working with landlords and providing bond or rent guarantee schemes. It also provides practical tenancy support for vulnerable or low income tenants. It is funded through the Housing Executive. At the moment, we are seeking to formalise that a bit more, to be clear about the services that we want for those vulnerable people, and to make those services more widely available. That was indicated as part of our strategy for the private-rented sector as well.

The Chairperson: Are members happy enough with that explanation?

Members indicated assent.

The Chairperson: Do members wish to raise any further points? No. We are content with that assurance about SmartMove and what it does. Therefore, is the Committee content not to support an amendment?

Members indicated assent.

The Chairperson: The Department has not tabled the wording of proposed amendment UUU, which would allow tenants to recoup their deposit where a landlord breaches tenancy

legislation. Is the Committee content to defer consideration of that amendment until the wording is available?

Members indicated assent.

The Chairperson: Is the Committee content to defer consideration of clause 2, pending responses on amendments B and C, which is the “may” to “shall” amendment, and amendment UUU, which we have just spoken about?

Clause 2 referred for further consideration.

Clause 3 (Power of entry to inspect dwelling-house)

The Chairperson: Clause 3 confers powers of entry on persons authorised by district councils to carry out fitness inspections. Stakeholders welcomed this clause but suggested some amendments. Those are proposed amendments M, N, O and P.

The Committee agreed informally that it did not support proposed amendment M, which would extend powers of entry to Part IV of the Private Tenancies (Northern Ireland) Order 2006, as the Department advised that that was already included in the Bill. The Committee also agreed informally that it would not support proposed amendments N and O, which would change or give legal force to certain housing fitness standards. The Committee noted the Department’s assurances that consultation on fitness standards for private housing is ongoing and that legislation could well be expected in the next mandate. Furthermore, the Committee agreed informally that it would not support proposed amendment P as the Department is consulting with district councils on the cost of specialist reports.

Does the Department have any further comment to make? Is that a fair summary?

Ms A Clarke: That is fine.

The Chairperson: Do members wish to raise any points about the proposed amendments or the clause? No.

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

Clause 3 agreed to.

Clause 4 (Power to modify Articles 42 to 45)

The Chairperson: Clause 4 allows the Department to modify provisions relating to the determination of private sector rents. There was little comment on this clause. The Landlords Association of Northern Ireland (LANI) expressed opposition to the principle of any private rent controls by Government. The Department advised that the rent controls apply to a very few private properties in Northern Ireland. The Department has tabled information, which we asked for, on the number and type of private tenancies subject to rent control. The Committee agreed informally that it would not support an amendment suggested by LANI that would remove all rent controls in the private sector.

The Department has already given a response. Does it wish to comment further?

Ms A Clarke: No.

The Chairperson: Does any member wish to comment? No.

Is the Committee content not to support the suggested amendment to the clause?

Members indicated assent.

The Chairperson: Do members wish to express any other views on clause 4? No.

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

Clause 4 agreed to.

Clause 5 (Registration of landlords)

The Chairperson: Clause 5 allows the Department to make regulations to provide for the registration of private landlords. The regulations create new offences in relation to the provision of false information, failure to provide evidence of registration and the letting of houses by unregistered persons.

There were some suggested amendments. The Committee agreed informally to support proposed amendment R, which is a technical amendment that ensures that landlord registration is compulsory. Does the Department wish to comment?

Ms A Clarke: No.

The Chairperson: Is the Committee content to support amendment R?

Members indicated assent.

The Chairperson: We move to proposed amendments S and T. The Department has not tabled the wording of an amendment that would make the establishment of a landlord registration scheme a duty, not just a power, and would set out a related time frame. Is the Committee content to defer consideration of those proposed amendments, pending receipt of the wording of the amendment?

Members indicated assent.

The Chairperson: On proposed amendments U and AA, the Committee asked the Department to explore an alternative fines structure and a possible mechanism whereby district councils can recover court costs associated with tenancy prosecutions. Does the Department have any comment to make?

Ms A Clarke: Unfortunately, Chairperson, we are still discussing that with the Department of Justice. We have not been able to resolve it completely yet, but we hope to do so very shortly.

The Chairperson: OK. Are members content to defer consideration of those proposed amendments until we get that information?

Members indicated assent.

The Chairperson: We move to proposed amendments V, DD, EE, FF, GG and HH. The Committee informally rejected a number of proposed amendments that would have stipulated the information to be recorded in the register and set out the degree to which the register would be in the public domain and which authority would manage it. The Committee noted departmental assurances that those matters would be dealt with in regulations. Does the Department have any further comment to make?

Ms A Clarke: No.

The Chairperson: If there are no comments from members, is the Committee content not to support those amendments?

Members indicated assent.

The Chairperson: We move to proposed amendment W. The Committee informally rejected an amendment that would link the register to a dispute resolution mechanism. The

Committee noted that such a mechanism is to be in place for the tenancy deposit scheme.

On proposed amendment X, the Committee informally rejected an amendment to link the register to a housing fitness standard. The Committee noted departmental assurances that work is ongoing in respect of the development of a revised private dwelling fitness standard.

On proposed amendment Y, the Committee informally rejected an amendment to require councils to provide training and advice for landlords, as the Department advised that that already occurs.

On proposed amendment Z, the Committee informally rejected an amendment relating to the sharing of tenancy information, as that is the subject of a separate departmental amendment, TTT, which we will come to later.

On proposed amendments BB and CC, the Committee informally rejected amendments from LANI that would lead to the removal of the landlord register or the elimination of registration costs for landlords.

Does the Department wish to comment on any of those proposed amendments?

Ms A Clarke: No.

The Chairperson: As members do not have any comments, I take it that we are not supportive of any of those proposed amendments.

Members indicated assent.

The Chairperson: Is the Committee content to defer consideration of clause 5, pending responses on amendments S, T, U and AA?

Clause 5 referred for further consideration.

Clause 6 (Fixed penalty for certain offences)

The Chairperson: Clause 6 would allow landlords who have breached registration regulations or the tenancy deposit scheme to avoid prosecution by paying a fixed penalty. Stakeholders suggested a number of amendments.

We will address proposed amendments II and KK first. The Committee agreed informally that it would defer consideration of changes to the level of fixed penalties associated with tenancy offences, pending a detailed response from the Department on that issue. As a detailed response is awaited, are members content

to defer consideration of those proposed amendments until we get that information?

Members indicated assent.

The Chairperson: On proposed amendment JJ, the Committee agreed informally that it would not pursue an amendment to introduce rent penalty notices, as that was the subject of consultation by the Department with stakeholders. Is there anything further on that from the Department?

Ms A Clarke: That work is ongoing.

The Chairperson: If there are no comments from members, is the Committee content to confirm that it will not support that amendment?

Members indicated assent.

The Chairperson: On proposed amendment LL, the Committee also informally accepted departmental assurances that penalties would be the subject of ongoing review and that an amendment to introduce a statutory review was unnecessary. If there are no further comments from the Department, are members content not to support that amendment?

Members indicated assent.

The Chairperson: Is the Committee content to defer consideration of clause 6, pending a response on amendments II and KK, which relate to the fines and costs issue?

Clause 6 referred for further consideration.

Clause 7 (Regulations)

The Chairperson: Clause 7 requires that regulations relating to tenancy deposit schemes, determination of rents and landlord registration be subject to draft affirmative resolution. A stakeholder suggested an amendment, which is duplicated in clause 1, that rent book regulations should be subject to draft affirmative resolution rather than negative resolution. Does the Department have any further comment to make?

Mr Alastair Campbell (Department for Social Development): We might have to make a minor amendment consequential to that, to ensure the inclusion of the duty and power mentioned, but it will be a technical change.

The Chairperson: I understand. If there are no comments from members, I suggest that we

defer consideration of clause 7, pending receipt of any consequential amendment.

Clause 7 referred for further consideration.

Clause 8 (Houses in multiple occupation: evidence of family relationship)

The Chairperson: Clause 8 allows the Housing Executive to require residents of a house that is believed to be an HMO to provide evidence of family relationships. Where evidence is not supplied, the Housing Executive is empowered to treat the house as an HMO. Stakeholders suggested some amendments.

The Committee agreed informally not to support proposed amendment NN, which would require HMOs to comply with fitness standards and other standards. The Committee felt that, pending a revision to the private housing fitness standard, the current HMO standard was sufficient.

The Committee informally accepted assurances from the Department that guidance would be provided in respect of the type of evidence that can be accepted to establish family relationships. Thus, the Committee agreed informally not to pursue proposed amendments OO and PP.

Does the Department have any further comment to make?

Ms A Clarke: No.

The Chairperson: If there are no comments from members, is the Committee content not to support those amendments?

Members indicated assent.

The Chairperson: Therefore, I seek the Committee's agreement that it is content with clause 8.

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

Clause 8 agreed to.

Clause 9 (Withholding of consent to mutual exchange of secure tenancies)

The Chairperson: Clause 9 inserts a new ground on which social landlords can withhold consent to the exchange of tenancies. The Committee has asked the Department to consider amendments that might allow the use of a wide range of non-antisocial behaviour information

to be used in decision-making. The Department has made a response to the Committee's suggestion in which it indicates that the Bill is to be amended to allow convictions for offences that relate to the use of a home for immoral or illegal purposes to be considered in the evaluation of requests for the mutual exchange of social secure tenancies.

Having looked at the Department's response, I welcome the fact that the scope has been widened. I presume that the phrase "immoral or illegal" comes from somewhere. We have discussed lots of weird and wonderful things in the Committee, and I do not want a discussion about what is moral and what is not moral, because we could be here for a long time. However, where does that phraseology come from?

Mr Stephen Baird (Department for Social Development): It is lifted straight from the existing grounds for the possession of a secure tenancy. That phraseology is used in existing legislation.

The Chairperson: What does it mean in practice if the clause is amended?

Mr Baird: Essentially, we are talking about convictions for certain offences, namely any offence that involves using the accommodation for illegal or immoral purposes, and convictions for any indictable offence. Those will be additional grounds on which a landlord can withhold consent to a mutual exchange of tenancies.

The Chairperson: We talked last week about records of behaviour. Is that included in the Department's proposal?

Mr Baird: That type of thing probably lies outside the parameters of what we are looking at. We need to be in a position to demonstrate that there has been antisocial behaviour. The best way to do that is through a conviction or some kind of judicial order of the court, because such behaviour will have been proven beyond any argument.

Ms Ní Chuilín: There was an acceptance at one stage that complaints that have been upheld or recognised by, for example, the Housing Executive that are pending court proceedings may also be acceptable. In my experience, such court cases can take over two years and are constantly put back.

Mr Baird: Those situations should be catered for by the existing legislation, which states

that the landlord can withhold permission to an exchange of tenancies where an order for possession is in force or is pending.

Ms Ní Chuilín: So, those that are pending come under the existing legislation.

Mr Baird: Yes, they do. We should be all right there.

The Chairperson: I am going back to this, because it is too tempting. What is an immoral offence?

Ms Ní Chuilín: You should be delighted that Fra McCann is not here, because he could give you examples — for the Hansard report: I am not saying that Fra is immoral.

The Chairperson: I am not someone who has come up the Lagan in a bubble this morning. I am just curious.

Mr Baird: I suspect that the legislators had in mind the running of a disorderly house or brothel, or possibly the trafficking of illegal drugs.

Ms Ní Chuilín: Steady on, Chairperson.

The Chairperson: I was going to ask whether those properties would have to be registered separately, but we will move swiftly on.

Do members wish to raise any further points? We recognise that the Department is moving in the direction that the Committee asked it to. We appreciate what has been done and that it is not a simple or straightforward issue with which to deal. Nevertheless, that has assuaged some of the concerns that I and others had. We await the drafting of an amendment.

Are members content to defer consideration of clause 9 until we are in receipt of the wording of the Department's amendment?

Clause 9 referred for further consideration.

The Chairperson: We are happy enough with where that amendment is going.

Clause 10 (Disclosure of information as to orders, etc. in respect of anti-social behaviour)

The Chairperson: Clause 10 provides for the disclosure of certain information about antisocial behaviour, which may then be used in connection with an application to buy a social home; an application to exchange a tenancy; the allocation of accommodation; or homelessness assistance. As I said when we

discussed clause 9, the Committee has asked the Department to consider amendments that might allow the disclosure of a wide range of non-antisocial behaviour information to be used in decision-making. As with clause 9, we need to defer consideration of the amendment, pending receipt of the wording of the Department's amendment. Are members content to do that?

Mr A Campbell: I do not think that we need to change clause 10. Clause 9 is the driver, and, as we discovered, the information mentioned in clause 10 is already available, so we do not need to legislate in order to make it available. We can already access it via the changes to clause 9.

The Chairperson: Oh yes, I understand.

The Committee also asked the Department to consider amendments that would permit the sharing of information on antisocial tenants with private landlords. The Department responded citing data protection issues and offering assurances that that would be considered for the next housing Bill. Do officials want to explain that a bit more?

Mr Baird: Simply to say that the Department does not object to that in principle and that it is happy to pursue it.

The Chairperson: Are you saying that it needs more work?

Mr Baird: It may need a considerable amount of work.

The Chairperson: Nevertheless, having sought assurance, we can safely say that the Department is travelling in that direction.

Mr Baird: Yes.

The Chairperson: OK. So, can we agree clause 10 because it does not need to be amended?

Mr A Campbell: It is clause 9 that needs to be amended.

The Chairperson: I suggest that, to be on the safe side, we park this one and defer consideration. We can tidy it up when we have the wording.

The Committee Clerk: Other issues were raised, such as a suggestion about prescribed officers. If the Committee is content with information about injunctions and such like being shared, although there will probably be no need to

do so, it might take the view that prescribed persons should have such information, which is in the public domain anyway. However, if the Committee decides that it wants other sorts of information to be shared, it might not want that information to be available to prescribed persons. The amendment to clause 9 is a paving amendment for the others.

The Chairperson: We will just park it anyway.

Clause 10 referred for further consideration.

Clause 11 (Duty to persons found to be homeless)

The Chairperson: Clause 11 allows the Housing Executive's duty to homeless people to come to an end where applicants cease to be eligible for assistance. Stakeholders commented that they wanted to see clear referral procedures in place whereby ineligible applicants would be referred to a health trust. Stakeholders also sought a review of the impact of the clause.

On proposed amendment YY, members noted assurances from the Department in respect of referral procedures for homeless people with mental illnesses. Consequently, the Committee agreed informally that it would not support an amendment setting out that the Housing Executive was to have a continuous duty to provide homelessness support to people with fluctuating mental illness. Is that still the Committee's position, and are we content to confirm that we do not support that amendment?

Members indicated assent.

The Chairperson: If members do not wish to comment further, I will seek the Committee's agreement that it is content with clause 11.

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

Clause 11 agreed to.

Clause 12 (Functions of Executive in relation to energy brokering)

The Chairperson: Clause 12 allows the Housing Executive to develop a scheme for the provision of electricity, gas or oil to its tenants, subject to departmental approval. Stakeholders suggested some amendments, which are listed as proposed amendments ZZ, AAA and BBB. The Committee noted that housing associations are already

undertaking limited energy brokering for the benefit of their tenants and that there was not unanimous support among councils for a national home-heating oil saving stamp scheme. Therefore, the Committee agreed informally that it would not support amendments relating to those issues. Are members still happy with that position, and are we content to affirm that we do not support those amendments?

Members indicated assent.

The Chairperson: We move to proposed amendment CCC. The Committee agreed informally that it would support a technical departmental amendment to ensure that all types of energy could be part of a brokering arrangement by the Housing Executive. Are members content to support proposed amendment CCC?

Members indicated assent.

The Chairperson: Do members wish to express any other views on the clause? No.

Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.

Clause 12, subject to the Department's proposed amendment, agreed to.

Clause 13 (Functions of district councils in relation to energy efficiency)

The Chairperson: Clause 13 allows district councils to promote energy efficiency in residential accommodation within their own districts. Stakeholders suggested amendments, including DDD, FFF and GGG. The Committee noted departmental assurances that the Department is continuing to consult on energy efficiency measures with councils. Therefore, the Committee agreed informally that it would not support amendments to alter councils' vires in that regard. On proposed amendment EEE, the Committee agreed informally that, pending departmental consultations on fitness standards and anticipated legislation in the next mandate, it would not support an amendment to revise the fitness standard to incorporate energy efficiency measures. If the Department or members do not wish to comment further, are members content to affirm the position that we do not support those amendments?

Members indicated assent.

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

Clause 13 agreed to.

Clauses 14 to 17 agreed to.

Schedule

The Chairperson: As with clauses 14 to 17, no stakeholder comments were received on the schedule to the Bill, which is also largely technical in nature. The Department proposed amendment NNN, which would repeal the provisions relating to the rent surplus fund for housing associations. The Committee agreed informally to support that amendment. The Department said that that was an obsolete fund, and that is fair to say. The amendment was also supported by the Federation of Housing Associations. Are members content to support the amendment, in line with the wording in the clause-by-clause scrutiny table?

Members indicated assent.

Question, That the Committee is content with the schedule, subject to the Department's proposed amendment, put and agreed to.

Schedule, subject to the Department's proposed amendment, agreed to.

The Chairperson: There are a slew of other proposed amendments, which we will now go through. There are nearly as many other amendments as those that are attached to the clauses in the Bill.

On proposed amendment HHH, the Committee noted that the tenancy deposit scheme is to include a dispute resolution mechanism. Therefore, it agreed informally that it would not support an amendment that would introduce a redress/ombudsman scheme for private tenancies. Are members content to reaffirm the position that we will not pursue that amendment?

Members indicated assent.

The Chairperson: On proposed amendment III, the Committee noted that a statutory rule has been drafted to ensure that all vulnerable 16- and 17-year-olds have access to homelessness support. That is currently being considered by the Executive. Therefore, the Committee agreed informally that it would not support a related amendment to the Bill. Are members content to

affirm that the Committee is not supportive of that amendment?

Members indicated assent.

The Chairperson: We move to proposed amendment JJJ. The Committee agreed informally that it would defer consideration of amendments that would alter the resources available to district councils to enforce tenancy legislation, pending a response from the Department to related queries on fines, legal costs and the recovery of those. There is nothing further on that at this stage. Are members content to defer consideration until we get the response?

Members indicated assent.

The Chairperson: We move to proposed amendment KKK. The Committee agreed informally, with some reservations, to support a departmental amendment that would allow the Housing Executive to serve tenancy documents by ordinary post. Are members content to reaffirm that position and to support that amendment, in line with the wording in the table?

Members indicated assent.

The Chairperson: We move to proposed amendment LLL. The Committee agreed informally to support an amendment that would allow the Housing Executive to indemnify its officers involved in the governance of other institutions and bodies. A response from the Department on the costs of that proposal has been tabled. The costs are estimated to be around £10,000 to £15,000 per annum.

Mr A Campbell: It is a very rough estimate, based on an estimated number of people involved in the organisations and their estimated costs.

The Chairperson: Are members content to support that amendment, in line with the wording in the table?

Members indicated assent.

The Chairperson: We move to proposed amendment MMM. The Committee agreed informally to support an amendment that would allow the Housing Executive to repossess abandoned tenancies without first gaining entry. Are members content to support that amendment, in line with the wording in the table?

Members indicated assent.

The Chairperson: The Committee considered proposed amendment NNN as part of its consideration of the schedule to the Bill, which we have just completed.

We move to proposed amendment OOO. The Committee agreed informally to support an amendment that would allow the Housing Executive to work in legal partnership with other organisations. The wording of that amendment has yet to be received. I suggest that we defer consideration of that amendment, pending receipt of the wording from the Department. Do members agree?

Members indicated assent.

The Chairperson: We move to proposed amendment PPP. The Committee agreed informally to support an amendment that would allow the Housing Executive to promote community safety. Are members content to affirm their support for the amendment, in line with the wording in the table?

Members indicated assent.

The Chairperson: We move to proposed amendment QQQ. The Committee agreed informally to support an amendment that would allow the Department to develop further guidance for the courts on antisocial behaviour. Are members content to support the amendment, in line with the wording in the table?

Members indicated assent.

The Chairperson: We move to proposed amendment RRR. The Committee agreed informally to support an amendment that would allow the Department to extend the notice to quit period for certain private tenancies. Are members content to support the amendment, in line with the wording in the table?

Members indicated assent.

The Chairperson: We move to proposed amendment SSS. The Committee agreed informally to support an amendment that would allow the Department to increase the maximum fine for failure to register a house of multiple occupation to £20,000 for each property.

Ms Ní Chuilín: Was an element of that being referred to the Justice Committee?

The Chairperson: That was in respect of the failure to register, whereas this is for failure to register a property as an HMO. We dealt

with that clause earlier, and we are awaiting a response from the Department, which is awaiting confirmation from the Department of Justice.

Ms Ní Chuilín: OK; no worries.

The Chairperson: We talked about £20,000 being the figure.

The Committee Clerk: The Department clarified that the fine of £20,000 for HMOs is £20,000 for each property that is not registered. The fixed penalties that might be associated with non-registration would be for each landlord, not for each property.

The Chairperson: Are members content to support that amendment, in line with the wording in the table?

Members indicated assent.

The Chairperson: We move to proposed amendment TTT. The Committee agreed informally to support an amendment that would permit information on domestic rates and housing benefit to be shared by Land and Property Services and the Housing Executive with district councils to facilitate the enforcement of tenancy legislation. Are members content to support the amendment, in line with the wording in the table?

Members indicated assent.

The Chairperson: We move to proposed amendment UUU. The Committee agreed informally, subject to further departmental advice, to support an amendment that would require landlords to repay deposits to tenants where the landlord is in breach of tenancy legislation. We discussed that briefly earlier. It was agreed to defer consideration of that amendment, pending receipt of the wording from the Department.

Does the Department have any further comment on the Bill as drafted or on the proposed amendments or any further amendments? I am as surprised as everybody else that we raced through that. We have to catch our breath.

Ms A Clarke: We will need to bring forward the amendments that were agreed. We will pursue those quickly.

The Chairperson: Are there any other amendments that anybody wishes to introduce? No.

Are members content to continue the formal clause-by-clause scrutiny of the Bill at our next meeting?

Members indicated assent.

The Chairperson: Perhaps some colleagues could ensure that Fra is not here then, either. *[Laughter.]*

Alastair, Angela and Stephen, thank you for your assistance today. You have been with us nearly throughout the festive season. I wish you and all of your colleagues in the division all the very best for Christmas and the new year. We will see you in the new year.

Northern Ireland Assembly

Committee for Social Development

11 January 2011

Housing (Amendment) (No.2) Bill (NIA 32/09)

Members present for all or part of the proceedings:

Mr Simon Hamilton (Chairperson)
Ms Carál Ní Chuilín (Deputy Chairperson)
Mr Sydney Anderson
Mrs Mary Bradley
Mr Mickey Brady
Mr Jonathan Craig
Mr Alex Easton
Mr John McCallister
Mr Fra McCann

Witnesses:

Mr Stephen Baird	<i>Department for Social</i>
Mr Alastair Campbell	<i>Development</i>
Ms Angela Clarke	

The Deputy Chairperson (Ms Ní Chuilín): I remind members that the Committee commenced formal clause-by-clause scrutiny of the Housing (Amendment) (No.2) Bill on 16 December 2010.

Officials will brief the Committee on recent departmental responses and the clauses and proposed amendments to the Bill. With us today are Alastair Campbell, Stephen Baird and Angela Clarke from the Department for Social Development's housing division. Members have a revised copy of the clause-by-clause scrutiny table for the Bill.

The Royal Institution of Chartered Surveyors has written to comment on the Bill. Are members content to note that correspondence?

Members indicated assent.

The Deputy Chairperson: The Department has tabled the text of the outstanding proposed

amendments. Members should refer to their Housing (Amendment) (No.2) Bill folder, which has been updated with all submissions received during Committee Stage. In this session, the Committee will continue to step through the clause-by-clause table. Members will be asked to give their final views on the clauses and proposed amendments, and the Committee will divide when a consensus cannot be reached. Have members received up-to-date copies of all relevant documentation?

Members indicated assent.

Clause 2 (Tenancy deposit schemes)

The Deputy Chairperson: OK. We will start the clause-by-clause scrutiny, beginning with clause 2, "Tenancy deposit schemes". Clause 2 allows the Department to make regulations to establish a tenancy deposit scheme, which will safeguard the deposits of tenants in the private-rented sector.

The Committee agreed at its previous meeting not to pursue amendments D to L. That, therefore, leaves amendments B, C and UUU for consideration. The Committee agreed informally that it supported amendments B and C, which would make the establishment of a tenancy deposit scheme a duty, not just a power, and would include a time frame for the establishment of the scheme. The Department has tabled the text of the proposed amendment, which replaces "may" with "shall" and incorporates a time frame of 18 months. That amendment is to clause 7. Are members content to defer discussion of this issue until clause 7 is agreed?

The Committee Clerk: Members were concerned about the "may" and "shall" aspect and the time frame. I thought that that would be an amendment to clause 2, but the Department advises that it will be an amendment to clause 7. We could bank the issue for now, if members are content to do so, and move on to the other issues around clause 2.

The Deputy Chairperson: Are members happy to do that and to move on to other issues?

Members indicated assent.

The Deputy Chairperson: Those other issues start with amendment UUU. The Committee informally agreed, subject to further departmental advice, to support an amendment that would

require landlords to repay deposits to tenants where the landlord is in breach of tenancy legislation. The Department has not tabled the text of the proposed amendment, so we need to discuss that further. Angela, will you lead on that?

Ms Angela Clarke (Department for Social Development): We had hoped to have been able to provide a draft, but we have had a number of legal difficulties that we are very close to resolving. However, we have been unable to have them resolved for today. We are hopeful that we can have that done within a day or two; certainly by the end of the week. It is not a controversial clause; there have just been a few difficulties in drafting it. I appreciate that that poses difficulties for the Committee.

The Committee Clerk: The Committee may want to indicate how it feels about the amendment generally. As the text is not available, the Committee may want to defer the decision on the clause entirely until it has that text in front of it.

Mr Craig: That would be advisable.

The Deputy Chairperson: Does the Department anticipate that the text will be with us next week?

Ms A Clarke: I am hopeful of that. If we can provide it before the end of the week, we will. I hope that it will be before next week.

The Deputy Chairperson: Will that amendment affect any other clauses?

Ms A Clarke: No.

The Deputy Chairperson: Are you sure about that?

Ms A Clarke: Yes; absolutely.

Mr F McCann: Are clauses 1 and 7 deferred?

The Committee Clerk: It is only clause 2 that we are talking about.

Mr F McCann: Sorry; clauses 2 and 7. Was everything not reliant on clause 7?

The Committee Clerk: We will come to clause 7.

The Deputy Chairperson: To recap: my understanding is that consideration of this part of clause 2 cannot proceed until next week when we get the text, but it will not have an impact on the rest of the items that are pertinent to clause 7.

Mr Alastair Campbell (Department for Social Development): No; it is completely separate.

The Deputy Chairperson: OK, so we can proceed. Is it fair to ask that that information be forwarded to the Committee Clerk as soon as possible, so that we have an opportunity to scrutinise it?

Ms A Clarke: Yes; absolutely.

The Deputy Chairperson: Are members happy with that?

Members indicated assent.

The Deputy Chairperson: We are deferring the decision on clause 2, and we move on to clause 5.

Clause 2 referred for further consideration.

Clause 5 (Registration of landlords)

The Deputy Chairperson: Clause 5 allows the Department to make regulations to provide for the registration of private landlords. The regulations create new offences in relation to the provision of false information, failure to provide evidence of registration and the letting of houses by unregistered persons.

At its previous meeting, the Committee agreed that it would not support amendments V through to Z or BB through to HH. The Committee agreed to support the Department's technical amendment R. That, therefore, leaves amendments S, T, U, AA and a further amendment proposed by the Department.

As regards amendments S and T, the Department has tabled the wording of an amendment that will make the establishment of a landlord registration scheme a duty and not just a power. It includes a related time frame of 18 months. That amendment is also to clause 7. Are members content to defer discussion of this issue until clause 7 is agreed? It is very similar to the last piece of —

Mr F McCann: There was a lot of discussion in and around clause 3 about amendment O, which is that the decent homes standard be made a legally enforceable standard for all public and private housing. We seem to have gone past that. Will that be coming up again?

The Committee Clerk: I remind members that, at the meeting on 16 December, the Committee agreed a number of the Bill's clauses, including clause 3. The Committee agreed at that time to accept the Department's assurances that it is undertaking consultation with stakeholders on

the development of a new fitness standard and expects to bring forward legislation in the next mandate. The Committee accepted that and agreed the clause.

Mr F McCann: If my memory serves me right, I said in relation to a number of clauses that we would be coming back with amendments to different elements of the Bill. Can we check? The issue of standards was certainly one of the things that Simon and I had a lengthy debate about. I would not have accepted the present standards, regardless of what the Department is going to do, because I was arguing about coming back in the next mandate.

The Deputy Chairperson: As with all legislation, Committee members have a right to bring their own amendments.

The Committee Clerk: Yes. However, to be clear: the Committee, as a whole, agreed clause 3 and accepted the assurances that the Department gave. I understand that the member will probably bring forward his own amendment.

The Deputy Chairperson: We will defer discussion until we reach clause 7.

We are at amendments U and AA. The Committee asked the Department to explore an alternative fines structure and a possible mechanism whereby district councils can recover court costs associated with tenancy prosecutions. The Department indicates that there are some difficulties with the proposed amendments. Again, we ask the departmental officials to brief us on those issues. We will then determine our views on the proposed amendments. We will hear the views of the officials and then take our counsel from whatever information we receive.

Ms A Clarke: We have consulted with the Department of Justice on whether there is any way in which we can legislate so that court costs can be recovered. The Department of Justice has given clear advice. Currently, there is provision in the legislation for prosecutors to have costs awarded, but those costs are set. The level of those costs is very low. Those are Magistrate's Court rules. They are made by the Magistrates' Courts Rules Committee, which is currently reviewing them and is minded to carry out some consultation on them. The matter is out of our hands at the moment. There is some provision to recover costs, but it is very low: £75 for a solicitor and £75 for counsel, if it is

necessary. However, the issue is being looked at through the Department of Justice.

In relation to looking at a different structure for penalties, we were very hopeful when we initially talked to the Department of Justice about the possibility of having a stepped approach to fixed penalties. However, when we got into detailed discussion with that Department, we found that it has also been looking closely at fixed penalties and is developing policy for what is still quite a new area. The Department of Justice felt that a fixed penalty in relation to landlord registration being one fifth and working out at £500 was high as it was. Certainly, it was the highest fixed penalty in the system. The Department of Justice was not entirely happy with that. However, because this is new and because we put up a good argument, it decided to accept that £500 fixed penalty. It was very reluctant to see any kind of stepped increase on that.

Part of the rationale for that view is that fixed penalties are used as a means of getting someone to accept the responsibility and pay the liability and of moving on and avoiding court. If we increase that fixed penalty, we increase the risk of people saying that it is much too high, asking why they should pay it and deciding to take their day in court. The evidence from the courts is that the fines given there are much lower. Therefore, to increase the fixed penalty could be self-defeating. That was the view of the Department of Justice, and it was very unhappy and reluctant to see anything like that happening.

The Deputy Chairperson: What are members' views?

Mr F McCann: On the back of that evidence, what is the sense in going through with things like that? We are trying to legislate to ensure that the private-rented sector abides by whatever regulations are laid out. Having fixed penalties is one way to do that. We are being told that the magistrates will review it, but we do not know when that review will be done or at what level the fine will be afterwards. At the end of the day, they may still just give a very small fixed penalty fine for the private-rented sector.

The Deputy Chairperson: Has a date been given for that review? Has it started?

Ms A Clarke: Do you mean the review in relation to court costs?

The Deputy Chairperson: Yes.

Ms A Clarke: The Department of Justice has been unable to give me a fixed timescale. It is looking at it.

In relation to fixed penalty levels, we must also bear in mind that, as the Department of Justice argues, it is all about proportionality. Is the fixed penalty proportionate to the crime of failure to register? The Department of Justice's view is that £500 is in line with that. It is the highest fixed penalty in the whole system at the moment.

Mr Craig: I understand where the Department of Justice is coming from on that one. However, I share the cynicism that, if someone just cannot be bothered to register, he or she gets off with a £500 fine. Is that a one-off fine or will it be renewed after a period and imposed on the landlord again and again until he or she registers? If that is not the case, surely it will be completely ineffective?

Ms A Clarke: We had similar concerns. The fixed penalty can be applied once if the landlord pays it. If that person remains unregistered, the council can give them another fixed penalty. Again, the Department of Justice would not be happy for more than two fixed penalties to be applied within a year. Its view is that the landlord should be taken to court. The Department will prepare guidance for councils to advise them on how to deal with landlords who persistently fail to register.

We have proposed another amendment. That provision will allow a council to take to the civil court a landlord who is given a fixed penalty and pays it but remains unregistered. We can require that the civil court gives an order to that landlord to register. We could not do that through the criminal court because we are not allowed to fetter judges or magistrates.

The Deputy Chairperson: We need to determine whether there will be ministerial intervention or a statement with regard to when the review will take place and what its outcomes and terms of reference will be.

Ms A Clarke: I am advised by the Department of Justice that the Magistrates' Courts Rules Committee is looking at court costs. Apparently, the Department of Justice does not make those rules; the magistrates' committee makes them. It is in control on that issue.

Mr Brady: The success of any legislation depends on how it is enforced. If this legislation is enforced properly and landlords are made aware that it will be enforced, that should, by definition, cut back on the number of landlords who do not register or comply. I have never been a councillor — thankfully or, perhaps, not thankfully. I am sure that many colleagues could comment on that. However, I cannot imagine that councils would necessarily want to spend time, energy and even money in pursuit of errant landlords, which is really what that amounts to. If the legislation is properly enforced initially and people are made aware that it will be enforced and that there could be two fixed penalties, hopefully, that will cut out that necessity for councils. I cannot imagine that they will necessarily want to pursue those cases.

Mr Craig: They will not want to do so through the civil courts, especially.

Mr Brady: That can be quite a long, costly and drawn-out process.

The Deputy Chairperson: I suspect that that is similar to the point that you were going to make, Sydney.

Mr S Anderson: That is my point exactly. We are waiting for the Department of Justice to come back about the recovery of costs through the criminal court. Obviously, there will be costs through the civil court.

Mr Brady: Perhaps, I should have been a councillor. *[Laughter.]*

Mr F McCann: You are too old now.

Mr S Anderson: You were good to pick up on the fact that councils do not like to spend ratepayers' money on such matters. I should perhaps declare an interest as a member of Craigavon Borough Council.

The Deputy Chairperson: I suspected that that would have been your argument.

Mr S Anderson: Another point is that that should be tied down before it even reaches the point at which a case is taken to court.

Ms A Clarke: From our work with council officials, we feel that fixed penalties are the way to go for matters such as non-registration and that court should be avoided if possible. There are other means by which to punish landlords who do not comply with other aspects

of the law. The fixed penalty simply applies to registration. Therefore, we believe that fixed penalties are the best way to go. Furthermore, councils felt that £500 was actually quite an effective deterrent. As it is new, we do not know that. However, the fact is that to apply a £500 fine when someone is found not to have registered — the register will be publicly accessible — is quite hefty. Of course, a further fine can be applied, although we are restricted in the number of fines that can be applied.

We feel that that is an effective way forward. As with any new scheme, we must have arrangements in place as soon as it gets off the ground in order to monitor its effectiveness. We work day and daily with councils. We review all the information that they collect. We will do exactly the same with regard to the new scheme. If it is seen not to be effective, we will need to move quickly to make it more robust if necessary. A lot of work will be done in advance to ensure that landlords are aware of the scheme. We will want to work with councils to ensure that they act swiftly when they discover that landlords are not registered, so that it is not seen to be an easy touch.

The Deputy Chairperson: I think that it would be fair to assume that the Committee is not content. First, it has not received any assurances from the Minister as such, not even vis-à-vis the Department. You are saying that the matter is down to the magistrates' committee.

Ms A Clarke: I clarify that the magistrates' committee relates to whether we can move the boundaries in relation to the recovery of court costs. One of the issues that the Committee asked us to look at was whether we could do anything to legislate that councils can recover some of the court costs if they take a case to court. The advice, and the provision that is in law already, is that councils can recover some of those costs, not an awful lot and not the full costs. Right across government, people are saying that it is very expensive to bring a case to court and that there must be a better way of recovering costs. That is why the issue is being looked at by the magistrates' committee.

Mr Craig: I share our colleagues' fear that councils will not go down the civil court route. I could nearly predict that now, given the costs and implications of something going wrong and councils losing their costs. Is the Department of Justice being very clear that this is the largest

fixed penalty that we can introduce? Is it adamant that it will not increase the penalty to £1,000?

Ms A Clarke: The Department of Justice's argument is that most people will not pay a fixed penalty of £1,000 and will choose to go to court instead. If they go to court, the odds are that they will get off with a £50 or £60 fine. Therefore, it is cheaper, and the bulk of the costs are paid out of the public purse. There is a balance to be struck between introducing a fixed penalty that people will pay and that is effective and people not paying the fixed penalty and letting the public carry the cost. It is very unlikely that anyone will pay £1,000. People will choose instead to have their day in court.

Mr Craig: What is the follow on? What happens if someone refuses to pay the £500 fixed penalty?

Ms A Clarke: If someone takes the fixed penalty and then does not pay it, that person has to be taken to court for non-payment of a court fine. The Enforcement of Judgements Office gets involved in that.

The Deputy Chairperson: Is that a civil court rather than a Magistrate's Court?

Ms A Clarke: The non-payment of a court fine is handled through the criminal court.

Mr Craig: Who bears the cost of that?

Ms A Clarke: I imagine that the council will bear that cost.

Mr Craig: It is a vicious circle.

Mr F McCann: The Committee will know that this is one of the issues that I have been running at. We are opting for a light-touch registration over and above a registration scheme for all landlords. For me, a £500 fixed penalty fine is not enough. It makes a nonsense of the whole scheme, and it is in stark contrast to amendment SSS, which states that: "The Department proposes to amend the Bill to increase the maximum fine for failing to register a HMO to £20,000."

As I have said before, I do not see any real difference across the whole private-rented sector. I would like to see a fixed penalty in the order of £5,000 for landlords who refuse to register. That will force landlords in the private-rented sector to register, because they will know that they will face a heavy fine if they do not.

Ms A Clarke: Someone could decide not to pay a £5,000 fixed penalty because it is much too high and choose to go to court instead. All the evidence is that maximum fines are rarely, if ever, applied.

Mr F McCann: Yes, but it could be a minimum fine. If we legislate, do magistrates have to abide by what is laid out in law?

Ms A Clarke: It is very difficult to get even minimum fines. We are not allowed to fetter magistrate or court decisions. We tried for minimum fines previously but did not get anywhere with those either.

The Deputy Chairperson: Fra, we could elongate this argument, but we need to come to a decision as a Committee. We need to establish whether the Committee is content to accept ministerial assurances of a review instead of the proposed amendments. Given the way that the conversation has gone, the Committee does not seem to be content with that. The other aspect is that, unfettered or otherwise, there is still the option of writing to the magistrates' committee to express this Committee's views. Furthermore, the Committee should have the facility to table its own amendment to the clause. From the Department's point of view, is there any legal reason why the Committee cannot do that?

Mr A Campbell: There is a big difficulty around fines. Angela mentioned the fact that we cannot set a minimum fine. A fixed penalty notice is intended to get around that slightly because, in practice, magistrates tend not to award less than the amount of the fixed penalty notice. If we raise the amount of the fixed penalty notice, magistrates are well within their rights to say that they do not think that it is proportionate and to award a smaller fine. If they do think that the agreed amount of £500 is proportionate, that will not definitely act as a minimum but will be likely to, in practice, be a minimum for the fines. If we take that away, there will be no such minimum in practice.

The Deputy Chairperson: So, it is arbitrary. One person could get a £50 fine, and another could get a different fine.

Mr A Campbell: It may also be worth saying that the council keeps the £500 from the fixed penalty notice. Therefore, the fixed penalty notice puts funds into the council. That could take away a bit from the argument about the lack of costs. It will put money in councils' pockets.

Ms A Clarke: We have been doing some work to determine the average fines from Magistrate's Courts. In 2006, the average fine was £172. That is the highest in the past four or five years.

Mr S Anderson: The sole purpose is to encourage landlords to register. If someone goes to court and is fined, can that person walk away, pay the fine and still not register?

Ms A Clarke: That is why we put the other provision in. We were concerned that landlords may still decide to remain unregistered. They can be subject to another fixed penalty, which would probably mean £1,000 in total.

Mr S Anderson: Can the Bill do anything to encourage or ask the Magistrate's Court to issue a fine — if it issues a small fine — on the condition that the person registers at that time? Otherwise, that person will take the slap of a bigger fine. If they walk away with a small fine, they will keep doing that.

Mr F McCann: They already do that in respect of HMOs.

Mr S Anderson: Yes. Can we do anything to encourage what I suggest? Do you know where I am coming from?

Ms A Clarke: Absolutely. That was exactly the line that we took. We said that, whenever they go to court, the fine should be a certain amount and they should be required to register. However, we were not able to do that.

Mr S Anderson: Providing they register.

Ms A Clarke: Yes; we said that they must be required to register within a certain period. However, we were not allowed to do that because it fetters the judge or the magistrate. That is why we had to develop another approach whereby a council can take a person to a civil court and the magistrate can give an order that that person must register. If they do not register in that instance, they are in contempt of court. We are trying absolutely everything.

The scheme that we are trying to put in place is fairly straightforward and does not involve large fees. We are trying to minimise the reasons why a landlord would not register. This is only the first stage in the regulation of private landlords. The next stage is rent penalties. We have talked about that. We want to move to develop legislation through which we can issue rent penalty notices to stop landlords who

consistently do not comply with the law being able to lift any rent. Ultimately, that will be the most effective way. That is the next thing that we need to do in a staged process. The scheme is about trying to get landlords registered in the first place. It is important to emphasise that it is only the first stage.

The Deputy Chairperson: I will invite the Committee Clerk to give a view of where we are at. We seem to be a bit stuck on this issue. As you can gather, members are not content. At the same time, we are very much constrained because magistrates need to act with independence. However, the way in which they have acted has not particularly made people content. It is almost as though we have been handed a fait accompli. We need to get some advice on how to proceed.

The Committee Clerk: I have been having a brief chat with the Bill Clerk, and there may be difficulties. I understand that members want a minimum fine in place in order to make sure that, where landlords fail to register or where they do things that they should not do, they do not walk away with a fine of £50 or £172. Members want an actual deterrent. I will seek advice on that, but there may be difficulties in fettering the discretion of the courts and setting a minimum fine. I will explore that, and, if it can be done, we will come back with an amendment accordingly. It seems that members are interested in doing that, but I have been advised that it might be very difficult.

The Deputy Chairperson: We need to make a decision to put this off until we get advice about whether we can do that.

Mr F McCann: My point goes back to the discussion about HMOs and increasing the fine for non-registration to £20,000. Even if we were to do that, would magistrates still ignore it and apply the minimum fine?

Mr Craig: Yes.

Ms A Clarke: We have evidence that maximum fines are rarely applied.

The Deputy Chairperson: So, the legislative process sets best standards, but magistrates can really do what they want?

Ms A Clarke: I suppose that it depends on the case that is made.

The Deputy Chairperson: OK. We need to seek legal advice.

Mr F McCann: From magistrates? *[Laughter.]*

The Deputy Chairperson: Striking off Fra's last comment, we need to agree to get legal advice before we proceed.

Mr Brady: On a technical point, if a magistrate is a landlord, do they have to declare an interest?

The Deputy Chairperson: They do.

Ms A Clarke: I imagine so.

Mr Brady: That might seem to be a simplistic question, but I am sure that quite a lot of magistrates can afford to be landlords. That is just a personal observation.

The Deputy Chairperson: OK. We need to move on.

The Committee Clerk: Before we do so, in addition to seeking legal advice and seeking information on a possible amendment, does the Committee want the Clerk to write to the Department to see if it will give an assurance that the fines and penalty structure will be subject to a review in a couple of years' time? Is the Committee interested in seeing how that works out, regardless of whether we get an amendment through?

Members indicated assent.

Ms A Clarke: We have said that we want to review other areas from day one, and, within two years of operation, we want to have a proper review of the whole system. Therefore, that is very much in keeping with our own desire.

The Deputy Chairperson: It would be advisable if the Minister could set that out at Consideration Stage, because we need to have it put on the record that the issue was raised. We need to have it on the record that it goes beyond someone's intention that that will be pursued. In the meantime, we will get legal advice and take it from there. Is that fair enough?

Are we happy to proceed with the next bit of business, which is that the Department has tabled an amendment that will allow the courts to require unregistered landlords to register within 28 days and will allow councils to apply to the civil court? Do the departmental officials have any further comment on that amendment?

Ms A Clarke: The intention was to try to close as many doors as possible to ensure that we force landlords who did not register to do so.

The Deputy Chairperson: Notwithstanding the comments regarding the concern about ratepayers' money being used should that be pursued, it is fair to say that that should be taken on board. Are there any other views from members regarding this amendment?

The amendment states:

"Clause 5, page 4, line 42, at end insert—

'(7) If on an application made to it by a district council, the county court is satisfied that—

(a) a person has been convicted of an offence under subsection (4)(b), and

(b) that person is continuing after that conviction to contravene subsection (4)(b),

the court may make an order requiring that person to register under this Article within such period (not being less than 28 days from the date of the order) as the court may specify."

It may go back to the point that Sydney and Fra raised about what happens if the fixed penalty kicks in and a person still does not register. Are you content that this would kick in?

Ms A Clarke: This would be after a fixed penalty. Even if a landlord had not paid the fixed penalty —

The Deputy Chairperson: This would still stand.

Ms A Clarke: Yes, it would.

The Deputy Chairperson: Are there any views from members, or are we happy to proceed with the amendment?

Mr S Anderson: It goes back to "may" and "shall" again.

The Deputy Chairperson: Oh, Sydney, please. [Laughter.]

Mr F McCann: In relation to clause 5, I take it that —

The Deputy Chairperson: We do not need "shall"?

The Bill Clerk: No, you do not.

The Deputy Chairperson: Sorry. I am just getting assurance that we do not, on this occasion, need "shall". "May" makes it law, which becomes "shall" at the end, in essence.

The Bill Clerk: It means what you think it does.

Mr F McCann: Although there are penalties, in many ways, this probably goes to the crux of registration. We wished to put down several amendments in relation to that. I can be guided and advised on whether or not those amendments are proper. I do not know whether to do that now. One amendment that we wish to put down is that the Department shall make regulations for the mandatory registration of the private-rented sector to be completed within one year of the legislation coming in.

The Committee Clerk: The way in which the Department is responding to the Committee's suggestion that there be a timescale is through an amendment to clause 7. Its amendment is for an 18-month timescale from Royal Assent. That amendment relates to the "may" or "shall" wording and the timescale.

The Deputy Chairperson: That relates to clause 7.

Mr F McCann: In going through this, I see that most of it relates to clause 7.

The Deputy Chairperson: Yes. This amendment is about adding an insert at the end of clause 5 to amend the clause as it stands. You "may" want to come in — I am sure that Fra "shall" come in — on the amendments to clause 7. If Fra is happy to proceed to that end, and if there are no other views, we will move on.

Are members happy to agree the wording of the amendment, which I read out, to clause 5?

Proposed amendment agreed to.

The Committee Clerk: As we have some issues to do with fines, we cannot agree clause 5.

The Deputy Chairperson: That is exactly right. As we have issues with clause 5, we cannot agree it in its entirety; we agree only the amendment as it stands.

Clause 5, as amended, referred for further consideration.

Clause 6 (Fixed penalty for certain offences)

The Deputy Chairperson: Clause 6 would allow landlords who have breached registration regulations or the tenancy deposit scheme to avoid prosecution by paying a fixed penalty. As members will recall, at its previous meeting, the Committee agreed that it did not want to

pursue amendments V to Z, nor would it support amendments JJ and LL. That, therefore, leaves amendments II and KK.

Previously, the Committee informally agreed that it would defer consideration of changes to the level of fixed penalties associated with tenancy offences pending a detailed response from the Department on the issue.

The Committee Clerk: Sorry to interrupt, Deputy Chairperson, but, given the previous discussion, I think that we will have to park clause 6 as well.

The Deputy Chairperson: We will park clause 6 pending legal advice, because it directly relates to a previous discussion and there is no point going through it all again. Do members agree to defer a decision on clause 6 on the basis of any additional legal advice?

Clause 6 referred for further consideration.

Clause 7 (Regulations)

The Deputy Chairperson: As previously indicated, the Department has tabled an amendment to clause 7 that would make the establishment of a tenant deposit scheme and a landlord registration scheme a duty and not just a power — it replaces “may” with “shall”. The amendment also adds a timescale of 18 months after Royal Assent for the regulations relating to the deposit and registration scheme to be laid before the Assembly.

I invite members to comment on the amendment.

Mr F McCann: I want to ask the Department, why 18 months?

Ms A Clarke: It is “not later than 18 months”. That timescale is to make sure that we have sufficient time in which to develop the scheme, get a provider and make sure that the scheme is sound and workable. We do not want to be associated with a scheme that is not capable or that collapses when we start to register landlords. The 18-month timescale is to make absolutely sure that the scheme is robust. The timescale is within 18 months. However, we hope that it would happen long before that.

Mr F McCann: John will perhaps come in on this point. We had the same argument about whether it should be six months, a year or 18 months when we dealt with the Caravans Bill, and, at that stage, the Department

recommended that it should be a year rather than 18 months.

The Deputy Chairperson: Is the Department saying that it should be no more than 18 months?

Ms A Clarke: Yes. Draft regulations must be laid not later than 18 months after Royal Assent.

Mr F McCann: They could be seen to be similar. I want to propose a couple of amendments to the clause. However, if other members —

The Deputy Chairperson: I want to take the views of other members before we go through Fra’s suggested amendments. We also need to look at the tabled amendment to clause 7. I am opening this up for other members to comment.

The Committee Clerk: As the Deputy Chairperson rightly said, we need to look at the tabled amendment that begins: “Clause 7, page 6, line 13, at end insert—

‘(4) The Department must lay before the Assembly—’.

As the Deputy Chairperson indicated, the amendment refers to the landlord registration scheme and the tenant deposit scheme. It changes the “may” to “must” and sets a timescale of not more than 18 months. The Committee needs to decide whether it is content with the wording of that amendment.

The Deputy Chairperson: I will read out the wording of the amendment before I seek agreement from the Committee.

“Clause 7, page 6, line 13, at end insert—

‘(4) The Department must lay before the Assembly—

(a) a draft of regulations under Article 5A, and

(b) a draft of regulations under Article 65A,

not later than 18 months after the date on which the Housing (Amendment) Act (Northern Ireland) 2011 receives Royal Assent.”

Are members content with the wording of that amendment? Are members, therefore, content with clause 7 as amended?

The Committee Clerk: Does the member have a proposed amendment to clause 7?

Mr F McCann: It relates to the timescale, which I had initially wanted to amend to six months. However, I am willing to go with it being done within 12 months of the legislation becoming law.

The Committee Clerk: Sorry, are you content with 18 months?

Mr F McCann: No. I want it lowered to 12 months.

The Deputy Chairperson: We need to either agree to or divide on this amendment. If there is a division, —

Mr Craig: Before we think of going to a division, I want to know whether there is any reason why it cannot be 12 months.

Ms A Clarke: We are devising a completely new registration scheme for Northern Ireland, and we need to find a provider. When we bring forward the regulations, we need to be in a position to implement the scheme. Notoriously, IT systems and databases pose problems. We want to ensure that, when we go forward with this, we have a scheme that is robust. The timescale is to give us enough time to develop it properly. The tenancy deposit scheme will probably be less of a problem, because we hope to be able to use schemes that are already in operation. The timescale is “not later than 18 months” because we expect it to happen sooner than that. However, we just want to ensure that we can actually meet that timescale.

Mr F McCann: Are you convinced that an 18-month timescale is required? I am thinking back to the last debate that we had.

The Deputy Chairperson: It says “not later than 18 months”.

Mr F McCann: It was less than 12 months in the Caravans Bill.

Ms A Clarke: To be fair, the Caravans Bill was doing something very different from what this is doing. We are devising a registration scheme, which is something completely new for Northern Ireland, and we have to have a system that supports that. We have quite a number of private landlords — we are not sure of the exact number — and quite a lot of work will be involved in setting up a scheme that allows all those landlords to be registered and provides the level of information that we will need to collect the fees. It is just to be absolutely sure. If we rush in something that collapses and has no credibility, we will all suffer.

Mr Brady: I want to ask a question on the data available. Some £90 million of housing benefit is paid every year to private landlords. Is there no way of allying the two?

Ms A Clarke: To date, we have not been able to do that. However, there is a provision in the Bill to do so. Once it becomes law, we can start to match information from housing benefit and also from rates. That will take a bit of time, but we will do that.

Mr F McCann: Based on what you have said, I accept the 18 months.

The Deputy Chairperson: It cannot go beyond 18 months, and the preference is that it is done sooner rather than later.

I read out the Department's tabled amendment. Do members agree to that amendment?

Members indicated assent.

Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.

Clause 7, subject to the Department's proposed amendment, agreed to.

Clause 9 (Withholding of consent to mutual exchange of secure tenancies)

The Deputy Chairperson: Clause 9 deals with the withholding of consent to mutual exchange of secure tenancies.

Mr F McCann: When we started this process this morning, a lot of issues related to clause 7. One was the mandatory registration. I take it that we are moving beyond that now.

The Committee Clerk: Now that we have agreed clause 7, we have agreed that the wording of the Bill be changed so that the Department must bring forward regulations; it has a duty, not just a power, to have landlord registration and to produce a tenant deposit scheme; and those actions must be completed within 18 months.

Mr F McCann: We had debates about who should control the tenant deposit scheme.

The Committee Clerk: When we considered the issue on 16 December, it was agreed that that was going to be the subject of consultation and regulations from the Department. The Department indicated that the councils would enforce and the Department would monitor. The word regulation was not used. The Committee accepted that on 16 December.

Mr F McCann: Are we saying that deposits should be paid to councils or into a separate scheme?

The Deputy Chairperson: It was a third party, was it not?

The Committee Clerk: The Committee accepted the Department's assurance that, again, that would be the subject of regulations. If I remember correctly, there would be an option of a custodial scheme or an insurance scheme, and the third party had not been identified. The Committee accepted that.

The Deputy Chairperson: But provision for it should be made.

Mr F McCann: Will we have any say in what it will be?

The Committee Clerk: I anticipate that the regulations will be subject to Assembly scrutiny.

Mr A Campbell: Yes, to affirmative resolution.

The Deputy Chairperson: The Order will be made, and the regulations will be brought forward on the basis that that is made for the third party.

Mr A Campbell: The regulations will contain the detail, and they will be debated by the Assembly.

The Deputy Chairperson: So, members will still have the opportunity —

Ms A Clarke: Absolutely.

Mr F McCann: Since we are asking the councils to enforce the scheme, could we also say that deposits can be paid into councils?

Ms A Clarke: Do you mean tenancy deposits?

Mr F McCann: Yes.

Ms A Clarke: The principle is that we will have two schemes — the custodial and insurance-based schemes. The insurance-based scheme will require an insurance-based company to manage it, because it is based on insurance.

The Deputy Chairperson: In that case, it is not the council.

Ms A Clarke: That is not a council role.

Mr F McCann: Councils do not fit that role.

Ms A Clarke: It would get them into all kinds of areas that they would not be covered for.

A custodial-based scheme is another option. There is a possibility that the provider that, backed by lots of investment, runs the scheme in England might put up its hand and say that it would like to deliver this. A fair degree of financial competence, expertise and money is required to back it.

We want to devise the specifications in which we set out what we want and what providers will have to demonstrate to us, because we have to watch the money situation. It will be open to people to say whether they can meet our requirements.

The Deputy Chairperson: Technically, if councils feel that they fit the criteria, there is nothing to prevent them applying to provide the custodial-based scheme.

Ms A Clarke: If they want to develop the expertise, they can apply. There will be costs. We would not be ruling anybody out.

The Deputy Chairperson: So, you are setting down criteria for people under the third-party arrangements, and if councils feel that they meet the criteria, they will be at liberty to apply.

Ms A Clarke: To date, councils have been clear that, although they would be responsible for enforcing the scheme, they do not want to get involved in the money situation.

Mr F McCann: There obviously needs to be some type of mediation between the landlord and the tenant.

Ms A Clarke: Yes. Each of those schemes will have to have its own independent arbitration service, as is currently the case in England, where it is part and parcel of the scheme.

Mr F McCann: Who provides that?

Ms A Clarke: The schemes provide that independent arbitration at no cost.

The Deputy Chairperson: OK? We will go through the rest of the amendments. Members should indicate when they have any queries.

Clause 9 inserts a new ground for social landlords to withhold consent to the exchange of tenancies. The Committee asked the Department to consider amendments that might allow the use of a wide range of non-antisocial behaviour information to be used in decision-making. The Committee accepted departmental suggestions that the Bill is to be amended to allow convictions

for offences relating to the use of a home for immoral or illegal purposes to be considered in the evaluation of requests for the mutual exchange of social secure tenancies. The Department has tabled an amendment to clause 9 that sets that out.

That amendment is included in the tabled items. We need members to comment on that; perhaps the Department should comment on it first.

The Committee Clerk: As members can see, the amendment reads: "Clause 9, page 7, line 38, at end insert—

'Ground 2B'.

Members should note the square brackets at the end:

"(b) an indictable offence [committed in, or in the locality of, that dwelling-house]."

If the words in the square brackets are included, social landlords may consider only indictable offences committed in or in the locality of the social home. If the words in the square brackets are excluded, social landlords will be able to consider indictable offences regardless of where they were committed when giving consent to an exchange of tenancy. The Department may wish to comment on that, but members can decide today which of those options they would like to adopt. If I understand it correctly, members can choose to include either indictable offences committed in the vicinity of the social home or any serious indictable offence. I am sure that members can think of examples of those.

The Deputy Chairperson: We have to consider the Department's suggested amendment and the contents of the square brackets. Concerns were raised, including the point that the Committee Clerk made, that it is not just about what happens in or in the vicinity of a dwelling; it is about convictions that people carry when they are trying to secure a tenancy. Is that a correct understanding of the issue? Could the departmental officials advise us on that? You are well used to some of the concerns that members have raised on previous occasions.

Mr Stephen Baird (Department for Social Development): The Committee Clerk has given a fair summary of what the proposal is about. There are two elements to it. The first deals with convictions for offences involving the use of a dwelling-house for immoral or illegal purposes. Most of those would involve fairly

low-level antisocial behaviours. The second element deals with indictable offences, which are of a much more serious nature. There is the option of looking only at indictable offences that have been committed within the locality of the dwelling-house. In other words, in cases where there is some kind of immediate concern to neighbours. On the other hand, any indictable offence committed anywhere in Northern Ireland could be considered, which would reflect on the character of the individual concerned rather than his conduct as a neighbour. We would appreciate the Committee's opinion on which option to take.

The Deputy Chairperson: I assume that you do not consider the use of houses for illegal purposes as an example of low-level antisocial behaviour.

Mr Baird: Sometimes, there can be fairly low-level antisocial behaviour in such properties. There is such a thing in law as a disorderly house. In extreme conditions, that could be a brothel, but it could simply be a house that people are coming and going from at all hours of the night and its presence is causing a nuisance or is damaging the morals of the area.

Mr Craig: I want some clarification on what is meant by an "indictable offence". More importantly, we are getting into funny territory. For example, if someone from Londonderry who lives in rented accommodation in Belfast was convicted of an "indictable offence" in their early teens, does that mean that you have the right to throw them out of the property because of something that they did when they were a teenager?

Mr Baird: It may not be desirable to do that. This is not a completely novel concept. The wording is based on the existing grounds for the possession of a secure tenancy, which means that landlords already have the capacity to evict somebody for having committed an indictable offence. At the end of the day, whether it is appropriate to do that is a judgement call for landlords.

The Deputy Chairperson: That is usually not done retrospectively.

Mr Baird: The Department has issued guidance to the Housing Executive explaining how it feels the particular provision should be operated when it comes to grounds for possession. The offence really has to be something that affects the

tenant's suitability to continue living in the area. In other words, if it is an offence that makes the person unacceptable to his neighbours, there may well be grounds for possession. On the other hand, the guidance makes it very clear that if somebody committed an offence that is not relevant to his conduct as a tenant a long time ago and has mended his ways, there would be no grounds for possession.

So, we see this provision being operated in the same way and will probably want to issue similar guidance for it.

Mr Brady: With regard to the indictable offence, are you saying that the person involved has to have been indicted for that offence? It seems to me that, although the majority of antisocial behaviour may be indictable, the perpetrators have not been indicted.

Mr Baird: An indictable offence is technically any offence that can be tried by jury. It simply means a more serious type of criminal offence.

Mr Brady: For people living in Housing Executive houses, for example, a lot of the antisocial behaviour can be subtle. It is not immediately obvious, and the PSNI might not be involved. It would be very useful for us to have the guidance.

Mr Baird: Sure.

The Deputy Chairperson: The provision needs to be based on cases for indictable offences going through courts and having judgements made on them.

Mr Brady: The point that I am making is that a lot of people would argue that for a lot of antisocial behaviour, such as that caused by drinking dens, the PSNI does not want to come out. I know of an episode over Christmas concerning a house that is used as a drinking den; people were kicking in the door at 4.00 am and the neighbours were complaining. That is the type of thing that I am talking about. The people involved could have been indicted if charged for disorderly behaviour, but that was never followed through.

Mr Craig: It is important that we see the guidance on how this would be implemented, but I am fairly content with the provision. I would not be content with the wording in the brackets being added, because criminals are not stupid. If they know that they can get away with something, all they would have to do is to move away from the locality of their house.

If they rent in Belfast, they could commit a crime in, say, Lurgan, where it would not be an issue. However, it could be a very serious issue. Therefore, it would be sensible to leave it as "an indictable offence". For our own contentment, obtaining a copy of how this would be implemented would be useful.

The Deputy Chairperson: It would delay the legislation, but members do want to have a look at those guidelines.

Mr F McCann: There is a happy medium to be achieved in dealing with antisocial activity and impacting directly on people's rights. I am not saying that members have not read it, but I was amazed when I went through the guidance — the antisocial behaviour booklet — to the Housing Executive. It is fairly strong. It lacks only teeth to deal with some such activities. So, if we get a copy of the Housing Executive's guidelines on dealing with antisocial activity, along with a copy of the guidance that we want, members will be surprised by the powers that it has but does not follow through with.

Mrs M Bradley: I agree with what Jonathan said about the brackets. So many people move from one area to another —

The Deputy Chairperson: They do it deliberately.

Mrs M Bradley: And, sometimes, the people in the area where they move from have already sent the message ahead of them. I would like to see the legislation being solid and the issue being dealt with properly, so I have a problem with the bracketed text.

The Deputy Chairperson: Are members content to defer agreement on the amendment until we see the guidance? Or, are members happy enough to agree it but would like to see that guidance?

Mr Craig: I am happy enough to agree it. To content ourselves, I would just like us to see the guidelines on how this would be implemented.

Mr F McCann: If we are to see guidance on it, our decisions may depend on what is in that guidance.

The Deputy Chairperson: OK. Is it our position that members agree it as it is or on the basis that we see the guidance?

Mr Brady: I make the point that "locality" is a nebulous thing. How far away does someone

have to be? Is it the same street, two streets away or three streets away?

The Deputy Chairperson: The consensus seems to be that we opt to take out the wording in brackets, leaving it as “an indictable offence”. However, before I read out the proposed amendment, we need to make a decision on whether we agree it today. Is there anything in the guidance that will go against the amendment’s intent?

Mr Baird: I would not have thought so, Deputy Chairperson.

Mr F McCann: Deputy Chairperson, I would prefer to see the guidance before making a decision on the amendment.

The Committee Clerk: We have to come back to the scrutiny of the Bill anyway to consider clause 2.

The Deputy Chairperson: We will include a request for the guidance in the list of things that we need to receive advice on before we can reach agreement. Are members content with that?

Members indicated assent.

Mr Craig: I am happy enough with that approach. We have deferred a number of things on which we are seeking further evidence, so we can park this as well.

The Deputy Chairperson: Mary, we have agreed to defer a couple of items on the basis that we need additional advice. That is in relation to clauses 2, 5 and, now, 9.

Mrs M Bradley: When will we get that?

The Deputy Chairperson: We hope to have it by next week.

Mrs M Bradley: We are never going to get through the Bill if we keep — it is unfortunate that we have to —

The Deputy Chairperson: Yes, but it is important that we get good rather than iffy legislation.

Mrs M Bradley: It is indeed, but we need to get it soon.

The Deputy Chairperson: We will have that information next week.

Mr F McCann: The whole question of ASBOs is relevant to a lot of the stuff here. ASBOs seem, to all intents and purposes, to be on their

way out in other jurisdictions. I take it that that would probably be [*Inaudible.*].

Mr Baird: ASBOs are a matter for the Department of Justice, rather than the Department for Social Development. We are, basically, in its hands.

The Deputy Chairperson: In this case, therefore, the Department reacts to what another Department does in relation to law, rather than having its own policy and legislation.

Mr Baird: In this case, the Department of Justice is responsible for legislation that was made by the NIO originally. That legislation specified the Housing Executive as one of the bodies that could apply for an ASBO, and it did not involve the Department for Social Development, even though we are the parent Department for the Housing Executive.

The Deputy Chairperson: We move to proposed amendment QQ. Previously, the Department tabled an amendment that was suggested by the Housing Rights Service and which would limit the withholding of consent in respect of the exchange of tenancies to antisocial behaviour. Is there any contradiction between proposed amendment QQ and the previous proposed amendment?

Mr Baird: No, there is no contradiction.

The Deputy Chairperson: Does the Department have any additional views on proposed amendment QQ?

Mr Baird: No.

The Deputy Chairperson: Are there any other views from members that we need to consider before agreeing to the amendment?

The Committee Clerk: To clarify: the wording of the amendment is on page 33 of the table. As the Department indicated previously, the amendment came from the Housing Rights Service. The Department has indicated that there is no contradiction between it and the previous amendment, with which the Committee is quite happy. It is a question of the Committee’s being happy with the wording.

The Deputy Chairperson: Are members happy with the wording? We have already debated the amendment, so we just need to agree on the wording. Are members content with the amendment as worded in the table?

Members indicated assent.

The Deputy Chairperson: We move to proposed amendment RR. Previously, the Committee decided to defer consideration of that proposed amendment, which relates to the guidance on antisocial behaviour, pending a resolution of the issues that we have just discussed. Is that another piece of information that we need to get before we move on?

The Committee Clerk: It is a piece of information to which members have just referred. It is the guidance that the Department will issue to the Housing Executive and, indeed, the —

The Deputy Chairperson: The Housing Executive's policy on antisocial behaviour. We will defer a decision on proposed amendment RR until we get the guidance and the information. Thus, we will have to park clause 9.

Clause 9 referred for further consideration.

Clause 10 (Disclosure of information as to orders, etc. in respect of anti-social behaviour)

The Deputy Chairperson: Clause 10 provides for the disclosure of information about certain antisocial behaviour information that may then be used in connection with an application to buy a social home; an application to exchange a tenancy; and the allocation of accommodation or homelessness assistance. The Committee agreed previously that it would not pursue amendment XX. Subject to the information that we get, we are likely to agree to clause 9. We need to talk about the provisions in clause 10, which is on the disclosure of information. We need to agree on the categories that we have already discussed.

The Committee Clerk: Yes, proposed amendment SS is to do with prescribed persons.

The Deputy Chairperson: It may be handy to look at the issue of prescribed persons now.

The Committee Clerk: That amendment may also have come from the Housing Rights Service. It suggested that the legislation should prescribe that only prescribed persons would be able to disclose relevant information to a landlord. The Committee may wish to ask the Department to comment on that, and members may wish to debate whether they consider the amendment to be necessary, given that the information that is to be disclosed is on such matters as indictable offences.

The Deputy Chairperson: That comes up in clause 9.

The Committee Clerk: Since all that information is in the public domain anyway, is there a need to have the disclosure of that information restricted to prescribed officers? The Department's argument is that the information is in the public domain anyway.

The Deputy Chairperson: So the information is in the public domain anyway, and, if we agree clause 9, it will be strengthened and added to. Therefore, we are asking whether there is a need to agree the amendment to clause 10, given that, if we agree clause 9, in addition to what is there already, it would all be there.

Mr A Campbell: We were able to change clause 9, which took effect [*Inaudible.*], so there is no need for it.

The Deputy Chairperson: We need to decide whether we agree that there is no need for the amendment to clause 10.

Mr F McCann: Are we saying that clause 9 would cover the sharing and flow of information, especially with respect to the exchange of tenancies, and allow the flow of information between —

The Deputy Chairperson: My understanding is that it is about restricting disclosure to prescribed persons. We are asking whether we need to restrict disclosure, given that there would be disclosure as a result of clause 9.

The Committee Clerk: Given that the information referred to in clause 9 is in the public domain, the Department's argument is that there is no need to restrict who discloses information to prescribed officers. Anybody could disclose it, because, after all, it is in the public domain. That is the Department's argument. The question is: does the Committee accept that?

Mr F McCann: That is OK.

Mr Craig: I certainly accept it.

The Deputy Chairperson: Are members happy to accept that there is no need for amendment SS?

Members indicated assent.

The Deputy Chairperson: We move to proposed amendments TT, UU, VV and WW. The Department advises that the information to be disclosed is to be subject to accuracy controls and that

a right of reply is to be provided through the courts. The Department previously provided assurances in respect of guidance to limit discrimination against vulnerable groups. We need to determine whether, on the basis of those assurances, the Committee is content not to pursue those amendments. Members may wish to look at pages 38 and 39 of the table to refresh their memories.

The Committee Clerk: It has been a long time, so I will remind members what those amendments were about. Some stakeholders raised concerns about making sure that the information to be disclosed is accurate and is subject to the protocols that housing associations use already. However, as we just heard from the Department with respect to clause 9, the information in question will be around indictable offences.

The Deputy Chairperson: So it will be in the public domain anyway. That being the case, is the Committee content not to pursue any of those amendments?

Members indicated assent.

The Deputy Chairperson: We now need to secure agreement for clause 10 as drafted.

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

Clause 10 agreed to.

Clause 15 (Commencement)

The Deputy Chairperson: The Department advises that it must make changes to clause 15 — the commencement clause — that are consequential to other amendments. The amendment to clause 15 has been tabled. It states:

“Clause 15, page 10, line 25, at beginning insert ‘Except as provided by subsection (1A),’

Clause 15, page 10, line 26, at end insert—

‘(1A) Sections 2, 5 and 7 come into operation on Royal Assent.’”

Will the Department explain the amendment?

Mr A Campbell: Those changes will simply allow the regulations on landlord registration and tenancy deposits to commence on Royal Assent. Everything else will be commenced by

a commencement Order. So, it is just to make sure, as the Committee wanted —

The Deputy Chairperson: So, it is nothing other than a technical amendment. Do members have views on that or questions or queries on clause 15?

The Committee Clerk: I should clarify that the Committee agreed clause 15 previously. However, as amendments have been tabled subsequently, members have to decide whether they are happy to revisit their decision and agree to the amended clause 15.

The Deputy Chairperson: We need to re-agree clause 15 as amended.

Question, That the Committee is content with the clause, subject to the Department’s proposed amendment, put and agreed to.

Clause 15, subject to the Department’s proposed amendment, agreed to.

The Deputy Chairperson: A large number of other amendments were proposed. Members should refer to pages 54 to 70 of the table. The Committee agreed to support KKK, LLL, MMM, NNN, PPP, QQQ, RRR, SSS, TTT and UUU. The Committee also agreed that it would not support HHH and III. I will not go through what all of those are, but that leaves us with proposed amendments JJJ and OOO.

With regard to proposed amendment JJJ, the Committee previously agreed that it would defer consideration of amendments that would alter the resources available to district councils to enforce tenancy legislation, pending a departmental response to related queries on fines etc. We also subsequently agreed to support a review of fines that generate resources for councils.

The Committee Clerk: As the fines issue is subject to legal advice, it may be best to park it.

The Deputy Chairperson: We will park proposed amendment JJJ, pending the list, which goes back to the issues that were raised previously. Do members agree that the Committee should park the issue on the basis that information relating to fines and fixed penalty notices is to be received, as was debated earlier?

Members indicated assent.

New Clause

The Deputy Chairperson: We proceed to proposed amendment 000. The Committee informally agreed to support an amendment that would allow the Northern Ireland Housing Executive to work in legal partnership with other organisations. The wording of a new clause that brings that into effect has been tabled. It is the lengthy amendment that begins, “After clause 12 insert—”. Do I have to read it out?

The Committee Clerk: You are not obliged to; as long as members are clear where it is.

The Deputy Chairperson: Is everyone clear where that text fits into clause 12? It is after clause 12, so it will be clause 12(a). Are members happy that that text will come in after clause 12? Does the Department have any views? Do members have any views? Are we happy to secure agreement?

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

New clause agreed to.

The Deputy Chairperson: Is there anything that the Department wants to tell us in relation to any of the rest of this? Is there any additional information that we need? Are there any views that the Department wishes to share?

Mr A Campbell: The amendments are fairly technical.

The Deputy Chairperson: OK. Does anyone else have any comments? I am looking at you, Fra.

Mr F McCann: We will come back to most of the stuff that I wanted to raise.

The Deputy Chairperson: Are there any other views from members? No.

I advise that the Department has not yet drafted proposed amendment UUU. The clause-by-clause scrutiny will conclude at a subsequent meeting. The rest of the clauses will be agreed pending the additional information that we need.

I thank the departmental officials for persevering with us again. I am sure that you will be back.

Northern Ireland Assembly

Committee for the Environment

13 January 2011

Clean Neighbourhoods and Environment Bill (NIA 31/09)

Members present for all or part of the proceedings:

Mr Cathal Boylan (Chairperson)
Mr Patsy McGlone (Deputy Chairperson)
Mr Thomas Buchanan
Mr Willie Clarke
Mr John Dallat
Mr Alastair Ross
Mr George Savage
Mr Peter Weir
Mr Brian Wilson

Witnesses:

Ms Helen Anderson
Ms Hazel Bleeks *Department of the*
Mr Robert Gray *Environment*
Mr Jackie Lambe

The Chairperson (Mr Boylan): I welcome Robert Gray, Hazel Bleeks, Jackie Lambe and Helen Anderson. You are all very welcome.

I remind members that on 16 December the Committee agreed clauses 4, 7 and 22 subject to amendments making the regulations in those clauses to alter the level of fixed penalty fines subject to draft affirmative procedure. Those have been provided by the Department on 10 January. I advise members that I will go through and ask for the Committee's position on clauses 16 and 21 before formal consideration of the clauses in Part 4. Are members content that the proposed amendments to clauses 4, 7 and 22 meet the needs of the Committee?

Members indicated assent.

Clause 16 (Litter offence: fixed penalty notice)

The Chairperson: We have to go back to two clauses that we passed over. I remind members that the Department has confirmed that the age of criminal responsibility at which fixed penalties can be issued is 10 and indicated that it will produce guidance for councils on issuing fines to minors. At the meeting on 16 December, members felt unable to come to a decision on the clause until they had seen examples of that guidance. The Department has provided details of guidance on fixed penalty notices to juveniles in England and Wales in its response to the issues raised under clause 28 in its second letter. It indicates that similar guidance will be issued to councils here. Do you have any other comments on that or are you content with what you have said?

Mr Robert Gray (Department of the Environment): The guidance will be the starting point for us.

The Chairperson: OK. It is over to the Committee. Do members have any comments?

Mr W Clarke: As I said previously, I believe that criminalising young people through fixed penalties at the age of 11 is too young. It is as simple as that. I have not heard anything to change my mind.

Mr Weir: I am similarly unaltered but on the other side of the fence.

The Chairperson: I know that Mr Clarke has issues with this. Anyone who wishes to bring an amendment forward in the Chamber in respect of the age can do so.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 4; Noes 4.

AYES

Mr Buchanan; Mr Ross; Mr Savage; Mr Weir.

NOES

Mr Boylan; Mr W Clarke; Mr Dallat; Mr B Wilson.

Question accordingly negatived.

Clause 16 disagreed to.

Clause 21 (Controls on free distribution of printed matter)

The Chairperson: Trevor Clarke is not here. This is the issue about Crown land. For those who were not at the meeting, I remind members that, at the meeting on 16 December, the Committee deferred a decision on this clause until the Department provided an answer to queries on the clause's impact on Crown land. The departmental response is in the first letter, and it indicates that the power under this clause to control the free distribution of printed matter does not extend to Crown land but that, under existing law, councils can issue litter abatement notices to those responsible for Crown land to require litter to be cleared. I know that Trevor Clarke brought that issue up. I do not have an issue. Do any other members have comments?

Mr Gray: The Department does not see it as a problem because there is legislation in place to deal with that.

The Chairperson: OK. Legislation already exists to deal with that.

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

Clause 21 agreed to.

The Chairperson: We will now go through clauses 26 to 76 and the four schedules one by one to seek the Committee's position on each. I will group the clauses where possible. I remind members that this is the last opportunity to discuss the clauses of the Bill and that decisions will be final. Part 4 is about graffiti and other defacement.

Clause 26 (Penalty notices for graffiti and fly-posting)

The Chairperson: I remind members that, at the meeting on 9 December, the Department accepted that a different approach is needed to issuing fixed penalty notices to young people and that the provision of alternative sites for fly-posting was a matter for individual councils. One member felt that the clause needed to be amended to make it compulsory for councils to provide fly-posting sites, but most felt that it should remain optional, although, obviously, new ways to advertise should be encouraged. Members were otherwise content with the clause.

I advise members that the Department has since informed the Committee, in annex A of the letter dated 11 January, which was tabled today, that it intends to amend Part 4 to allow councils to deal more effectively with graffiti and fly-posting. The principal mechanism to achieve that is the inclusion of a new clause, which will be discussed later but which requires a consequential amendment to clause 26, replacing the word "obliteration" with "defacement". Gentlemen, you may wish to take a quick look at the letter dated 11 January, which is in your tabled papers, and we will certainly welcome the new clause. Any new measures to try to address the situation are certainly welcome.

Question, That the Committee is content with the clause, subject to the amendment proposed by the Department to allow councils to deal more effectively with graffiti and fly-posting, put and agreed to.

Clause 26, subject to the amendment proposed by the Department to allow councils to deal more effectively with graffiti and fly-posting, agreed to.

The Chairperson: Are members also content to make a recommendation in the Committee's report that councils be encouraged to provide fly-posting sites? At the end of the day, that will only be a recommendation. Are we agreed?

Members indicated assent.

Clause 27 (Amount of penalty)

The Chairperson: At the meeting on 9 December, the Department agreed to amend clause 27 to make the power to alter the amount of fixed penalty subject to draft affirmative procedure. Members have been provided with a copy of the amendment. This is draft affirmative again. We have already discussed this, and we are happy enough.

Question, That the Committee is content with the clause, subject to the amendment proposed by the Department to make the power to alter the amount of fixed penalty specified in the Bill subject to draft affirmative procedure, put and agreed to.

Clause 27, subject to the amendment proposed by the Department to make the power to alter the amount of fixed penalty specified in the Bill subject to draft affirmative procedure, agreed to.

Clause 28 (Penalty notices: power to require name and address)

The Chairperson: At the meeting on 9 December, the Department agreed to provide the Committee with an example of the guidance on how the Bill will deal with the issuing of notices to juveniles. Members have been provided with the Department's response, in annex A of the letter dated 5 January. It is the Department's intention to produce NI guidance based on 'Issuing Fixed Penalty Notices to Juveniles', already in force in England and Wales, after full consultation with relevant parties.

In addition to the specific guidance, the Department intends to bring forward detailed guidance for district councils on the use of fixed penalty notices. The aim of that guidance will be to explain some of the principles that underpin the appropriate use of local environmental fixed penalty notices: how their use should be planned and managed; on what basis they should be issued, and when they should not; and, importantly, how the non-payment of fixed penalty notices should be monitored, managed and dealt with.

It is also the Department's intention to include in that guidance a section that offers advice on the main issues and rules to consider and follow when using fixed penalty notice enforcement against young people under the age of 18. A draft of that proposed guidance will also be subject to full consultation with interested parties. Are we happy enough with the guidance? It is important that the guidance be sent fairly quickly and in tandem with the Bill's being implemented, and we want a commitment from the Department in respect of that.

Mr Gray: Yes, in relation to all the guidance.

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

Clause 28 agreed to.

Clauses 29 and 30 agreed to.

Clause 31 (Defacement removal notices)

The Chairperson: At the meeting on 9 December, members were content with clause 31. However, as with clause 26, the Department, in annex A of its tabled letter of 11 January, indicated that it is its intention to make a consequential amendment to this clause as

part of its intention to allow councils to deal more effectively with graffiti and fly-posting by replacing the word "flyer" with "placard".

Question, That the Committee is content with the clause, subject to the amendment proposed by the Department to allow councils to deal more effectively with graffiti and fly-posting, put and agreed to.

Clause 31, subject to the amendment proposed by the Department to allow councils to deal more effectively with graffiti and fly-posting, agreed to.

Clauses 32 to 35 agreed to.

New Clause

The Chairperson: In its paper dated 11 January, the Department indicated its intention to strengthen Part 4 of the Bill to allow district councils to deal more effectively with graffiti and fly-posting. It intends to achieve that by inserting a new clause after clause 35, the details of which have been provided at annex A. Would you like to give us a brief overview of the new clause?

Mr Gray: As you said, the Department has now forwarded all the amendments to Part 4. We feel that they address most of the concerns that were raised by the Committee and by those who gave evidence to the Committee, as set out in your analysis table. The Department is also satisfied that, under existing law, a district council can take prosecution action. The Department intends to make that clear in follow-up guidance.

Ms Hazel Bleeks (Department of the Environment): Article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 provides a district council with the power to remove or obliterate graffiti which is detrimental to the amenity of any land in its district or any illegally displayed placards or posters. It also enables the council, in certain circumstances, to recover the costs that it incurs in doing so. We sought to strengthen those powers further, and the amendments that will be incorporated in the new article 18, as substituted by new clause 35A, provide that in circumstances where a district council gives notice of its intention to remove or obliterate any graffiti, placard or poster, the period of notice is reduced from 14 days to two days to enable councils to act more quickly. The landowner or occupier, who, in all likelihood, is the victim of the graffiti or fly-posting, will not be

responsible for the cost of removing it. Where possible, that cost will be borne by the person who committed the act of graffiti or fly-posting, or the person whose goods, trade, businesses or other concerns are publicised by it.

We also propose a new provision to ensure that compensation can be claimed by a person whose property is damaged by district councils exercising the power to remove or obliterate graffiti, placards or posters. Again, that will safeguard the property owner. However, we are making it clear that compensation cannot be paid to the person who displayed the graffiti, placard or poster, or caused it to be displayed. Any question of disputed compensation will be referred to and determined by the Lands Tribunal.

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

New clause agreed to.

Clause 36 (Sale of aerosol paint to children)

The Chairperson: At the meeting on 9 December, departmental officials agreed to provide the Committee with the age limit on the sale of aerosols in Scotland and to consider amending the Bill to raise the age limit to 18. The Department's response is at annex B of the letter dated 5 January. It indicates that the age specified in similar legislation is 16. However, on further consideration, the Minister has requested that the wording "under the age of 16", as specified in clause 36, should be changed to "under the age of 18". The Department will therefore bring forward an amendment to the Bill to give effect to that change and raise the age to 18. Are members content with that?

Mr W Clarke: It is very welcome news. The age limit of 16 was criminalising young people in general. I welcome the movement, and it proves that consultation is sometimes listened to.

Mr Dallat: Clause 36(2) says: "In subsection (1) 'aerosol paint container' means a device which—

(a) contains paint stored under pressure, and

(b) is designed to permit the release of the paint as a spray."

Increasingly, these materials are stored in containers with a pump that, when activated,

has the same effect as an aerosol. Is that wording adequate to take account of that?

Mr Gray: I will have to check that. It does say "under pressure".

Mr Dallat: Yes. A lot of those products are now not stored under pressure but can be released under pressure because they have a pump and a trigger. I would not want to see an outbreak of pump paint.

The Chairperson: The Department can maybe come back with that response. However, this clause is to do with raising the age for the sale of aerosols to 18.

Mr Dallat: It might read "or be capable of being put under pressure" or something like that. It may be all right the way it is; I do not know.

Mr Gray: It could be. That issue has not been raised before. We need to check that out. My understanding is that people press the button on the can of spray paint and that is it. I had not envisaged dealing with that situation. We need to look at that.

Mr Weir: A valid point has been raised. I wonder about the wording. Clause 36(2)(b) says that it is a device that is:

"designed to permit the release of the paint as a spray."

That is a slightly wider definition that may well cover the situation. Robert is going get back to us on that. It would be wrong to create a prohibition but leave some sort of practical loophole that leads to an issue about whether something is covered by it.

Mr Gray: We will check that out.

The Chairperson: It is clearly stated in the Bill. The word "and" suggests both as opposed to one or the other.

Mr Weir: It is important to get this right. If we are seen to have fallen down on this, I do not want us to look like a bunch of aerosols.

The Chairperson: Do not record that, please. Mr Dallat has raised a valid point, but I think that it is covered by clause 36(2) which says that "aerosol paint container" means a device that: "(a) contains paint stored under pressure, and

(b) is designed to permit the release of the paint as a spray."

That might cover it. Do you want to respond to that? It says “and”.

Mr Gray: My initial view is that we cannot ignore the words “under pressure”. I need to take advice on that.

The Chairperson: That could be amended at Consideration Stage if need be.

Mr Gray: It could, or the guidance could make it absolutely clear that there is flexibility to cover other sorts of containers. I do not want to commit one way or the other until I get some sort of advice.

The Chairperson: Mr Dallat has raised the issue, and I think that it can be addressed. I also think that we can agree the clause.

Question, That the Committee is content with the clause, as amended by the Department to raise the limit below which it is illegal to sell aerosol paints to 18, put and agreed to.

Clause 36, as amended by the Department to raise the limit below which it is illegal to sell aerosol paints to 18, agreed to.

Clause 37 (Unlawful display of advertisements)

The Chairperson: At the meeting on 9 December, members were content with the clause but were concerned that councils were likely to experience difficulty in trying to disentangle fly-posting from wider advertising, which come under the control of the Planning Service and is poorly enforced. Members considered the possibility of including a recommendation in that regard. I think that we are content with that. The new clause in relation to allowing councils to deal more effectively with issues covers it.

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

Clause 37 agreed to.

The Chairperson: If members are happy, we will make a recommendation that the Planning Service tightens up on the control of advertising to ensure that councils are able to implement the new fly-posting powers effectively. Are you happy for that recommendation to be made?

Members indicated assent.

New Clause

The Chairperson: In its letter of 11 January, the Department indicated its intention to strengthen Part 4 of the Bill to improve information-gathering powers. It intends to achieve that by inserting a new clause after clause 37, the details of which have been provided at annex B. Would you like to give us a quick overview of that new clause?

Ms Bleeks: Basically, the clause will provide district councils with the power to obtain any information that the council reasonably considers that it needs for the purposes of Part 4 of the Bill, which deals with graffiti and other defacement. Similar powers are already contained in article 20 of the Litter (Northern Ireland) Order 1994, and we understand that councils have found the power very useful, particularly when gathering evidence to enable them to take a prosecution. We were keen to ensure that they had that power in relation to graffiti and fly-posting as well.

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

New clause agreed to.

Clause 38 (Power to make dog control orders)

The Chairperson: We will move on to Part 5 of the Bill, which is in relation to dogs. At its meeting on 9 December we were content enough with clauses 38 to 41.

Mr Gray: We will just take an opportunity to say something here. The main development since the Committee last considered this is that the Department has brought forward a new information-gathering clause in relation to Part 5 which strengthens it. We also want to clarify something that was mentioned at a previous meeting in relation to the dogs issue.

Ms Bleeks: I would like to take the opportunity to clarify something that was said at the Committee meeting in Limavady on 9 December in relation to clause 38, which concerns the power to make dog control orders. The Hansard transcript of that meeting was only received this week, and, having read through it, the Department is somewhat concerned that the Committee was given the impression that a dog control order specifying the maximum number of dogs that can be walked by one person could be applied on a case-by-case basis. That is not the position.

The correct position is that clause 38(3)(d) empowers the district council to make a dog control order specifying the maximum number of dogs that a person may take on to specified land. Prior to making a dog control order, the council must take into account the needs and views of all individuals concerned. However, if such an order is made, it will apply to anyone who takes dogs on to that specified land.

The Chairperson: For clarification, I think that was the issue raised by the Kennel Club. Is that correct?

Ms Bleeks: It was raised specifically in relation to professional dog walkers and greyhound owners — that type of thing. On reading through the Hansard transcript, it appeared that certain individuals could be exempt from a particular dog control order. What we are saying is that, once a dog control order is made in relation to specified land, it applies to everyone who goes on to that land, including professional dog walkers. However, prior to making the order, the council would have to consult with all individuals concerned and then decide whether it was appropriate to make the order. Obviously, the representations of professional dog walkers, the Kennel Club, etc, would be taken into account prior to making the order, and the council might decide that it was not appropriate for that land.

The Chairperson: Obviously, it is still the discretion of the council to decide that. I am trying to remember the comments about that. It is still the council's discretion, and a key element of all that is proper consultation.

Ms Bleeks: It is fair to say that all the Bill does is give the council the power to make dog control orders in relation to a number of different issues, one of which is specifying the maximum number of dogs. Following on from the Bill, there will be regulations to provide the detail of that and outline the procedures that councils have to follow before they can make a dog control order. One of those will specify that the council must consult.

The Chairperson: That is fine.

Mr Gray: The council may decide, having listened to the views of professional dog walkers and so on, to recommend that the maximum number of dogs on a particular area of land should be, for example, six or four. In other cases, the number might be smaller. It depends on the

representations and so on that the council takes into account.

The Chairperson: That is fine. However, I am saying that we need to give both parties — those people who may not wish to have people on their land and those people who are making a case — an opportunity. There must be a proper consultation process. The Kennel Club suggested that we establish a permit scheme to help us to regulate. Have we thought about that? Does that impact on what we are saying here, or are we still saying that we leave it to the discretion of councils as long as there is proper consultation and people have an opportunity?

Ms Bleeks: It has to be down to the councils. The introduction of a permit scheme is viewed as overly cumbersome.

Mr Ross: Effectively, this will allow councils to decide whether or not to impose the orders. Councils can choose not to. You mentioned exemptions at the start — could a local council introduce an order that creates exemptions?

Ms Bleeks: That could be dealt with at the order-making stage. For example, when we look at the regulations that will flow from this, we will look at things like exemptions for assistance dogs. Obviously, if a council makes an order that excludes dogs from certain land, it will want to make exemptions for assistance dogs. Therefore, it is possible that professional dog walkers could be exempted through the detail of the order. The Bill merely gives the council the power to make those orders if it chooses to.

Mr Ross: That is fair enough.

The Chairperson: We need to be very careful to give those people the opportunity and ensure that the council looks at it properly. We will have to make a recommendation.

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

Clause 38 agreed to.

Clauses 39 to 41 agreed to.

The Chairperson: I also ask that we make a recommendation in the report about the matter that has been highlighted today. Do members agree?

Members indicated assent.

Clause 42 (Amount of fixed penalties)

The Chairperson: At the meeting on 9 December, the Department agreed to amend this clause to make the power to alter the amount of fixed penalties subject to draft affirmative procedure.

Question, That the Committee is content with the clause, subject to the amendment proposed by the Department to make the power to alter the amount of fixed penalty specified on the face of the Bill subject to draft affirmative procedure, put and agreed to.

Clause 42, subject to the amendment proposed by the Department to make the power to alter the amount of fixed penalty specified on the face of the Bill subject to draft affirmative procedure, agreed to.

Clauses 43 and 44 agreed to.

New Clause

The Chairperson: As with Part 4, the Department indicated its intention to strengthen Part 5 of the Bill to give councils improved information-gathering powers. It intends to achieve that by inserting a new clause after clause 44, the details of which have been provided at annex B to the letter dated 11 January. Will you give a brief overview of the new clause for members' benefit?

Ms Bleeks: It is really as before. It is exactly the same as new clause 37A and article 20 of the 1994 Order. It gives district councils the power to obtain any information that the council reasonably considers it needs for the purposes of Part 5 of the Bill. Again, we understand that councils will find this power very useful, particularly when gathering evidence to enable them to take a prosecution.

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

New clause agreed to.

Clauses 45 to 49 agreed to.

Clause 50 (Amount of fixed penalty)

The Chairperson: At the meeting on 9 December 2010, the Department agreed to amend this clause to make the power to alter the amount of fixed penalty subject, once again, to draft affirmative procedure.

Question, That the Committee is content with the clause, subject to the amendment proposed by the Department to make the power to alter the amount of fixed penalty specified on the face of the Bill subject to draft affirmative procedure, put and agreed to.

Clause 50, subject to the amendment proposed by the Department to make the power to alter the amount of fixed penalty specified on the face of the Bill subject to draft affirmative procedure, agreed to.

The Chairperson: We will all know what affirmative procedure is when this is done.

Clauses 51 and 52 agreed to.

Clause 53 (Power of entry)

The Chairperson: At our meeting on 9 December, departmental officials agreed to clarify the situation in regards to liability for damage to alarms caused by council officials. The Department's response is provided in annex C of the letter dated 5 January. It states that:

"Clause 55(9) of the Bill states that 'nothing done by, or by a member of, a district council or by an officer of or another person authorised by a district council, if done in good faith ... is to subject the council or any of those persons personally to any action, liability, claim or demand'."

That is very well put. Thank you very much. It continues:

"Council officers, and those authorised by a council, are therefore indemnified from any damage caused in exercising their powers of entry to silence an alarm, provided that action is exercised in good faith."

Are members content with the Department's response?

Members indicated assent.

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

Clause 53 agreed to.

Clauses 54 to 57 agreed to.

Clause 58 (Noise offences: fixed penalty notices)

The Chairperson: At the meeting on 9 December, the Department agreed to amend the clause to make the power to alter the amount of fixed

penalty subject to draft affirmative procedure. We are content with the Department's response.

Question, That the Committee is content with the clause, subject to the amendment proposed by the Department to make the power to alter the amount of fixed penalty specified on the face of the Bill subject to draft affirmative procedure, put and agreed to.

Clause 58, subject to the amendment proposed by the Department to make the power to alter the amount of fixed penalty specified on the face of the Bill subject to draft affirmative procedure, agreed to.

Clause 59 agreed to.

Clause 60 (Statutory nuisances)

The Chairperson: At the meeting on 9 December, the Department agreed to consider an amendment in relation to noise from illegal motorsports tracks. The Department's response is at annex D of the letter dated 5 January. The Department states that the improved procedures for dealing with statutory nuisance that are brought about by Part 7 will enable councils to deal more effectively with noise that is emitted from land that is prejudicial to health or a nuisance. Accordingly, the Department is of the view that an amendment in relation to noise from illegal motorsports tracks is not required as the situation is already adequately covered by the Bill. Trevor Clarke raised this issue. Are members content with the Department's response?

Members indicated assent.

The Chairperson: At the meeting on 9 December, members also asked for clarification of clause 60(1)(l) as we were concerned that it might be used to impede the natural progression of water systems. Again, Trevor Clarke raised this issue. The Department's response is provided at annex E of the letter dated 5 January, and states that English case law has established that the range of potential recipients of abatement notices under the provision are subject to an important limitation. Where a natural watercourse becomes silted up by natural causes and causes a nuisance by flooding, the landowner is unlikely to be held liable under the provision. By contrast, if a watercourse is created or substantially altered by humankind, the landowner or occupier is responsible for its design, construction and maintenance and may

be in default in respect of their inadequacies. Are members content with the response in relation to watercourses?

Members indicated assent.

The Chairperson: In addition, on 9 December, when members considered clause 65, they asked the Department to consider extending the definition of "owner" in clause 65 to the rest of the Bill, as was requested by the Local Government Association and several individual councils. The Department agreed to consider that, and in annex C of its response dated 11 January it proposes two amendments to the clause that will expand the definition of "owner" to the whole of Part 7. I think that we are happy enough with that response.

Question, That the Committee is content with the clause, subject to the amendments proposed by the Department to expand the definition of "owner" in clause 65 to the whole of Part 7, put and agreed to.

Clause 60, subject to the amendments proposed by the Department to expand the definition of "owner" in clause 65 to the whole of Part 7, agreed to.

Clause 61 (Duty of district council to inspect for statutory nuisance)

The Chairperson: At the meeting on 9 December, the Department agreed to consider an amendment in relation to the inclusion of pigeons. The Department's response, at annex F of the letter dated 5 January, states that it considers that the existing powers that are available to councils in clause 60(1)(a):

"any premises in such a state as to be prejudicial to health or a nuisance"

and clause 60(1)(e):

"any accumulation or deposit which is prejudicial to health or a nuisance"

are sufficient to allow councils to serve an abatement notice where there are problems associated with pigeons. Are members content with the response?

Members indicated assent.

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

Clause 61 agreed to.

Clauses 62 to 64 agreed to.

Clause 65 (Expenses recoverable from owner to be a charge on premises)

The Chairperson: As mentioned previously at clause 60, the Committee requested the expansion of the definition of “owner” in this clause to the whole of the Bill, and members have a copy of the response. The Department has proposed amendments that will apply the definition to the whole of Part 7, which includes an amendment to the clause. Are members content with the Department’s response?

Members indicated assent.

Question, That the Committee is content with the clause, subject to the amendments proposed by the Department to expand the definition of “owner” in this clause to the whole of Part 7, put and agreed to.

Clause 65, subject to the amendments proposed by the Department to expand the definition of “owner” in this clause to the whole of Part 7, agreed to.

Clauses 66 to 71 agreed to.

Clause 72 (Regulations and orders)

The Chairperson: At the meeting on 9 December, the Department agreed to amend the clause to ensure that the powers, once again, become subject to draft affirmative procedure.

Question, That the Committee is content with the clause, subject to the amendment proposed by the Department to make the powers to alter the amount of fixed penalty specified on the face of the Bill subject to draft affirmative procedure, put and agreed to.

Clause 72, subject to the amendment proposed by the Department to make the powers to alter the amount of fixed penalty specified on the face of the Bill subject to draft affirmative procedure, agreed to.

Clauses 73 to 76 agreed to.

Schedules 1 to 4 agreed to.

Long title agreed to.

The Chairperson: That concludes the formal clause-by-clause consideration of the Clean Neighbourhoods and Environment Bill. A report will be brought back to the Committee in the

next couple of weeks with the recommendations that we agreed on the clauses. Thank you very much. I have no doubt that we will see you again, and I take this opportunity to wish you a happy new year.

Mr Gray: 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 17 December 2010

Written Answers to Questions

Office of the First Minister and deputy First Minister

Devolution of Aviation Powers

Mr D Kinahan asked the First Minister and deputy First Minister whether they would consider seeking the devolution of aviation powers; and to detail any discussions they have had with the UK Government on this issue.

(AQW 2476/11)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): It would be a matter for the Minister for Regional Development in the first instance to consider the need for the devolution of civil aviation powers and to bring appropriate recommendations to the Executive. We have had no discussions with the UK Government on this issue.

Ministerial Subcommittee on Children and Young People

Mr C McDevitt asked the First Minister and deputy First Minister (i) how many times the ministerial Subgroup on children and young people has met to date; (ii) when its most recent meeting was held; and (iii) to detail the attendance record of each Department at the meetings.

(AQW 2695/11)

First Minister and deputy First Minister:

- (i) The ministerial Subcommittee on children and young people has met on seven occasions since its re-establishment under devolution in January 2008.
- (ii) Its most recent meeting took place on 29th June 2010.
- (iii) The attendance record of Departments at the meetings is as follows:

Date of meeting	Attendance by Departments
13/03/08	All Departments except DOE
10/04/08	All Departments except DCAL and DRD
24/06/08	All Departments
11/09/08	All Departments
18/06/09	This was a single item agenda meeting on childcare attended by all relevant Departments except DETI
19/11/09	All Departments except DRD, DARD and DFP
29/06/10	All Departments except DFP

Department of Agriculture and Rural Development

Capital Projects in the Strangford Constituency

Mr S Hamilton asked the Minister of Agriculture and Rural Development how much her Department has spent on capital projects in the Strangford constituency in each of the last three financial years.

(AQW 2395/11)

Minister of Agriculture and Rural Development (Ms M Gildernew): The expenditure incurred by my Department on capital projects, in the Strangford constituency, in each of the last three financial years is:

	2007-08 £	2008-09 £	2009-10 £
Expenditure on capital projects	574,744	729,640	232,685

Agenda NI

Mr S Hamilton asked the Minister of Agriculture and Rural Development how much her Department and its agencies have spent on (i) articles and adverts in Agenda NI; (ii) subscriptions to Agenda NI; and (iii) payments for staff attending conferences organised by BMF Conferences since May 2007.

(AQW 2471/11)

Minister of Agriculture and Rural Development: No expenditure has been incurred on articles and adverts in the Agenda NI publication. The Department paid £222.80 on subscription fees. The costs for staff attending events organised by BMF Conferences was £8,863.86 (this includes conference fees and, where such information is readily available, travel and accommodation costs).

Publicly Owned Forests and Woodlands

Mr P Callaghan asked the Minister of Agriculture and Rural Development for an estimate of the total value of publicly owned forests and woodlands.

(AQW 2492/11)

Minister of Agriculture and Rural Development: The Forest Service Annual Report and Accounts 2009 – 2010 refers to the estimated value of the forests managed by Forest Service at a land value of £101.4 million and a timber value of £116.6 million at 31 March 2010.

These valuations are derived in line with our requirements under the International Accounting Standards to assign a current market value to the assets used for commercial purposes.

Additionally the forests provide for other un-quantified substantial public benefits economically, environmentally and in social delivery, not evaluated in the above figures but realised from the forest estate in public ownership.

Importation of Food

Mr S Gardiner asked the Minister of Agriculture and Rural Development what proportion of our food is imported.

(AQW 2500/11)

Minister of Agriculture and Rural Development: My Department does not collect data on the importation of food into the north of Ireland and I am, therefore, unable to provide the answer to this question. You will appreciate that there is a wide range of foods and ingredients consumed locally that derive from agricultural products which either cannot be grown locally or where our climatic conditions are not conducive to efficient production. Our farmers concentrate on producing those agricultural products that play to their strengths and the majority of the food produced from their output is sold outside of the north.

Rural Enterprises

Mr S Gardiner asked the Minister of Agriculture and Rural Development how many rural enterprises have started up in each constituency in each of the last three years; and to detail the location of these enterprises.

(AQW 2501/11)

Minister of Agriculture and Rural Development: I forwarded your request to the Department of Enterprise, Trade and Investment, where information is compiled on new enterprises across the north of Ireland. While that Department was unable to provide details specific to new rural enterprises in each of the last three years per constituency area, it was nevertheless able to produce information on the total number of business births in each District Council area. These are detailed in Table A attached.

By way of further information, my Department has funded numerous farm diversification and business creation projects specific to rural areas under the Rural Development Programme 2007-13. Funding was allocated to some 361 businesses under measures 3.1 and 3.2 of Programme, which cover farm diversification and business creation and development respectively. Figures are broken down into Constituency area and shown in Table B.

I trust this information is helpful.

TABLE A - THE FOLLOWING TABLE PRESENTS A COUNT OF NEW ENTERPRISES BY DISTRICT COUNCIL AREA FOR 2007-2009:

	Year		
	2007	2008	2009
Antrim	180	180	95
Ards	255	210	135
Armagh	235	200	175
Ballymena	200	150	130
Ballymoney	100	85	55
Banbridge	160	150	110
Belfast	950	1180	750
Carrickfergus	90	90	60
Castlereagh	165	165	115
Coleraine	165	145	100
Cookstown	165	135	100
Craigavon	240	265	180
Derry	280	260	215
Down	265	190	160
Dungannon	225	200	165
Fermanagh	265	205	185
Larne	75	85	50
Limavady	120	110	70
Lisburn	325	325	220
Magherafelt	190	170	105

	Year		
	2007	2008	2009
Moyle	50	45	25
Newry and Mourne	465	355	275
Newtownabbey	190	220	140
North Down	255	235	145
Omagh	235	180	115
Strabane	115	120	70
Totals	5960	5655	3945

Source: Business Demography 2009 – Office for National Statistics

TABLE B - BUSINESS ENTERPRISES BY CONSTITUENCY AWARDED RDP FUNDING

Constituency	2009-10		2010-11		Total
	3.1	3.2	3.1	3.2	
Belfast North					
Belfast South			1		1
Belfast East					
Belfast West					
East Antrim	2	3	1	5	11
East Derry	9	5	9	14	37
Fermanagh and South Tyrone	25	17	18	10	70
Foyle	5		3	10	18
Lagan Valley	3		6	5	14
Mid Ulster	9	20	1	9	39
Newry and Armagh	2	3	7	23	35
North Antrim	7	7	10	11	35
North Down			1		1
South Antrim	6	4	4	7	21
South Down	1		3	7	11
Strangford	1	1	6	4	12
Upper Bann	3	2	3	4	12
West Tyrone	10	1	11	22	44

Footnote: No grants were paid in 2008/09 as this represented the transition period between Programmes when new funding structures and terms and conditions were being developed.

Department's EU Fines

Mr S Gardiner asked the Minister of Agriculture and Rural Development what agreement she has reached with the Minister of Finance and Personnel on the payment of her Department's EU fines; and for an assessment of how this will impact on her budget.

(AQW 2502/11)

Minister of Agriculture and Rural Development: Single Farm Payment disallowances in respect of scheme years 2004-2008 have been accounted for in financial year 2009/10. The sources of the funding were as follows:-

- a provision in respect of disallowance held by Defra on behalf of the devolved administrations;
- DARD non-Budget expenditure;
- DARD internal reallocations;
- A bid for additional funding agreed by the Executive, as part of the in-year monitoring process;
- 2009/10 underspends at overall Block level that emerged post year-end which were not available for reallocation by the Executive in 2009/10.

Disallowances for later years have not been formally notified to the Department. Should disallowances arise, the budgetary treatment would depend on the timing and quantum of the notifications.

Farmers who Died by Suicide

Mr S Gardiner asked the Minister of Agriculture and Rural Development what action she has taken in conjunction the Minister of Health, Social Services and Public Safety in relation to the 70 plus farm suicides which have occurred since 2000.

(AQW 2503/11)

Minister of Agriculture and Rural Development: Back in 2001 both Departments helped establish the Rural Support charitable organisation which works within the farming and rural community and provides a 24-hour helpline which offers a listening ear and signposting service to help deal with paperwork, financial issues, stress and feelings of anxiety, including suicide. DARD continue to fund Rural Support enabling among other things their active participation in DHSSPS initiatives aimed at preventing suicide and self harm including the inter-sectoral Suicide Strategy Implementation Body which was established to oversee and advise on the implementation of the 2006 DHSSPS Suicide Prevention Strategy "Protect Life".

This strategy contains actions to ensure support services for marginalised groups including rural communities, and to develop a culture of help seeking among people in occupations that have a high risk of suicide.

Both Departments have also supported mental health and suicide prevention awareness sessions held in farmers markets and the Health Promoting Farmers programme and Rural Support continue to promote their service at farmers markets and events.

Also through the Rural Anti Poverty and Social Inclusion Programme 'Maximising Access to and Uptake of Grants, Benefits and Services Project' both Departments are identifying and targeting those suffering social exclusion and poverty to ensure they access the support available and assistance they are entitled to.

Suicides have a devastating impact on families and communities and we must do all that we can to ensure that support is available for those who may think that suicide is the only answer to their problems.

I want to raise this issue with Minister McGimpsey when we meet to discuss the Rural White Paper.

Sustainable Food Production

Miss M McIlveen asked the Minister of Agriculture and Rural Development whether her Department has a strategy in place for sustainable food production; and if not, whether she has any plans to formulate such a strategy.

(AQW 2581/11)

Minister of Agriculture and Rural Development: I can confirm that in June 2010, Arlene Foster MLA, Minister for the Department of Enterprise, Trade and Investment and I launched a joint Government Industry food strategy 'Focus on Food'. This sets out our vision for a successful food industry based on the principles of productivity, sustainability and competitiveness. It identifies five key strategic priorities,

along with a series of high level performance indicators and emphasises the importance of sustainable food production. Critically it provides a shared framework for industry and Government to work together in shaping and targeting combined efforts to improve the sustainability and economic performance of the agri-food industry.

I recognise that a sustainable agri-food sector is essential for the development of rural businesses and the wider economy. In line with that, my Department provides a range of support to the sector via CAFRE, Loughry and AFBI. We continue to work closely with industry representatives as well as with other Departmental colleagues in DETI, InvestNI and DEL to provide a range of support for innovation, skills and business development designed to help strengthen the competitiveness and sustainability of our farm and food businesses.

'Focus on Food' is available on the DARD website: http://www.dardni.gov.uk/focus_on_food.pdf

Legislative Proposals in the European Commission

Mr A Ross asked the Minister of Agriculture and Rural Development whether there is a specific individual or section within her Department to identify, at an early stage, legislative proposals in the European Commission and the potential impact on Northern Ireland.

(AQW 2624/11)

Minister of Agriculture and Rural Development: There is no specific individual or section within DARD charged with this responsibility on behalf of the entire Department. Rather, the various business areas within the Department have a range of means by which EU policy and legislative proposals within their areas of responsibility are identified at an early stage. Each business area will assess the potential impact of these proposals on the north. To assist them in this process, the Department has a full-time official based in the ONIE in Brussels. The officer's role is to enhance DARD's contribution to EU policy development and implementation on agri-food, veterinary, fisheries and rural development issues. This includes scrutinising the Commission work programme, analysing Presidency Priorities, networking with key contacts in Brussels (such as the Commission, the Parliament, UKRep and Defra), advising on policy development and representing the Departments interests in various fora.

Rural Development Programme

Mr W Irwin asked the Minister of Agriculture and Rural Development, given the difficulties being experienced by applicants to the Rural Development Programme in securing co-financing and match funding for projects, and in light of the cautious attitude to lending being displayed by banks, whether she plans to revise the grant threshold under the Farm Diversification and Business Creation and Development measures from the current 50 per cent to 75 per cent to assist applicants in securing the necessary match funding.

(AQW 2628/11)

Minister of Agriculture and Rural Development: I am aware that there has been some degree of difficulty for project promoters in acquiring match funding, and to that end I have met with the banks already, and will consider a further meeting. As regards the rate of intervention, the NI guide to Expenditure, Appraisal and Evaluation which is a Department of Finance and Personnel (DFP) guide covers all public expenditure for which Executive and Assembly is accountable.

The guide outlines an established principle that where assistance to the private sector is under consideration, there is a need to ensure an adequate private sector contribution to the funding of the proposed investment. There must be a significant contribution of risk capital from the private sector. The established principle of private sector investment is that for every £1 of Government assistance there must be at least £1 of private sector investment and that public funding should represent the minimum assistance necessary to bring about the investment.

Nevertheless within my review of Axis 3 progress, I will assess whether there is evidence from applications which would support a rationale for increasing the maximum grant rate, and of course I

will want to consider whether the Mid Term evaluation of the RDP highlights intervention rates and/or maximum grant rates as a particular issue.

BMF Business Services

Mr S Hamilton asked the Minister of Agriculture and Rural Development how much her Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2671/11)

Minister of Agriculture and Rural Development: The Department and its arm's-length bodies have incurred £48,754.14 expenditure in relation to BMF Business Services since May 2007. This expenditure relates to conferences, seminars, workshops, forums, and advertising using BMF Business Services.

You may wish to note that this answer includes information given in my response to your previous Assembly Question (AQ2471/11), which provided details of expenditure by the Department on Conference fees and subscription costs for the BMF publication 'Agenda NI'.

Nitrates Derogation

Mr T Burns asked the Minister of Agriculture and Rural Development whether the recent extension to the Nitrates Derogation until 2014 applies to the spreading of poultry litter on land; and if not, why not.

(AQW 2712/11)

Minister of Agriculture and Rural Development: The European Commission Decision extending the derogation under the Nitrates Directive for the north of Ireland until 31 December 2014 applies only to the spreading of manure from grazing livestock, namely cattle, sheep and goats, on grassland farms.

The derogation does not apply to manure from pigs or poultry or poultry litter because spreading this material on land at rates above the general 170kg/Nitrogen/hectare limit set by the Directive will over supply nutrients, particularly phosphorus.

An over supply of nutrients would compromise the aim of the Directive which is to prevent water pollution and therefore does not meet the conditions for derogation.

Grassland farms wishing to operate under an individual derogation must make an annual application and meet specific criteria including submission of fertilisation accounts and additional nutrient management measures.

Rose Energy Incinerator

Mr T Burns asked the Minister of Agriculture and Rural Development, given the legal challenges to the Rose Energy incinerator at Glenavy, whether her Department will continue to look at alternative technologies and methods for the lawful disposal of poultry litter to ensure that the poultry industry has a fallback position should the incinerator project fail to go ahead.

(AQW 2714/11)

Minister of Agriculture and Rural Development: My Department, in conjunction with the Agri Food and Bio-Sciences Institute, monitors the development of emerging technology and methods for the disposal of poultry litter on an ongoing basis. For example, my Departmental Scientific Adviser recently took part in a European conference on technologies for processing livestock manures held in the Netherlands.

In 2010, my Department, the Department of Environment and the Department of Enterprise, Trade and Investment established a working group with representatives of the poultry industry to investigate any viable interim options for the storage and use of poultry litter pending the establishment of a sustainable long-term technical alternative to land spreading.

The working group has actively investigated a range of options including alternative treatment systems available in Britain, the south of Ireland and further afield. Conclusions of this work to date indicate that most potential options are either not available due to lack of capacity or are cost prohibitive.

The Departments and the industry are currently conducting on-farm trials of low cost temporary storage measures for poultry litter prior to land spreading. However, land spreading of poultry litter at current levels is unsustainable in the long term due to its high phosphorus content, the enriched phosphorus status of local soils and the resulting detrimental impact of excess phosphorus on water quality.

Alternative technologies brought forward by industry are welcomed and will be considered by my Department.

Ti Chulainn Centre in Mullaghbawn

Mr W Humphrey asked the Minister of Agriculture and Rural Development how much funding, if any, has been allocated by her Department or any of its arms-length bodies to the Ti Chulainn Centre in Mullaghbawn in each of the last five years.

(AQW 2827/11)

Minister of Agriculture and Rural Development: The Tí Chulaínn Centre in Mullaghbawn has not received any funding from my Department or any of its arms-length bodies in the last five years.

Rivers Agency

Mr G Savage asked the Minister of Agriculture and Rural Development what plans Rivers Agency has in place to deal with the thaw following the current weather.

(AQW 2888/11)

Minister of Agriculture and Rural Development: At present, river levels are relatively low with no significant rainfall forecast. My Rivers Agency officials will continue to monitor and inspect high risk locations with a history of flooding in advance of any major thaw, clearing as necessary to ensure any significant blockages to their free flow are removed.

Likewise, my officials will continue to monitor the ongoing weather situation and, should the need arise, respond to watercourse related flood incidences as required.

Department of Culture, Arts and Leisure

Artworks

Mr A McQuillan asked the Minister of Culture, Arts and Leisure to detail the value of the artworks that his Department currently has (i) on display; and (ii) in storage.

(AQW 2576/11)

Minister of Culture, Arts and Leisure (Mr N McCausland): The Department currently has no artwork which it owns currently on display. Any artwork on display within the Department is on loan from the Department of Finance and Personnel and I would refer you to their reply to this written question. Within the Public Record Office the Department owns some archive-related artwork held in storage valued at £18,000.

Ulster Museum: Industrial Exhibitions

Mr K Robinson asked the Minister of Culture, Arts and Leisure (i) where the industrial exhibits which were previously on display in the Ulster Museum are currently located; (ii) when and where these exhibits will be on display in the future; and (iii) whether any of these exhibits were dismantled for reassembly and display at a location outside Northern Ireland.

(AQW 2578/11)

Minister of Culture, Arts and Leisure: I am advised by National Museums Northern Ireland that:

- (i) Industrial exhibits not on display at the Ulster Museum have been relocated to a secure offsite storage facility;

- (ii) The display of exhibits in the future is dependent upon available resources and exhibition schedules; and
- (iii) None of these exhibits have been dismantled for reassembly and display at a location outside Northern Ireland.

Libraries NI

Mr D O'Loan asked the Minister of Culture, Arts and Leisure to detail the number of (i) part-time; and (ii) full-time employees in Libraries NI, broken down by grade and payscale.

(AQW 2596/11)

Minister of Culture, Arts and Leisure: The information you requested is attached at Annex A.

ANNEX A

Grade Description	Minimum	Maximum	Part-time	Full-time
Clerical Officer	12,145	15,444	113	11
Senior Clerical Officer	15,725	16,830	302	180
Executive Officer	17,161	21,519	65	120
Senior Executive Officer	22,221	26,276	8	28
Administrative Officer	27,849	30,011	4	34
Senior Administrative Officer	31,754	34,549	0	5
Assistant Principal Officer	35,430	38,042	1	17
Principal Officer	38,961	41,616	0	8
Senior Principal Officer	44,216	46,697	0	2
Education Officer	49,288	51,866	0	6
Assistant Senior Education Officer	54,438	57,083	0	3
Director	63,321	77,655	0	3
Chief Executive Officer	89,607	101,551	0	1

Libraries NI

Mr D O'Loan asked the Minister of Culture, Arts and Leisure how many staff in Libraries NI directly interact with the public on a day-to-day basis, broken down by grade.

(AQW 2598/11)

Minister of Culture, Arts and Leisure: There are approximately 673 staff who directly interact with the public on a day-to-day basis. These staff are essentially graded below Senior Executive Officer, but they exclude Administration and Corporate Services Staff.

Libraries NI: Staff Travel

Mr D O'Loan asked the Minister of Culture, Arts and Leisure to detail the total expenditure on travel of all staff at Senior Executive Officer level and above in Libraries NI since 1 April 2010.

(AQW 2601/11)

Minister of Culture, Arts and Leisure: The total travel expenses paid to staff at Senior Executive Officer (SEO) level and above from 1 April 2010 to 30 November 2010 was £127,151.

Libraries NI

Mr D O'Loan asked the Minister of Culture, Arts and Leisure how many staff in Libraries NI work at Executive Officer level and below; and the percentage of the annual salary cost of Libraries NI that is paid to these staff.

(AQW 2603/11)

Minister of Culture, Arts and Leisure: There is a total of 791 full and part-time staff at Executive Officer level and below.

The current percentage of salary costs paid to these grades is 72.52%.

Legislative Proposals in the European Commission

Mr A Ross asked the Minister of Culture, Arts and Leisure whether there is a specific individual or section within his Department to identify, at an early stage, legislative proposals in the European Commission and the potential impact on Northern Ireland.

(AQW 2625/11)

Minister of Culture, Arts and Leisure: My Department is committed to working with the European Commission where this is appropriate and consistent with the strategic aims of the Department.

However my Department does not have a dedicated officer for EU issues.

OFMDFM's European Policy and Co-Ordination Unit monitors EU Directives advising NI departments of all newly adopted EU Directives. Each Department has the responsibility to identify specific directives falling within their remit and their potential impact on Northern Ireland.

Since the European Policy and Coordination Unit established the current EU Directives Database in 2005, there have been no EU directives which have required DCAL to make legislation.

Libraries NI

Mr D O'Loan asked the Minister of Culture, Arts and Leisure how many posts at Senior Executive Officer level and above have been (i) removed; and (ii) created since the creation of Libraries NI.

(AQW 2656/11)

Minister of Culture, Arts and Leisure: Libraries NI took on responsibility for the public library service on 1 April 2009. However, for the purpose of answering this question I have taken the 'establishment of Libraries NI' to have commenced when the Implementation Team was set up (in June 2007). Since then forty one posts at SEO level and above were removed:

- Eleven library staff who would have been eligible to transfer to Libraries NI (under the TUPE* transfer scheme) from the five Education and Library Board's and were declared redundant on 31 March 2008.
- 13 library staff who would have been eligible to transfer to Libraries NI (under the TUPE transfer scheme) from the five Education and Library Board's and were declared redundant on 31 March 2009.
- A further 17 were identified in the roll out of the Libraries NI management structure and these were released on 31 March 2010.

It is planned that a further eleven posts will be declared redundant before 31 March 2011, pending DFP approval.

Twenty posts at Senior Executive Officer level and above have been created since 1 April 2009.

* Transfer of Undertakings (protection of Employment) Regulations

BMF Business Services

Mr S Hamilton asked the Minister of Culture, Arts and Leisure how much his Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2672/11)

Minister of Culture, Arts and Leisure: In the period May 2007 to November 2010, the Department and its arm's-length bodies has spent the following amount on BMF Business Services:

Department of Culture, Arts and Leisure including ALBs £40,885

Libraries NI Building Projects

Ms A Lo asked the Minister of Culture, Arts and Leisure for an update on Libraries NI building projects, and in particular, the Shankill Road and Falls Road libraries.

(AQW 2739/11)

Minister of Culture, Arts and Leisure: Please refer to the table attached at Annex A, which provides an update on ongoing Libraries NI Capital projects.

Economic Appraisals for Falls Road and Shankill Road Libraries have been approved and design is being taken forward. I expect that work on these two projects will start on site in January 2011 with the majority of work taking place in this financial year.

ANNEX A

Project	Status
Belfast Central Library – Stonework Restoration	Due for completion 13 December 2010.
Carrickfergus Library –Internal/external refurbishment	Due for completion end February 2011.
Dungiven – New Replacement Library	Completed and operational.
Falls Library – Internal refurbishment & external stonework	Business case approved – design development in process – due on site January 2011.
Shankill Library – Internal refurbishment & facade/roof restoration	Business case approved – design development in process – due on site January 2011.
Whiterock Library – Internal refurbishment and improvements	Business case approved – design development in process – due on site January 2011.
Comber Library - Internal refurbishment and improvements	In procurement.
Hollywood Library - Internal refurbishment and improvements	In procurement.
Ballynahinch Library - Internal refurbishment and improvements	In procurement.
Newry Library - Internal refurbishment and improvements	In procurement.

Engagement with European Political Institutions

Mr B McElduff asked the Minister of Culture, Arts and Leisure to detail (i) the number of officials within his Department who are currently directly involved in engagement with European political institutions;

and (ii) the success rate of his Department in accessing European funding in each of the last three years.

(AQW 2793/11)

Minister of Culture, Arts and Leisure: There are currently no officials from within my Department directly engaged with European political institutions.

Details of applications for European funding made by DCAL and associated arm's-length bodies in the last three years are set out in the Table at Annex 1.

Irish-Language Strategy

Mr Pat Sheehan asked the Minister of Culture, Arts and Leisure, given that a commitment was made over three years ago, when he intends to bring forward an Irish-language strategy.

(AQW 3034/11)

Minister of Culture, Arts and Leisure: I am not and will not be bringing forward an Irish-Language Strategy.

However, considerable work has been done on a Regional or Minority Languages Strategy for the Ulster-Scots language, culture and heritage and the Irish language to meet the requirements stipulated in the Northern Ireland Act.

There remains an outstanding issue in relation to culture in the classroom which I hope to progress with the Minister of Education. I will bring forward the Strategy when this issue has been resolved.

2012 Olympics: Training

Mr T Elliott asked the Minister of Culture, Arts and Leisure how he intends to address the fact that no Northern Ireland venues have been selected, so far, as training bases for teams competing in the London Olympics 2012.

(AQO 752/11)

Minister of Culture, Arts and Leisure: A pre Games training camp (PGTC) subgroup, chaired by SNI has been established, with representation from DCAL, Northern Ireland Tourist Board, InvestNI, Disability Sport Northern Ireland and Local Government.

SportNI are working closely with the governing bodies of sport, local authorities and key contacts to ensure Northern Ireland facilities are appropriately promoted. I have made available up to £100k per annum to SportNI to assist Northern Ireland in attracting International athletes for pre Games training.

While a number of National Olympic Committees and National Paralympic Committees are currently considering Northern Ireland as a destination for their 2012 pre Games training camps, it is important to be realistic about the sorts of countries and sports we are likely to attract and the associated benefits.

In any case, it is unlikely that final decisions will be made earlier than Spring 2011.

Film and Television Production

Mr A Maginness asked the Minister of Culture, Arts and Leisure, whether he will work with his Ministerial colleagues to attract more television and filmmakers to Belfast in light of the reported high returns on previous investment in this sector.

(AQO 757/11)

Minister of Culture, Arts and Leisure: My Department delivers educational activities through Northern Ireland Screen. DCAL funding supports organisations such as the Creative Learning Centres and Cinemagic who are concerned with inspiring young people to take up careers in film and television - not just in front of the camera, but in technical jobs which contribute to the STEM agenda and our economy in the long term.

This skills building activity compliments the funding Northern Ireland Screen receive from Invest Northern Ireland to attract investment and major productions to Northern Ireland such as HBO's Game of Thrones.

I am committed to ensuring that the returns from this industry continue to benefit Northern Ireland, particularly given the opportunities that Project Kelvin brings us to develop our digital sector. I will continue to work with the DETI Minister to achieve these aims.

North/South Language Body

Mr B Armstrong asked the Minister of Culture, Arts and Leisure how much funding his Department has allocated to Foras na Gaeilge and the Ulster-Scots Agency since May 2007.

(AQO 759/11)

Minister of Culture, Arts and Leisure: Since May 2007 the funding allocated to the Ulster-Scots Agency by the Department of Culture Arts and Leisure amounts to £8.344m including the most recent drawdown for December 2010. The funding awarded to Foras na Gaeilge since May 2007 amounts to £14.559m including the most recent drawdown for November 2010.

DCAL Projects: South Antrim

Mr P Girvan asked the Minister of Culture, Arts and Leisure to outline the projects planned by his Department in the South Antrim constituency in the 2010-11 and 2011-12 financial years.

(AQO 760/11)

Minister of Culture, Arts and Leisure:

- DCAL has no capital projects planned in the South Antrim Constituency in 2010/11.
- DCAL's Capital Budget for the next CSR period 2011/12 to 2014/15 has yet to be allocated. Therefore the Department is not yet in a position to confirm projects planned for 2011/12.

Football: South Antrim

Mr T Clarke asked the Minister of Culture, Arts and Leisure to outline what his Department has done for local junior football in the South Antrim constituency since he took up office.

(AQO 761/11)

Minister of Culture, Arts and Leisure: Responsibility for the development of local junior football in the South Antrim constituency rests, in the first instance with the governing body for the sport, the Irish Football Association (IFA). Since I took up office in June 2009, Sport Northern Ireland (SNI), which is responsible for the development of sport including the distribution of funding, has provided £4,061 towards the development of junior football in the South Antrim area. This sum was provided to Greenisland Football Club towards the purchase of football equipment. Furthermore, Sport NI funds the employment of a Co Antrim Centre of Excellence Manager by the IFA who focuses on the technical and tactical development of young players.

In addition to this, under my new strategy for sport, Sport Matters, I am encouraging partnership working across Government Departments in order to help promote and develop sport, including football, in the South Antrim constituency. Football in South Antrim is already witnessing the benefit of this approach through, for example, the development of the DARD funded Soccer Shed project in Ballyclare which I officially opened on 9 December 2010.

Leisure Facilities

Miss M McIlveen asked the Minister of Culture, Arts and Leisure for his assessment of what leisure and recreational opportunities are possible through the sharing of facilities such as the schools estate.

(AQO 762/11)

Minister of Culture, Arts and Leisure: I believe that substantial leisure and recreational opportunities are possible through the sharing of facilities such as the schools estate. My recently published sports strategy, *Sport Matters*, identifies a substantial deficit in existing sports facility provision in Northern Ireland. It also estimates that, if all school sports facilities in Northern Ireland were upgraded where necessary and shared between schools and the wider community, this deficit could be reduced by almost 30 per cent. Furthermore, improving and sharing such facilities would, in my view, help enormously in improving levels of participation in sport and physical recreation in Northern Ireland. It would also contribute directly to a number of key targets in *Sport Matters*, most notably those designed to ensure that more of the population lives within easier reach of quality multi-sports facilities.

Department of Education

Transport to Special Schools

Mr P Callaghan asked the Minister of Education, pursuant to AQW 511/11, whether uniform criteria are applied, across all Education and Library Boards, for the provision of vetted escorts for special school pupils travelling to school by taxi.

(AQW 2391/11)

Minister of Education (Ms C Ruane): Níl aon chritéir ar leith ann maidir le socrú a dhéanamh ar cé acu atá feighlí de dhíth i gcás dalta atá ag taisteal chuig scoil speisialta i dtacsáí. Breithnítear gach cás ar a bhonn féin, ag cur san áireamh riachtanais speisialta oideachais agus riachtanais mhíochaine an dalta chomh maith le comhairle ghairmiúil ar bith eile atá ar fáil. Tá an cur chuige seo i bhfeidhm sna 5 bhord ar fad.

There are no specific criteria for determining whether an escort is required for a pupil travelling to a special school by taxi. Each case is considered on its own merits, taking into account the special education and medical needs of the pupil and any other professional advice available. This approach is common across all 5 boards.

Where Education & Library Boards provide escorts for special school pupils travelling to school by taxi, all Boards are required to provide such staff in accordance with Department of Education Circular 2006/06 – Child Protection: Recruitment of people to work with children and young people in educational settings.

Transport to Special Schools

Mr P Callaghan asked the Minister of Education, pursuant to AQW 511/11, (i) to outline the criteria used to determine whether an escort is required for a pupil travelling to a special school by taxi; (ii) whether uniform criteria are applied, across all Education and Library Boards.

(AQW 2392/11)

Minister of Education: Níl aon chritéir ar leith ann maidir le socrú a dhéanamh ar cé acu atá feighlí de dhíth i gcás dalta atá ag taisteal chuig scoil speisialta i dtacsáí. Breithnítear gach cás ar a bhonn féin, ag cur san áireamh riachtanais speisialta oideachais agus riachtanais mhíochaine an dalta chomh maith le comhairle ghairmiúil ar bith eile atá ar fáil. Tá an cur chuige seo i bhfeidhm sna 5 bhord ar fad.

There are no specific criteria for determining whether an escort is required for a pupil travelling to a special school by taxi. Each case is considered on its own merits, taking into account the special education and medical needs of the pupil and any other professional advice available. This approach is common across all 5 boards.

Where Education & Library Boards provide escorts for special school pupils travelling to school by taxi, all Boards are required to provide such staff in accordance with Department of Education Circular 2006/06 – Child Protection: Recruitment of people to work with children and young people in educational settings.

Capital Projects in the Strangford Constituency

Mr S Hamilton asked the Minister of Education how much her Department has spent on capital projects in the Strangford constituency in each of the last three financial years.

(AQW 2402/11)

Minister of Education: Seo a leanas an caiteachas ar thionscadail chaipitil i dtoghcheantar Loch Cuan i ngach bliain le trí bliana airgeadais anuas:

Spend on capital projects in the Strangford constituency in each of the last three financial years was as follows:

	£000s
2007/08	25,043
2008/09	6,944
2009/10	8,204

Fingerprint Identity Schemes in Schools

Mr J Craig asked the Minister of Education which schools (i) have implemented; and (ii) plan to implement, a finger print identification scheme for pupils; and for what purpose is this identity scheme used.

(AQW 2438/11)

Minister of Education:

- (i) Tá córas aitheanta ó mhéarloirg (bithmhéadrach) do dhaltáí curtha i bhfeidhm sna scoileanna rialaithe agus sna scoileanna faoi chothabháil a leanas.

The following controlled and maintained schools have implemented a finger print identification (biometric) scheme for pupils.

Belfast Education and Library Board

Ashfield Girls High School
Belfast Boys' Model School
Belfast Model School for Girls
Grovemor Grammar School
Orangefield Primary School

Southern Education and Library Board

St Paul's High School, Bessbrook
St Patrick's College, Dungannon
St Patrick's High School, Keady
St Ciaran's College, Ballygawley
Banbridge Academy

Western Education and Library Board

Limavady High School
Limavady Grammar
St Mary's High School, Limavady
Enniskillen Collegiate
Omagh Academy
St Brigid's College
Sacred Heart College, Omagh
St Joseph's College
St Fanchea's College, Enniskillen
Lisneal College, Derry
Holy Cross College, Strabane
St Peter's College, Derry
Castlederg High School, Tyrone
St Patrick's & St Brigid's College, Claudy
St Comhghall's High School, Lisnaskea
Drumragh Integrated College, Tyrone
St Marys College, Derry
St Ceciliass College, Derry

I am not aware of any plans to implement the scheme in other schools at the moment. I am advised that the data relating to pupils is used for school meals purposes only and parents/pupils do have the choice to opt out of the system should they wish to do so.

The Education and Library Boards that have schools operating the system have advised that, compared to the card cashless system, the biometric system is more efficient. They claim it speeds up service and eradicates the identification of free meal takers in the dining hall. Also they claim it reduces cash handling which can ultimately reduce bullying in the school.

- (ii) The total cost of implementing the finger print identification system in the schools listed was approximately £425,000.
- (iii) A decision on whether to implement a fingerprint identity scheme would be subject to consultation between the relevant Education and Library Board and the individual school.
- (iv) I am not aware of any school or Education and Library Board considering the operation of a retina identity scheme.

My Department does not hold the level of detail requested for Voluntary Grammar and Grant Maintained Integrated Schools and to obtain it would incur disproportionate cost. The decision on whether to implement similar arrangements within these schools would be a matter for the individual Boards of Governors.

Fingerprint Identity Schemes in Schools

Mr J Craig asked the Minister of Education to detail the cost to date of implementing finger print identity schemes in schools.

(AQW 2439/11)

Minister of Education:

- (i) Tá córas aitheanta ó mhéarloirg (bithmhéadrach) do dhaltáí curtha i bhfeidhm sna scoileanna rialaithe agus sna scoileanna faoi chothabháil a leanas.

The following controlled and maintained schools have implemented a finger print identification (biometric) scheme for pupils.

Belfast Education and Library Board

Ashfield Girls High School
Belfast Boys' Model School
Belfast Model School for Girls
Grovemor Grammar School
Orangefield Primary School

Southern Education and Library Board

St Paul's High School, Bessbrook
St Patrick's College, Dungannon
St Patrick's High School, Keady
St Ciaran's College, Ballygawley
Banbridge Academy

Western Education and Library Board

Limavady High School
Limavady Grammar
St Mary's High School, Limavady
Enniskillen Collegiate
Omagh Academy
St Brigid's College
Sacred Heart College, Omagh
St Joseph's College
St Fanchea's College, Enniskillen
Lisneal College, Derry
Holy Cross College, Strabane
St Peter's College, Derry
Castlederg High School, Tyrone
St Patrick's & St Brigid's College, Claudy
St Comhghall's High School, Lisnaskea
Drumragh Integrated College, Tyrone
St Marys College, Derry
St Ceciliass College, Derry

I am not aware of any plans to implement the scheme in other schools at the moment. I am advised that the data relating to pupils is used for school meals purposes only and parents/pupils do have the choice to opt out of the system should they wish to do so.

The Education and Library Boards that have schools operating the system have advised that, compared to the card cashless system, the biometric system is more efficient. They claim it

speeds up service and eradicates the identification of free meal takers in the dining hall. Also they claim it reduces cash handling which can ultimately reduce bullying in the school.

- (ii) The total cost of implementing the finger print identification system in the schools listed was approximately £425,000.
- (iii) A decision on whether to implement a fingerprint identity scheme would be subject to consultation between the relevant Education and Library Board and the individual school.
- (iv) I am not aware of any school or Education and Library Board considering the operation of a retina identity scheme.

My Department does not hold the level of detail requested for Voluntary Grammar and Grant Maintained Integrated Schools and to obtain it would incur disproportionate cost. The decision on whether to implement similar arrangements within these schools would be a matter for the individual Boards of Governors.

Fingerprint Identity Schemes in Schools

Mr J Craig asked the Minister of Education whether the implementation of finger print identity schemes in a school is decided upon by the school in question or the relevant Education and Library Board.
(AQW 2440/11)

Minister of Education:

- (i) Tá córas aitheanta ó mhéarloirg (bithmhéadrach) do dhaltáí curtha i bhfeidhm sna scoileanna rialaithe agus sna scoileanna faoi chothabháil a leanas.

The following controlled and maintained schools have implemented a finger print identification (biometric) scheme for pupils.

Belfast Education and Library Board

Ashfield Girls High School
Belfast Boys' Model School
Belfast Model School for Girls
Grovenor Grammar School
Orangefield Primary School

Southern Education and Library Board

St Paul's High School, Bessbrook
St Patrick's College, Dungannon
St Patrick's High School, Keady
St Ciaran's College, Ballygawley
Banbridge Academy

Western Education and Library Board

Limavady High School
Limavady Grammar
St Mary's High School, Limavady
Enniskillen Collegiate
Omagh Academy
St Brigid's College
Sacred Heart College, Omagh
St Joseph's College
St Fanchea's College, Enniskillen
Lisneal College, Derry
Holy Cross College, Strabane
St Peter's College, Derry
Castlederg High School, Tyrone
St Patrick's & St Brigid's College, Claudy
St Comhghall's High School, Lisnaskea
Drumragh Integrated College, Tyrone
St Marys College, Derry
St Cecillas College, Derry

I am not aware of any plans to implement the scheme in other schools at the moment. I am advised that the data relating to pupils is used for school meals purposes only and parents/pupils do have the choice to opt out of the system should they wish to do so.

The Education and Library Boards that have schools operating the system have advised that, compared to the card cashless system, the biometric system is more efficient. They claim it speeds up service and eradicates the identification of free meal takers in the dining hall. Also they claim it reduces cash handling which can ultimately reduce bullying in the school.

- (ii) The total cost of implementing the finger print identification system in the schools listed was approximately £425,000.
- (iii) A decision on whether to implement a fingerprint identity scheme would be subject to consultation between the relevant Education and Library Board and the individual school.
- (iv) I am not aware of any school or Education and Library Board considering the operation of a retina identity scheme.

My Department does not hold the level of detail requested for Voluntary Grammar and Grant Maintained Integrated Schools and to obtain it would incur disproportionate cost. The decision on whether to implement similar arrangements within these schools would be a matter for the individual Boards of Governors.

Retina Identity Scheme

Mr J Craig asked the Minister of Education whether any school, Board, or her Department has considered implementing a retina identity scheme for pupils.

(AQW 2441/11)

Minister of Education:

- (i) Tá córas aitheanta ó mhéarloirg (bithmhéadrach) do dhaltáí curtha i bhfeidhm sna scoileanna rialaithe agus sna scoileanna faoi chothabháil a leanas.

The following controlled and maintained schools have implemented a finger print identification (biometric) scheme for pupils.

Belfast Education and Library Board

Ashfield Girls High School
Belfast Boys' Model School
Belfast Model School for Girls
Grovemor Grammar School
Orangefield Primary School

Southern Education and Library Board

St Paul's High School, Bessbrook
St Patrick's College, Dungannon
St Patrick's High School, Keady
St Ciaran's College, Ballygawley
Banbridge Academy

Western Education and Library Board

Limavady High School
Limavady Grammar
St Mary's High School, Limavady
Enniskillen Collegiate
Omagh Academy
St Brigid's College
Sacred Heart College, Omagh
St Joseph's College
St Fanchea's College, Enniskillen
Lisneal College, Derry
Holy Cross College, Strabane
St Peter's College, Derry
Castlederg High School, Tyrone
St Patrick's & St Brigid's College, Claudy
St Comhghall's High School, Lisnaskea
Drumragh Integrated College, Tyrone
St Marys College, Derry
St Ceciliass College, Derry

I am not aware of any plans to implement the scheme in other schools at the moment. I am advised that the data relating to pupils is used for school meals purposes only and parents/pupils do have the choice to opt out of the system should they wish to do so.

The Education and Library Boards that have schools operating the system have advised that, compared to the card cashless system, the biometric system is more efficient. They claim it speeds up service and eradicates the identification of free meal takers in the dining hall. Also they claim it reduces cash handling which can ultimately reduce bullying in the school.

- (ii) The total cost of implementing the finger print identification system in the schools listed was approximately £425,000.

- (iii) A decision on whether to implement a fingerprint identity scheme would be subject to consultation between the relevant Education and Library Board and the individual school.
- (iv) I am not aware of any school or Education and Library Board considering the operation of a retina identity scheme.

My Department does not hold the level of detail requested for Voluntary Grammar and Grant Maintained Integrated Schools and to obtain it would incur disproportionate cost. The decision on whether to implement similar arrangements within these schools would be a matter for the individual Boards of Governors.

Vacant School Buildings

Mrs M O'Neill asked the Minister of Education what measures she has instructed her officials to take to ensure that vacant school buildings, currently in the ownership of the Education and Library Boards, are retained for future redeployment in the schools estate, to ensure avoiding a burden on the taxpayer arising from the need to acquire premises for rationalisation of the schools estate in the future.

(AQW 2469/11)

Minister of Education: Ní mór do na Boird Oideachais agus Leabharlann cloí leis an treoir polasaí a d'eisigh Lár-Aonad Comhairle na Seirbhíse um Thalamh agus Réadmhaoin.

Education and Library Boards must adhere to the policy guidance issued by the Central Advisory Unit of Land and Property Services. This requires all owners of public sector property to keep their land holdings under continual review and to release surplus property with the least possible delay, subject to the need to realise the best value for the public purse.

Free School Meals

Mr P Ramsey asked the Minister of Education to detail the number and percentage of year eight grammar school children who are currently entitled to free school meals.

(AQW 2479/11)

Minister of Education: Tá an t-eolas a iarradh mionsonraithe sa tábla thíos.

The information requested is detailed in the table below.

YEAR 8 PUPILS ENTITLED TO FREE SCHOOL MEALS BY SCHOOL TYPE – 2010/11

School type	Pupils entitled to Free School meals	%	Total enrolment
Secondary	4,084	28.1	14,535
Grammar	701	8.0	8,776
Total	4,785	20.5	23,311

Source: School Census.

Convergence Process

Mr S Gardiner asked the Minister of Education (i) which Education and Library Board services have been included in the convergence process to date; (ii) which services are planned to be included in the next year; and (iii) what savings and efficiencies have been made to date.

(AQW 2557/11)

Minister of Education:

- i. Cuireadh gach seirbhís a sholáthraíonn na Boird Oideachais agus Leabharlann san áireamh lena mbreithniú mar chuid den phróiseas coinbhéirseachta. Shocraigh Príomhfheidhmeannaigh

na mBord Oideachais agus Leabharlann go mbreithneofaí dhá seirbhís oideachais go háirithe i dtosach, mar a bhí an tSeirbhís Chomhairleach don Churaclam (CASS) agus an tSeirbhís Leasa Oideachais. Nuair atá an obair ar na seirbhísí eiseamláire seo déanta áfach, tá sé beartaithe go gcuirfear tús le hobair ar réimse leathan seirbhísí.

- ii. All Education and Library Board (ELB) services are included for consideration within the convergence process. The ELB Chief Executives agreed that initially two education services should be examined in greater detail, namely the Curriculum Advisory Support Service (CASS) and the Education Welfare Service. However once work is completed on these exemplar services, it is anticipated that work will commence on a wide range of services. Work has also progressed on the development of corporate ICT systems, a single finance and accounts system and common policies on information governance.
- i. The Education & Skills Authority Implementation Team (ESAIT) will work with the Chief Executives of the ELBs and the Convergence Programme Management Board (which consists of the Chairs of the ELBs and a Commissioner from the SEELB, and is chaired by the ESA Chair Designate) to agree which services will be prioritised in the 2011/12 financial year.
- ii. Convergence is a sub-optimal approach and will not yield the level of savings anticipated with the establishment of the Education & Skills Authority (ESA). The £13m year 1 savings anticipated by the establishment of ESA has already been removed from the 2010/11 DE budget. In spite of this, the convergence work to date on ICT corporate services has yielded some savings through economies of scale in software licensing and core network infrastructure provision, as well as greater efficiency in the use of e-mail and shared communications. In addition, the development of a single finance and accounts system provides access to a range of management information that is instrumental to convergence planning, and the development of common policies and procedures for information management has led to sharing of best practice across affected organisations.

Gender Imbalance of Primary School Teachers

Mr K Robinson asked the Minister of Education (i) for her assessment of the steps taken by her Department to address the gender imbalance of primary school teachers; and (ii) what steps she intends to take to increase the number of male teachers.

(AQW 2583/11)

Minister of Education: Tá an Roinn feasach ar an éagothroime inscne atá le fáil i ngairm na múinteoireachta anseo agus mar sin de, spreag agus spreagann an Roinn soláthraithe na gcúrsaí oideachais thosaigh múinteoirí gach céim réasúnta a ghlacadh leis an éagothroime seo a réiteach, go háirithe in earnáil na bunscolaíochta.

The Department is aware of the gender imbalance in the teaching profession here and has therefore encouraged, and will continue to encourage, the providers of initial teacher education (ITE) courses to take all reasonable steps to redress the imbalance, particularly in the primary sector.

As a result, the Higher Education Institutions are ensuring that males are well represented in publicity materials for their ITE courses and are targeting all-male schools and male groups in mixed schools for careers talks and presentations. They also include a statement about under-representation of males within their Access Agreements and meet regularly with careers teachers and senior staff to seek their help in encouraging males to apply for all ITE courses.

The Department for Employment's (DEL) Careers Service will also continue to play its role in challenging gender stereotypes when providing advice to pupils, as part of its general careers guidance. In addition, the Department's and DEL's Careers Education, Information, Advice and Guidance (CEIAG) Strategy "Preparing for Success" has been developed to promote social inclusion, challenge stereotypes and promote equality of opportunity by raising the aspirations of all learners and supporting them in accessing career opportunities that they may not otherwise have considered.

The latest figures from the Higher Education Statistical Agency show that the percentage of males enrolled on primary ITE courses here, as a proportion of the overall primary enrolments, increased from 13.5% in the 2006/07 academic year to 17.4% in the 2008/09 academic year. In order to ensure that this upward trend continues, the Department will, as part of workforce planning arrangements, together with actions flowing from the Teacher Education Review, explore additional steps that can be taken to increase the number of male teachers.

The Strategic Review of the School Workforce, which will shortly commence, will require us to take a wider and more fundamental look at the planning and management of the school workforce in order to address the challenges facing schools and ensure we have a capable, confident and skilled school workforce to meet the needs of the 21st Century. The gender imbalance in the teaching workforce is one of those challenges that will be addressed through the review.

Woodland Creation

Mr W Clarke asked the Minister of Education what land, within the school estate, could be used for woodland creation; and whether she intends to carry out an audit of suitable land.

(AQW 2604/11)

Minister of Education: New schools are normally designed with a minimal footprint for the buildings and associated grounds to reduce the cost of initial land purchase as well as ongoing school maintenance. There is normally no supplementary land take for the creation of woodland, although school grounds are normally landscaped with shrubs and planting.

Tá limistéir faoi chrainn i roinnt scoileanna faoi láthair, go háirithe na scoileanna níos sine agus níos mó ach níl sé beartaithe coillearnach bhreise a chruthú, ná iniúchadh a dhéanamh le teacht ar thalamh oiriúnach.

Some existing schools in the estate, especially the older larger properties, have wooded areas but there are currently no plans for any further woodland creation, or for an audit of suitable land.

Primary Languages Programme

Mr S Gardiner asked the Minister of Education (i) why there are no other European languages included in the Primary Languages Programme, apart from Spanish, Polish and Irish; and (ii) for her assessment of whether this puts children at a competitive disadvantage for educational and employment prospects throughout Europe.

(AQW 2609/11)

Minister of Education: Má thugtar deiseanna do na daltaí is óige le teangacha a fhoghlaim, creidim go gcuidíonn an fhoghlaim sin lena gcuid eolais agus lena gcuid scileanna a fheabhsú, go háirithe i réimsí tábhachtacha na cumarsáide agus na feasachta domhanda.

I believe that providing opportunities for language learning to our youngest pupils can only help in improving their knowledge and skills, including in the critical areas of communication and global awareness.

The Primary Language Programme, which of course is not the only route for schools that offer language learning, focuses on Spanish, which is the fourth most widely spoken global language and an increasingly important one economically; Irish which is the native language of Ireland and is a key part of our cultural heritage; and Polish which has the largest number of school pupils across the newcomer languages.

A key aim of the programme is to tap into children's natural curiosity and ability to learn and to show them that learning another language can be fun as well as being useful in developing important skills. Therefore I do not agree that exposure to language learning via the Primary Languages Programme puts children at any competitive disadvantage – evidence would in fact suggest the reverse to be the case.

Under the flexibility provided by the revised curriculum, primary schools can also provide opportunities for pupils to learn other languages and I am pleased that many do. The study of modern languages is, of course, a statutory area within the revised curriculum a Key Stage 3, and a qualification choice

at Key Stage 4 and sixth form. At post-primary level, schools are encouraged to offer a wider range of modern languages than was perhaps the case in the past.

Integrated Schools

Mr S Gardiner asked the Minister of Education how many integrated schools do not currently meet the criteria to be defined as an integrated school.

(AQW 2610/11)

Minister of Education: My Department's policy is that Grant Maintained Integrated schools should have at least 30% of pupils drawn from the minority community at the school.

Existing schools transforming to integrated status (Controlled Integrated) must demonstrate the ability to achieve a minimum of 10% of their first year intake drawn from the minority tradition within the school's enrolment and the potential to achieve a minimum of 30% in the longer term.

Pupils that are recorded as not belonging to either of the main traditions (Protestant or Catholic) are recorded as 'other' and are not included in the consideration of religious balance as there is no legislative requirement to do so.

There are currently 61 integrated schools in the north of Ireland comprising of 41 Primary schools and 20 Post-primary schools.

Léiríonn daonáireamh scoile 2009 go bhfuil 22 scoil ann faoi láthair (15 bunscoil agus 7 n-iarbhunscoil) nach gcomhlíonann critéir na Roinne le híosrollú de 30% a bhaint amach ón phobal mionlaigh.

The 2009 school census indicates that there are 22 schools (15 Primary and 7 post-primary) which do not currently meet the Department's criteria of achieving a 30% minority enrolment drawn from the minority community.

Magherafelt Primary School

Mr I McCrea asked the Minister of Education, pursuant to AQW 2418/11, to detail the timescale for the approval of the economic appraisal for Magherafelt Primary School and Nursery Unit; and whether there will be a delay in the commencement of the newbuild planned for January 2011.

(AQW 2660/11)

Minister of Education: Bíonn dul chun cinn gach Breithmheasa Eacnamaíochta (EA) ag brath ar roinnt mhaith fachtóirí, mar shampla cáilíocht, cineál an tionscadail agus líon na roghanna a mheastar san EA. Mar sin de, ní féidir amscála a thabhairt maidir le faomhadh an EA do Magherafelt Primary School.

The progress of all Economic Appraisals (EA) is dependent on a significant number of variables, such as quality, the type of project and the number of options considered in the EA. It is, therefore, not possible to give a timescale for approval of the EA for Magherafelt Primary School (PS).

The pre-qualification process is concluded and the invitation to tender is ready to issue to shortlisted contractors. The project is expected to be on site towards the end of January 2011.

Exemption of Teachers from Protection Against Discrimination

Mr K Robinson asked the Minister of Education to outline her Department's position on the exemption of teachers from protection against discrimination on the grounds of religious belief.

(AQW 2706/11)

Minister of Education: Tá Oifig an Chéad-Aire agus an leas Chéad-Aire (OFMDFM) freagrach as reachtaíocht chomhionannais.

The responsibility for equality legislation rests with the Office of the First Minister and deputy First Minister (OFMDFM).

My Department has commenced a review of recruitment opportunities in the teaching sector. This has been undertaken in response to issues raised within the context of the exemption of teacher recruitment from the provisions of the Fair Employment and Treatment (NI) Order 1998 (FETO) and the fact that, for some teaching posts in Catholic schools, the eligibility criteria include a requirement to possess a certificate in religious education. It is anticipated that the review will be completed in early 2011.

Legislative Proposals in the European Commission

Mr A Ross asked the Minister of Education whether there is a specific individual or section within her Department to identify, at an early stage, legislative proposals in the European Commission and the potential impact on Northern Ireland.

(AQW 2709/11)

Minister of Education: Tá Comhordaitheoir Roinne AE ag gach Roinn, an Roinn Oideachais san áireamh, agus tá sé nó sí freagrach as na teoracha ar leith atá laistigh de théarmaí tagartha na Roinne a aithint chomh maith le tionchar na dtéoracha seo ar Thuasiceart na hÉireann.

Each Department, including the Department of Education, has a Departmental EU Co-ordinator who has responsibility to identify specific directives falling within the Department's remit and their potential impact on the North of Ireland. The post in the Department of Education is within the Equality & All Ireland Directorate.

Northern Ireland Executive Office in Brussels

Mr A Ross asked the Minister of Education to detail any communication her Department has had with the Northern Ireland Executive Office in Brussels in each of the past 24 months.

(AQW 2710/11)

Minister of Education: Ní fhaigheann an Roinn mórán comhfhreagrais go díreach ó Oifig Choiste Feidhmiúcháin thuaisceart na hÉireann sa Bhruiséil (ONIEB). Fuarthas litir maidir le hoscailt oifigiúil na hoifige ar 4 Samhain 2010. Bíonn an Roinn i dteagmháil leis an Aonad um Polasaí na hEorpa agus Comhordú, OFMDFM go rialta (go míosúil) agus bíonn an tAonad sin i dteagmháil le ONIEB maidir le forbairtí san Aontas Eorpach.

The Department receives little correspondence directly from the Office of the NI Executive in Brussels (ONIEB). A letter regarding the official opening of the new office was received on 4 November 2010. There is, however, regular (monthly) contact with European Policy and Co-ordination Unit, OFMDFM, which, in turn, liaises with ONIEB on EU developments.

Community Relations, Equality and Diversity in Education

Mr S Neeson asked the Minister of Education whether she will review the level of funding allocated to deliver her draft policy on Community Relations, Equality and Diversity in Education.

(AQO 763/11)

Minister of Education: Trína dhíriú ar Chaidreamh Pobail, Comhionannas agus Ilchineálacht san oideachas, tá mé ag iarraidh a chinntiú go bhfuil freagracht shoiléir ann, go bhfuil luach ar airgead ann agus go bhfuil deis ann le caidreamh pobail a thabhairt isteach le tionchar inbhuanaithe níos fadtéarmaí a chinntiú.

In addressing Community Relations, Equality and Diversity through education, I am seeking to ensure clear accountability, value for money and the opportunity to embed community relations to ensure sustainable longer term impact.

Implementation of the Community Relations, Equality and Diversity in Education Policy will fall into the Budget 2010 period.

In terms of funding across the Budget 2010 period the Executive is yet to agree a Programme for Government and a draft Budget, setting departmental spending plans. Until that happens, I will not

be in a position to make detailed decisions on future funding for education. When I have details of the draft budget allocation for education any decisions I take will be based on the key principles of identified need and equality.

South Eastern Education and Library Board

Mr M Storey asked the Minister of Education whether she received legal advice prior to making the decision not to reconstitute the South Eastern Education and Library Board pursuant to The Education and Libraries (Northern Ireland) Order 1986.

(AQO 769/11)

Minister of Education: Cuireadh Bord Oideachais agus Leabharlann an Oirdheiscirt ar fionraí nuair nár chloígh sé le treoir ón Roinn a d'éiligh air cinntí a dhéanamh a chinnteodh go mbeadh an Bord in ann a chuid freagrachtaí reachtúla a sholáthar laistigh dena leithdháiltí buiséid.

The South Eastern Education and Library Board was suspended when it failed to comply with a direction from the Department requiring it to make decisions to ensure the Board delivered its statutory responsibilities within its budget allocations. The decision to appoint the Board Commissioners was taken in accordance with the Department's legislative powers in the 1986 Order.

I have no plans to replace the Commissioners as I firmly believe it would be wrong to disrupt the system at this time when the focus in the period moving towards the establishment of the Education and Skills Authority must be on having more streamlined structures and processes.

The Executive agreed that ESA is necessary in order to reduce bureaucracy and tackle educational underachievement. I remain ready to implement the new authority: which would save us £20 million a year in public spending.

PISA Survey

Mr D McKay asked the Minister of Education to provide an assessment of our pupil performance in the most recent Programme for International Student Assessment survey carried out by the Organisation for Economic Co-operation and Development.

(AQO 770/11)

Minister of Education: Is é PISA an clár le haghaidh Measúnuithe ar Dhaltáí Idirnáisiúnta agus tá an clár eagraithe tríd an Eagraíocht um Chomhar agus Fhorbairt Eacnamaíochta (OECD).

PISA is the Programme for International Student Assessment, organised by the Organisation for Economic Co-operation and Development (OECD). It is a survey of how 15-year-olds perform in reading, maths and science.

The survey runs every three years. Sixty five countries participated in PISA 2009, including 33 OECD members. The results were published on the 7th of December.

The results from PISA 2009 show that the reading and maths performance of our 15 year olds is not significantly different from the OECD average. Our performance in these areas lags behind that of the highest performing systems and we continue to have a significant body of underachievement.

Performance in science remains significantly above the OECD average and that is to be welcomed – although we still have considerable room for improvement.

PISA shows clearly that progressive countries where academic selection is not a major factor are capable of outperforming us to a significant degree.

I am convinced of the value of benchmarking our system internationally and of learning from the best. The outcomes from surveys such as PISA show too the need for reform and the policy framework that I am advancing aims to improve standards for all our young people.

Universities: Admissions

Mr P Ramsey asked the Minister of Education to outline the effect that the introduction of the new A* grade at GCE A2 level has had on admissions of our students to universities in the Republic of Ireland. **(AQO 773/11)**

Minister of Education: Do na scrúduithe samhraidh i mbliana, laghdaigh institiúidí ardoideachais ó dheas líon na bpointí Lár Oifig Iontrála a tugadh do na gráid A sna cáilíochtaí Ard Leibhéal GCE.

For this summer's examinations series, higher education institutions in the south reduced the number of Central Applications Office points allocated to A grades in GCE A level qualifications. Last year, 150 points were allocated to the A grade but, in 2010, this was reduced to 135, with only the new A* grade attracting 150 points.

The reduction in the points awarded for an A grade was also accompanied by a reduction in the points awarded for B, C and D grades.

This contrasts with the situation here, where UCAS year allocated an additional 20 points for the A* grade.

2010 statistics are not yet available from the south on the number of students from here who gained admission to higher education courses there, but I continue to be concerned that decisions by higher education institutions in the south are placing students from the north at a disadvantage compared to their southern counterparts.

I have already expressed my concerns to successive Ministers of Education in the south, and the Council for the Curriculum, Assessment and Examinations is currently – with my support – pursuing the matter with the Irish Universities Association.

Community Relations, Equality and Diversity in Education

Mr K McCarthy asked the Minister of Education what assurances she can give that her draft policy on Community Relations, Equality and Diversity in Education is consistent with the Programme for Cohesion, Sharing and Integration. **(AQO 774/11)**

Minister of Education: Is féidir liom a dheimhniú go bhfuil mo dhréacht pholasaí um Chaidreamh Pobail, Comhionannas agus Ilchineálacht San Oideachas i gcomhréir leis an Chlár le haghaidh Comhtháthaithe, Comhranntha agus Imeachta.

I am confident that my draft Community Relations, Equality and Diversity in Education policy is consistent with the Programme for Cohesion, Sharing and Integration.

One of the core principles that has underpinned the development of the CRED policy is to demonstrate its relevance and connectedness to other education and wider Government policies.

Every policy I have brought forward has equality at its core.

My Department has worked closely with OFMDFM as both policies have been developed and I expect further discussion will take place as work completes to finalise both policies.

North/South Exchange Consortium

Mr J Dallat asked the Minister of Education for her assessment of the work of the North South Exchange Consortium. **(AQO 775/11)**

Minister of Education: Rinne an Cuibhreannas Malartuithe Thuaidh Theas (NSEC) i gcomhar leis an Lárionad um Staidéar Trasteorann (CCBS) obair ar mhíreanna áirithe den Staidéar ar Chomhoibriú Thuaidh Theas san Earnáil Oideachais. Tá an obair ar an réimse seo déanta anois agus bhí mé iontach sásta leis an méid a chuir NSEC leis an Staidéar.

The North South Exchange Consortium (NSEC) with the Centre for Cross Border Studies (CCBS) took forward certain aspects of the Study of North South Co-operation in the Education Sector. The work in this area is now complete and I much appreciated NSEC's contribution to the Study.

My Department and the Department of Education and Skills are continuing with this work and by early 2011 will make recommendations, with a costed action plan, to both Ministers on the way forward for North/South Co-operation.

Schools: Admissions

Mr P Maskey asked the Minister of Education whether she will stop funding for schools which continue to select children on the basis of a parent's ability to pay.

(AQO 776/11)

Minister of Education: Maidir le cistiú le haghaidh Seirbhísí Oideachais i dtréimhse Bhuiséad 2010 caithfidh an Coiste Feidhmiúcháin Clár Rialtais agus dréachtBhuiséad a shocrú go fóill a leagfaidh amach pleananna caiteachais na ranna. Go dtí go dtarlaíonn é sin, ní bheidh mé ábalta mionchinntí a dhéanamh ar chistiú san earnáil oideachas amach anseo. Nuair a bheidh sonraí an leithdháilte dréachtbhuiséid don oideachais ar eolas agam, beidh aon chinntí a ghlacfaidh mé bunaithe ar eochairphrionsabail an riachtanais aitheanta agus an chomhionannais.

In terms of funding for Education Services across the Budget 2010 period the Executive is yet to agree a Programme for Government and a draft Budget, setting departmental spending plans. Until that happens, I will not be in a position to make detailed decisions on future funding for education. When I have details of the draft budget allocation for education any decisions I take will be based on the key principles of identified need and equality.

The Bain Report published in December 2006, highlighted the issue of the funding of Preparatory Schools. It stated inter alia:

"Equity must continue to be at the heart of this distribution. For this reason, the part-funding of fee-charging preparatory departments in grammar schools is anomalous. This aspect of delegation subsidises provision that can only be accessed by children whose parents can pay the requisite fee. This would seem to be an inequitable use of public funds and counterintuitive in a funding system simultaneously managing the pressures of a high level of surplus capacity. The rationale for this aspect of schools-related current expenditure should be reviewed and its continuation considered with regard to equity and in the context of the significant pressures on the education budget".

In line with the Bain Report, in January 2009 my Department commissioned Business Consultancy Service of the Department of Finance and Personnel to undertake a review of funding to preparatory departments of grammar schools and to provide a report on their findings to the Department.

The report concluded that the Department should consider the withdrawal of funding to preparatory departments on the basis of equality of access.

My view remains that the funding of these schools is an inequitable use of public funding. In 2010, I reduced the current level of funding by one-third with effect from September 2010.

Bangor Grammar School

Mr A Maskey asked the Minister of Education how much capital funding her Department has allocated to Bangor Grammar School.

(AQO 777/11)

Minister of Education: I ndiaidh do mo Roinn leithdháileadh breise caipitil de £13m a fháil mar gheall ar bhabhta monatóireachta an Mheithimh a shocraigh an Coiste Feidhmiúcháin, bhí Bangor Grammar School ar cheann de na 13 tionscadal a faomhadh le haghaidh cistithe le gur féidir tús a chur le hobair thógála sa bhliain airgeadais seo.

Following the £13m additional capital allocation made to my Department as a result of the June monitoring round agreed by the Executive, Bangor Grammar School was one of 13 projects approved for funding to allow construction work to start on site in the current financial year.

The estimated cost of the project to build a new school for Bangor Grammar School is £17.43m. In addition to this a further £6m has been allocated for the acquisition of a new site for the proposed new school.

Department for Employment and Learning

Agenda NI

Mr S Hamilton asked the Minister for Employment and Learning how much his Department and its agencies have spent on (i) articles and adverts in Agenda NI; (ii) subscriptions to Agenda NI; and (iii) payments for staff attending conferences organised by BMF Conferences since May 2007.

(AQW 2504/11)

Minister for Employment and Learning (Mr D Kennedy): Since May 2007, the Department for Employment and Learning has incurred the following expenditure:

- i. on articles and adverts in Agenda NI, £2,193.75
- ii. on subscriptions to Agenda NI, no expenditure; and
- iii. on staff attendance at conferences organised by BMF Conferences, £9,714.69.

Funding for Vocational Courses and Apprenticeship Schemes in the Agricultural Industry

Miss M McIlveen asked the Minister for Employment and Learning to detail the level of funding allocated for (i) vocational courses; and (ii) apprenticeship schemes in the agricultural industry, in each of the last five years.

(AQW 2521/11)

Minister for Employment and Learning: The primary responsibility for education and training for the agriculture industry rests with the Department of Agriculture and Rural Development.

The table below details the level of DEL funding for vocational agriculture and horticulture courses in the NI FE Sector for the period 2005/06 to 2009/10, the last academic year for which validated data is available. Agriculture and horticulture courses are coded together.

Academic year	£ Funding Value
2005/06	£110,901.54
2006/07	£135,482.53
2007/08	£165,496.98
2008/09	£150,885.55
2009/10	£182,599.78

Source: FE Finance

Agriculture is considered a priority skill area within ApprenticeshipsNI. Overall funding available for each apprenticeship varies and is dependent on the level of study and the progression of the apprentice throughout the framework. As such, the funding available for an apprenticeship in the agriculture sector can vary from £5,200 to £11,000. The overall Apprenticeships Programme expenditure in each of the last five financial years is provided below:

2005-06	£11,882,297
2006-07	£12,291,275
2007-08	£12,625,420
2008-09	£16,825,083
2009-10	£24,635,203

Funding for Vocational Courses and Apprenticeship Schemes in the Agricultural Industry

Miss M McIlveen asked the Minister for Employment and Learning how much funding will be allocated for (i) vocational courses; and (ii) apprenticeship schemes in the agricultural industry, in the 2011/12 financial year.

(AQW 2522/11)

Minister for Employment and Learning: The primary responsibility for education and training for the agriculture industry rests with the Department of Agriculture and Rural Development. In terms of my Department, it is too early to say how much funding will be allocated to FE-based vocational courses in the agricultural industry in the 2011/12 financial year. Colleges' budgets for 2011/12 have yet to be determined, and colleges are then responsible for determining their curriculum offering based on learner and employer needs in their areas.

ApprenticeshipsNI is a demand led provision and, as such, there is no funding cap on the number of apprenticeship places in Northern Ireland. ApprenticeshipsNI will continue to be demand led by employers and my Department will continue to fund the training element of the full framework apprenticeship in the occupational areas required by employers in Northern Ireland. The position for 2011/12 budget has yet to be determined however,

the total expenditure forecast for ApprenticeshipsNI is approximately £25,000,000.

Vocational Courses and Apprenticeship Schemes in the Agricultural Industry

Miss M McIlveen asked the Minister for Employment and Learning how many places were (i) available; and (ii) filled for (a) vocational courses; and (b) apprenticeship schemes in the agricultural industry, in each of the last five years.

(AQW 2523/11)

Minister for Employment and Learning: The primary responsibility for education and training for the agriculture industry rests with the Department of Agriculture and Rural Development.

The table below details the number of DEL funded FE enrolments on vocational agriculture and horticulture courses in the NI FE Sector for the period 2005/06 to 2009/10, the last academic year for which validated data is available. Agriculture and horticulture courses are coded together.

Academic year	FE DEL Funded Enrolments
2005/06	175
2006/07	275
2007/08	406
2008/09	390
2009/10	480

Source: FE Finance

ApprenticeshipsNI is a demand led provision determined by employers in N.I. The number of Apprenticeship starts in each of the last five years in the agricultural related sector is provided in the table below.

Year	Apprentices in the Agricultural Sector
2005/2006	40
2006/2007	26
2007/2008	44
2008/2009	33
2009/2010	20
Total	163

Vocational Courses and Apprenticeship Schemes in the Agricultural Industry

Miss M McIlveen asked the Minister for Employment and Learning how many places will be made available for (i) vocational courses; and (ii) apprenticeship schemes in the agricultural industry, in the 2011/12 financial year.

(AQW 2524/11)

Minister for Employment and Learning: The primary responsibility for education and training for the agriculture industry rests with the Department of Agriculture and Rural Development. In terms of my Department, it is too early to say how many places will be made available on FE-based vocational courses in the agricultural industry in the 2011/12 financial year. Colleges' budgets for 2011/12 have yet to be determined, and colleges are then responsible for determining their curriculum offering based on learner and employer needs in their areas.

ApprenticeshipsNI is a demand led provision and, as such, there is no cap on the number of places made available. While the budget for 2011/2012 is yet to be delivered my Department intends to continue to fund the training element of the full framework apprenticeship in the occupational areas required by employers in Northern Ireland.

Core Gateway Programme

Mr P Frew asked the Minister for Employment and Learning (i) what consideration has been given to introducing a new programme for graduates, other than the Core Gateway Programme; and (ii) whether he can assess the effectiveness of the Core Gateway Programme for graduates, given that the recent survey undertaken across six Jobs and Benefits Offices did not segment customers.

(AQW 2629/11)

Minister for Employment and Learning:

- (i) My Department currently offers a range of assistance to graduates seeking employment. These include the INTRO Graduate Management Programme, available since 2007; the Steps to Work Graduate Acceleration Programme (GAP) introduced in January 2010; while the Graduate Internship Pilot Project (GIIP) commenced in February 2010.

In addition, the Careers Service provides information, advice and guidance to graduates.

Both the Graduate Acceleration Programme and the Graduate Internship Pilot Project are currently being reviewed internally. The Department will use these reviews to inform its assessment of the adequacy of provision to graduates.

- (ii) As the recent survey of the Steps to Work Core Gateway provision did not segment customers it is not possible to assess the effectiveness of this provision in relation to graduates.

BMF Business Services

Mr S Hamilton asked the Minister for Employment and Learning how much his Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2725/11)

Minister for Employment and Learning: Since May 2007, the Department for Employment and Learning and its arm's-length bodies have spent a total of £34,765.14 on BMF Business Services.

Legislative Proposals in the European Commission

Mr A Ross asked the Minister for Employment and Learning whether there is a specific individual or section within his Department to identify, at an early stage, legislative proposals in the European Commission and the potential impact on Northern Ireland.

(AQW 2743/11)

Minister for Employment and Learning: Negotiation of EU legislation within the European Commission is undertaken by the Office of the UK's Permanent Representative to the EU (UKREP). The devolved administrations, including Northern Ireland have offices in Brussels which operate under the umbrella of UKREP and there is close co-operation between UKREP and the devolved administrations.

Within Northern Ireland, the European Policy Co-ordination Unit (EPCU) in OFMDFM has a role in monitoring EU directives across all Northern Ireland Departments.

Each Department has an EU co-ordinator who is notified by EPCU of all proposed EU directives on a monthly basis.

It is the responsibility of the EU co-ordinator to identify the proposed directives falling within their Department's remit and their potential impact on Northern Ireland, and to forward these to the relevant business areas for information or action as appropriate.

The post of EU co-ordinator within the Department for Employment and Learning sits within Strategy Equality and European Policy Branch.

Northern Ireland Executive Office in Brussels

Mr A Ross asked the Minister for Employment and Learning to detail any communication his Department has had with the Northern Ireland Executive Office in Brussels in each of the last 24 months.

(AQW 2744/11)

Minister for Employment and Learning: My Department does not hold detailed records of all forms of communication with the Office of the Northern Ireland Executive in Brussels (ONIEB). However, there has been communication on a number of topics including:

2008

- April - e-mails about the organisation of an Employment and Social Policy seminar in Adelaide House presented by officials from the Directorate General for Employment, Social Affairs and Equal Opportunities.
- October –e-mails regarding the Erasmus Programme.
- December –e-mails about arrangements for a conference on the European Social Fund in the Waterfront Hall Belfast.

2009

- March – written briefing to DEL from ONIEB on changes to the regulations for accessing the European Globalisation Adjustment fund.
- October – written briefing to DEL from ONIEB on the Commission's new Microfinance facility.

- October – briefing commissioned from ONIEB for Head of Civil Service visit to Brussels.

2010

- July – a range of communications about arrangements for Sir Reg Empey's visit to Brussels.
- November - a written update provided by ONIEB on discussion from the Commission's "Pregnant Workers Directive" Working Group.
- November – emails from ONIEB to DEL regarding the Europea Regional Skills Network.
- December – email from ONIEB to DEL on the Commission paper of New Jobs New Skills.
- December – written briefing from DEL to ONIEB provided for Ministerial visit to open ONIEB new premises in Brussels.

As well as other forms of contact for which formal records are not kept, information from ONIEB is received on a regular basis regarding, for example, Council conclusions, calls for partners on transnational programmes and general information about meetings that have taken place.

Tuition Fees

Mr P Weir asked the Minister for Employment and Learning for his assessment of the UK Government's proposals to pay the tuition fees of students from low income backgrounds in their first two years of study at university.

(AQW 2772/11)

Minister for Employment and Learning: I am aware of the Coalition Government's proposals for a National Scholarship Programme. These are still at an early stage and include the setting up of a fund to guarantee eligible students a free first year or foundation year in higher education. In addition, under the plans, universities which charge tuition fees of more than £6,000 a year could be required to pay such students' fees for a second year.

I share the aim of the proposed new programme to get the brightest and best into higher education. I am on record as saying that one of my priorities is to protect, as far as possible, our strong record in widening participation. A Regional Strategy to Widen Participation in Higher Education is being developed with full stakeholder engagement and I would anticipate putting a draft consultation document to the Executive early next year. It will be important to ensure that any funding directed towards this area benefits those from the lowest income backgrounds.

As part of the development of the regional strategy my officials will examine the applicability of initiatives within the National Scholarship Programme to Northern Ireland.

University Hardship Funds

Mr T Burns asked the Minister for Employment and Learning to detail the amount of money claimed by students from university Hardship Funds in each of the last ten years.

(AQW 2855/11)

Minister for Employment and Learning: The four Higher Education Institutions (HEIs) in Northern Ireland, namely Queens University, The University of Ulster, Stranmillis University College and St Mary's University College, are provided with specific funds to be distributed to students who find themselves in financial hardship.

Unfortunately, as records of a financial nature are only required to be retained for seven years before destruction, I cannot provide you with details of the last ten years. However in response to your question, please find below a table which shows the financial support distributed to students in the academic years 2001/02 to 2008/09 inclusive.

Academic Year	Support Funds Distributed to Students
2001/02	£1,773,267
2002/03	£1,448,457
2003/04	£1,699,413
2004/05	£1,904,663
2005/06	£1,707,911
2006/07	£1,812,654
2007/08	£1,898,382
2008/09	£1,731,549

My Department has not yet received audited figures in respect of the academic year 2009/10.

Further Education Colleges

Ms M Anderson asked the Minister for Employment and Learning if he can confirm that all Further Education Colleges are designated for purposes of Section 75 of the Northern Ireland Act 1998.

(AQW 3071/11)

Minister for Employment and Learning: I can confirm that, whilst not individually named, the six Further Education Colleges in Northern Ireland are designated as public authorities for the purposes of section 75 of the Northern Ireland Act 1998.

This designation was “inherited” from the pre-merger institutions under Article 7(6) of the Further Education (Northern Ireland) Order 1997 which provides for the liabilities of governing bodies affected by an amalgamation to be transferred to the governing body of the new institution.

Department of Enterprise, Trade and Investment

Tourism in North Down

Mr P Weir asked the Minister of Enterprise, Trade and Investment how much has been invested in tourism in North Down, in each of the last three financial years.

(AQW 2520/11)

Minister of Enterprise, Trade and Investment (Mrs A Foster): Over the past three years the Northern Ireland Tourist Board (NITB) has provided investment totalling £49,547 by way of financial assistance made available to 4 tourism projects in the North Down Constituency. The assistance was paid in each of the last 3 years as follows:

Year	Amount (£)
2008/09	0
2009/10	0
2010/11	49,547

NITB also invested a total of £158,668 during 2008/09 in the development of the St Patrick's Christian Heritage Trail which runs from Bangor, North Down to Armagh.

NITB has also provided support for tourism in the North Down Constituency over the past 3 years through its promotional campaigns in Northern Ireland and the Republic of Ireland and through industry training by way of the Next Level Programme of Events.

In addition Invest NI has identified 6 projects in the Tourism sector that have a total planned investment of £34,000 over the past 3 years, and a further project that is expected to receive support of £140,000 during the current financial year.

Bowman Aluminium Systems Ltd, Banbridge

Mr J O'Dowd asked the Minister of Enterprise, Trade and Investment what interventions were offered by her Department, or requested by Bowman Aluminium Systems Ltd, Banbridge, prior to the announcement that the company was to close with the loss of 37 jobs.

(AQW 2535/11)

Minister of Enterprise, Trade and Investment: Invest NI was made aware on 24 November 2010 that Bowmans (NI) Ltd, previously known as Bowman Aluminium Systems Ltd, had ceased trading with a loss of 31 jobs.

The company was offered £15,000 in September 2008 for Non Executive Director support, of which £11,870 was drawn down.

The company approached Invest NI for support under the Short Term Aid Scheme. However, the project as presented did not meet the criteria for support.

Bowman Windows, a partnership continues to trade and currently employs 19 people. The partnership has received £111,000 of support in the last 3 years.

There is no claw back outstanding for Bowmans (NI) Ltd.

Telecoms Infrastructure in the Strangford Constituency

Mr S Hamilton asked the Minister of Enterprise, Trade and Investment to detail the level of investment, by her Department, in improving the telecoms infrastructure in the Strangford constituency, in each of the last three financial years.

(AQW 2548/11)

Minister of Enterprise, Trade and Investment: Over the period 2007/08 to 2009/10 my Department has invested some £25 million to deliver improvements in the internal and international connectivity of the telecommunications infrastructure across all of Northern Ireland. This investment has enabled the delivery of broadband services, via various technologies, with speeds ranging between 512kilobits per second and 100 megabits per second. Unfortunately, due to the nature of these investments, it is not possible to break figures down into constituency areas.

Moy Park and the O'Kane Poultry Group

Mr T Burns asked the Minister of Enterprise, Trade and Investment to detail the total level of funding from Invest NI and European Development funds that were secured for Moy Park and the O'Kane Poultry Group in each of the last five years, including the 2010 investment rounds.

(AQW 2588/11)

Minister of Enterprise, Trade and Investment: The total level of funding from Invest NI for Moy Park Limited has been £327,000; O'Kane Poultry Limited has been offered £5.3 million in the last five financial years. Moy Park was offered £1 million funding from the European Regional Development Fund through the Processing and Marketing Grant Scheme administered by DARD.

The tables below provide detail of the offers made in each of the last five years.

MOY PARK – ASSISTANCE

	Selective Financial Assistance	Training	Research & Development	EU Processing & Marketing Grant Scheme – Administered by DARD
Year	Offered £	Offered £	Offered £	Offered £
2006/07				1,000,000
2007/08			236,051	
2008/09				
2009/10		15,000	75,567	
2010/11				
Total		15,000	311,618	1,000,000

O'KANE POULTRY – ASSISTANCE

	Selective Financial Assistance	Training	Research & Development	EU Processing & Marketing Grant Scheme – Administered by DARD
Year	Offered £	Offered £	Offered £	Offered £
2006/07				
2007/08			15,782	
2008/09				
2009/10			32,203	
2010/11	5,000,000		246,960	
Total	5,000,000		294,945	

Moy Park and the O'Kane Poultry Group

Mr T Burns asked the Minister of Enterprise, Trade and Investment what proportion of the funding provided by Invest NI to the agri-food sector was allocated to Moy Park and the O'Kane Poultry Group, their subsidiaries and suppliers, in each of the last ten years.

(AQW 2589/11)

Minister of Enterprise, Trade and Investment: Moy Park Limited has been offered £6.8 million since Invest NI was created in 2002/03; this represents 10.3% of the support offered to the NI Food Sector (£66.1 million). O'Kane Poultry Limited has been offered £6.0 million or 9.1% in the same period.

The below tables detail the total assistance offered to both Moy Park Limited and O'Kane Poultry Limited since Invest NI's inception including 2010/11 assistance to date.

Financial Year	Total Invest NI Assistance Offered to Food Sector	Total Invest NI Assistance Offered to Moy Park Limited £	Proportion
2002/03	7,219,733	0	0%
2003/04	6,783,751	273,151	4%
2004/05	10,145,220	6,086,116	60%
2005/06	3,597,059	156,357	4.3%
2006/07	4,980,911	0	0%
2007/08	6,066,538	236,051	3.9%
2008/09	7,518,974	0	0%
2009/10	11,825,379	90,567	0.7%
2010/11*	7,931,588	0	0%
Total	66,069,153	6,842,242	10.3%

*Note: Figures quoted are accurate up to end of November 2010.

Financial Year	Total Invest NI Assistance Offered to Food Sector	Total Invest NI Assistance Offered to O'kane Poultry Limited £	Proportion
2001/02	-	867,000	-
2002/03	7,219,733	37,500	0.5%
2003/04	6,783,751	0	0%
2004/05	10,145,220	292,858	2.9%
2005/06	3,597,059	379,496	10.5%
2006/07	4,980,911	0	0%
2007/08	6,066,538	15,782	0.3%
2008/09	7,518,974	0	0%
2009/10	11,825,379	32,203	0.3%
2010/11*	7,931,588	5,246,960	66%
Total	66,069,153	6,004,799	9.1%

*Note: Figures quoted are accurate up to end of November 2010.

Moy Park and the O'Kane Poultry Group

Mr T Burns asked the Minister of Enterprise, Trade and Investment what proportion of the one million turkeys processed by Moy Park and the O'Kane Poultry Group in the new Ballymena plant, as referred to in their business plan submitted to Invest NI, will be consumed within the UK.

(AQW 2590/11)

Minister of Enterprise, Trade and Investment: Information from Moy Park Ballymena indicates that the company will produce 800,000 turkeys in the Christmas period. Of these 800,000, 80,000 will be sold in the Republic of Ireland with the remainder supplied to UK customers.

Irish-Language Classes to Staff

Mrs C McGill asked the Minister of Enterprise, Trade and Investment whether her Department currently offers, or plans to offer, Irish-language classes to staff.

(AQW 2637/11)

Minister of Enterprise, Trade and Investment: The Department does not currently offer, nor has it any plans to offer, Irish-language classes to staff.

Lignite Mining Activities

Mr T Burns asked the Minister of Enterprise, Trade and Investment to detail any discussions she, or her officials, have had with representatives of Antrim Coal, Peabody Coal or British Coal in relation to their proposed lignite mining activities in Northern Ireland.

(AQW 2639/11)

Minister of Enterprise, Trade and Investment: Neither I, nor my officials, have had any discussions with representatives of Antrim Coal, Peabody Coal or British Coal in relation to their recently proposed lignite mining activities in Northern Ireland.

Proposed Rose Energy Incinerator at Glenavy

Mr T Burns asked the Minister of Enterprise, Trade and Investment whether her Department has the necessary finance to provide the estimated £30 million of Invest NI capital grant funding required to build the proposed Rose Energy incinerator at Glenavy.

(AQW 2641/11)

Minister of Enterprise, Trade and Investment: I am unable to consider commenting on future capital funding within the Budget 2010 period until my department's budget settlement is agreed by the Executive and the Assembly.

Energy Security and Green Economy Bill

Ms M Ritchie asked the Minister of Enterprise, Trade and Investment what plans he has for an Energy Security and Green Economy Bill.

(AQW 2654/11)

Minister of Enterprise, Trade and Investment: There are no immediate plans for an Energy Security and Green Economy Bill to match the UK Bill. Two of the measures in the UK Bill will apply to Northern Ireland. These relate to nuclear funded decommissioning and to the UK Continental Shelf, both of which are reserved matters.

My Department is currently considering legislative requirements for a range of energy issues with a view to introducing any necessary primary legislation during the next Assembly.

Rose Energy's Proposal for an Incinerator at Glenavy

Mr M McLaughlin asked the Minister of Enterprise, Trade and Investment if she can confirm that Rose Energy's proposal for an incinerator at Glenavy would not be eligible for state or grant aid, via a Government or associated body, given that the project is designed as a mechanism to meet EU standards on renewable energy, nitrates directives and the European Commission has stated that 'Under the Environmental Aid Guidelines, Member States can grant investment aid under certain conditions and provided that it is not for the purposes of meeting mandatory EU standards'.

(AQW 2666/11)

Minister of Enterprise, Trade and Investment: The Rose Energy Project continues to be appraised and the outcome of this process will determine if assistance is to be recommended to the appropriate approval authorities. If this were to happen, any assistance would be paid under the Industrial Development (NI) Order 1982, using Selective Financial Assistance and not Environmental Aid.

BMF Business Services

Mr S Hamilton asked the Minister of Enterprise, Trade and Investment how much her Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2726/11)

Minister of Enterprise, Trade and Investment: In AQW No 2433/11, I provided information on how much DETI and its arm's-length bodies had spent on three areas of BMF Business Services since May 2007 to 8 October 2010 as follows:

- | | |
|--|---------------|
| (i) Articles and adverts in Agenda NI: | £79,012.32; |
| (ii) Subscriptions to Agenda NI: | £ 209.40; and |
| (iii) Payments for attendance at
BMF Conferences: | £65,670.79 |

DETI and its arm's-length bodies have not used Lagan Consulting which is BMF Business Services Public Affairs Section. Therefore, there are no further costs to be added to the above figures.

People Declared Bankrupt

Mr D McNarry asked the Minister of Enterprise, Trade and Investment to detail the total number of people who were declared bankrupt in each (i) constituency; and (ii) council area in each of the last ten years.

(AQW 2735/11)

Minister of Enterprise, Trade and Investment: The table below shows the number of people declared bankrupt in the last ten financial years.

Year ending 31 March	Number
2001	331
2002	280
2003	350
2004	582
2005	685
2006	892
2007	1008
2008	906
2009	1155
2010	1250

The Insolvency Service does not record the constituency or the council area in which a bankrupt lives. To obtain this information would necessitate examination of each individual case file, the cost of which would be disproportionate.

Renewable Heat Incentive Scheme

Mr P Callaghan asked the Minister of Enterprise, Trade and Investment, in light of the UK Government's, announcement on 20 October 2010, that it will proceed with a Renewable Heat Incentive scheme (i) whether a comparable scheme will be introduced in Northern Ireland; and (ii) to outline the likely timescale for the introduction of such a scheme.

(AQW 2736/11)

Minister of Enterprise, Trade and Investment: In a statement I made on 20th September 2010, I said that my Department plans to develop a Renewable Heat Incentive (RHI) for Northern Ireland, comparable to the scheme to be introduced in Great Britain from June 2011, subject to an economic appraisal being completed. A RHI that is specifically tailored for the Northern Ireland heat market has the potential to provide consumers, businesses and investors with the long term confidence to invest in renewable heat technologies.

On completion of the economic appraisal, a public consultation and the development of appropriate legislation will be required. While this may mean that a Northern Ireland RHI is not operational by June 2011, I made it clear in my September statement that all eligible installations from 1 September 2010 will be able to avail of the RHI once it is in place.

Legislative Proposals in the European Commission

Mr A Ross asked the Minister of Enterprise, Trade and Investment whether there is a specific individual or section within her Department to identify, at an early stage, legislative proposals in the European Commission and the potential impact on Northern Ireland.

(AQW 2745/11)

Minister of Enterprise, Trade and Investment: Within DETI, the Legislative Monitoring Unit (LMU) acts as an initial alerting service, co-ordinating information received from the European Policy and Co-ordination Unit in OFMDFM on (i) proposed or adopted EU directives and (ii) decision or proposals issuing from any of the EU institutions. LMU then issue these to relevant DETI officials to assess the implications and impact for Northern Ireland and take forward whatever action is necessary.

Banking Sector

Ms M Ritchie asked the Minister of Enterprise, Trade and Investment to detail any discussions she had, in the last six months, with banking institutions in relation to (i) assisting small to medium sized industries; and (ii) the development of new businesses and job creation, including the construction industry.

(AQW 2751/11)

Minister of Enterprise, Trade and Investment: In summer 2009, I initiated a series of meetings with the main local banks to discuss their contribution to helping Northern Ireland companies weather the recession and, in particular, how greater use might be made of the UK Government's Enterprise Finance Guarantee scheme.

Since then, my officials and I have maintained regular contact with the banks and ensure that specific problems raised by businesses and their political representatives are brought to their attention. A new series of official level meetings between my Department and the banks will begin this month, and I will arrange future meetings as necessary.

Adverse Weather Conditions

Mr P Callaghan asked the Minister of Enterprise, Trade and Investment for her Department's assessment of the cost to the economy of the adverse weather conditions in the winter of 2009/10.

(AQW 2815/11)

Minister of Enterprise, Trade and Investment: During the winter of 2009/10 Northern Ireland experienced below average temperatures affecting travel and water supplies. It is likely that some firms will have

been adversely affected in respect of the transportation of goods, a reduction in productivity because of staff absence, as well as restricted access to businesses by suppliers, customers and clients.

However, it is not possible to identify a specific impact on the Northern Ireland economy in terms of the main indicators of economic performance.

Social Economy Enterprise Strategy

Ms J McCann asked the Minister of Enterprise, Trade and Investment to detail any proposals she has discussed with Ministerial colleagues to ensure that there will be adequate financial investment in the Social Economy Enterprise Strategy 2010-11, as is the case in the Republic of Ireland and Britain.
(AQW 2874/11)

Minister of Enterprise, Trade and Investment: The Social Economy Enterprise Strategy was developed in conjunction with a wide range of stakeholders and key departments with a role in developing the social economy. Ministerial colleagues endorsed the strategy as part of the Executive process before it was launched earlier this year.

Given the increased pressure on future public sector budgets, the focus in the strategy is on ensuring that Departments make sure that their existing financial and other business support programmes are widely publicised and are readily accessible to social enterprises.

There are considerable resources highlighted within the strategy which can be accessed by the sector. These include Invest NI's Social Entrepreneurship Programme (SEP) with a budget of £2.3m. My Department also funds the Social Economy Network as the representative body of the social economy sector through a letter of offer up to £600k. Departments are committed to raising awareness of these and other opportunities within the sector.

The Strategy will be subject to an independent evaluation in Spring 2011 to determine its impact on the social economy sector and to inform the future strategic direction and Ministerial colleagues will be encouraged to consider how they might support the future development of this sector when determining future Departmental resourcing priorities.

Social Economy Enterprise Strategy

Ms J McCann asked the Minister of Enterprise, Trade and Investment for her assessment of what will happen after the Social Economy Enterprise Strategy 2010-11 expires in August 2011.
(AQW 2875/11)

Minister of Enterprise, Trade and Investment: The Executive's Social Economy Enterprise Strategy was developed in conjunction with a wide range of stakeholders and key departments with a role in developing the social economy.

The Strategy will be subject to an independent evaluation in Spring 2011 to determine its impact on the social economy sector and to inform future strategic direction. Any decision on a future strategy will be subject to Executive approval.

Inward Investment

Mr P Givan asked the Minister of Enterprise, Trade and Investment to detail the amount of inward investment attracted to each constituency in each of the last five years.
(AQW 2908/11)

Minister of Enterprise, Trade and Investment: Table 1 below shows the amount of inward investment committed through projects approved by Invest NI for an offer of financial support in each Parliamentary Constituency Area (PCA) in each of the last five years.

These projects have been assisted under a number of Invest NI schemes aimed at both employment creation and other business development activities, such as R&D, training, trade activities and

technology and process development. Whilst not directly related to job creation these capability development activities will underpin business competitiveness leading eventually to growth and employment opportunities.

The Total Planned Investment represents the expected cost of the projects to externally-owned businesses and includes Invest NI's financial support. It reflects an intention to invest in the future and although the vast majority of projects are implemented, some may not proceed as planned. Payments in respect of these offers may be made over a number of years from when the offer was approved.

TABLE 1: TOTAL INVESTMENT PLANNED BY INVEST NI APPROVED INWARD INVESTMENT PROJECTS BY PARLIAMENTARY CONSTITUENCY AREA (2005-06 TO 2009-10)

	Total Planned Investment £m					
PCA	2005-06	2006-07	2007-08	2008-09	2009-10	Grand Total
Belfast East	12.54	61.04	109.98	532.34	58.00	773.90
Belfast North	26.58	2.70	0.01	64.02	42.88	136.19
Belfast South	64.57	77.31	36.12	79.23	50.02	307.25
Belfast West	4.62	1.47	7.53	1.81	4.43	19.86
East Antrim	54.70	0.21	21.07	1.05	4.61	81.64
East Londonderry	22.54	0.08	8.47	2.05	1.41	34.56
Fermanagh and South Tyrone	11.97	33.78	9.68	14.82	3.95	74.21
Foyle	94.68	26.91	41.38	2.13	51.26	216.36
Lagan Valley	66.39	3.21	0.93	3.59	9.30	83.42
Mid Ulster	7.39	0.42	12.69	2.05	3.88	26.43
Newry And Armagh	23.47	8.72	20.44	25.31	8.67	86.60
North Antrim	0.35	1.85	13.78	0.00	5.30	21.28
North Down	0.02	4.00	9.39	47.40	5.54	66.36
South Antrim	13.75	0.01	5.74	9.44	3.72	32.67
South Down	11.62	0.12	0.01	25.55	0.54	37.84
Strangford	0.12	6.62	0.36	0.55	0.56	8.22
Upper Bann	5.25	0.69	2.20	3.13	16.39	27.66
West Tyrone	10.56	3.17	18.11	8.81	3.89	44.53

Notes: Total Planned Investment includes Assistance Offered by Invest NI.

Unemployment Levels

Mr P Givan asked the Minister of Enterprise, Trade and Investment to detail the unemployment levels in each constituency in each of the last three years.

(AQW 2909/11)

Minister of Enterprise, Trade and Investment: Robust unemployment figures at parliamentary constituency level are only available from the Claimant Count, which is a count of all those claiming unemployment related benefits. Claimant Count figures for each constituency area in November 2008, November 2009 and November 2010 are provided in the table below.

NUMBER OF UNEMPLOYMENT BENEFIT CLAIMANTS BY CONSTITUENCY AREA

Parliamentary Constituency Area	November 2008		November 2009		November 2010	
	Total	Rate*	Total	Rate*	Total	Rate*
Belfast East	1,077	2.1	1,992	4.0	2,265	4.5
Belfast North	2,148	4.2	3,246	6.3	3,559	6.9
Belfast South	1,650	2.6	2,607	4.1	2,992	4.7
Belfast West	3,393	6.4	4,567	8.5	4,668	8.7
East Antrim	1,581	2.8	2,734	4.8	2,783	4.9
East Londonderry	2,224	3.8	3,109	5.3	3,234	5.5
Fermanagh & South Tyrone	1,631	2.5	2,716	4.1	2,819	4.3
Foyle	3,448	4.8	4,699	6.6	5,282	7.4
Lagan Valley	1,347	1.9	2,123	3.0	2,336	3.3
Mid Ulster	1,575	2.5	2,758	4.4	2,728	4.4
Newry & Armagh	1,837	2.6	3,370	4.8	4,024	5.8
North Antrim	1,835	2.6	2,902	4.2	2,955	4.2
North Down	1,082	1.9	1,713	3.0	1,977	3.5
South Antrim	1,406	2.0	2,251	3.2	2,303	3.3
South Down	1,915	2.6	3,208	4.3	3,571	4.8
Strangford	1,330	2.0	2,100	3.2	2,340	3.5
Upper Bann	1,968	2.6	3,294	4.4	3,564	4.8
West Tyrone	2,217	3.7	3,150	5.3	3,426	5.8
N. Ireland	33,664	2.9	52,539	4.6	56,826	5.0

* Rate refers to the percentage of the working age population

Royal Mail

Ms D Purvis asked the Minister of Enterprise, Trade and Investment what discussions she has had with Royal Mail to safeguard jobs at the Customer Service Unit in Belfast.

(AQW 2937/11)

Minister of Enterprise, Trade and Investment: I have had no discussions with the Royal Mail about safeguarding jobs at the Belfast Customer Service Unit.

Foreign Direct Investment Visits

Ms M Ritchie asked the Minister of Enterprise, Trade and Investment to detail (i) the number of foreign direct investment visits to each District Council in each year since 2004; (ii) the number of visits which have resulted in job creation; and (iii) the location of these jobs; and if she will make a statement on this issue.

(AQW 2942/11)

Minister of Enterprise, Trade and Investment:

(i) The number of foreign direct investment visits to each District Council in each year since 2004

From 2004-05 to 2009-10 (the latest year for which figures are available) Invest NI hosted a total of 803 foreign direct investment (FDI) inward visits to District Council Areas. The breakdown of credible visits by District Council Area (DCA) is as follows:

DISTRICT COUNCIL VISITS

	04/05	05/06	06/07	07/08	08/09	09/10	TOTAL
Antrim	5	2	1	1	3	0	12
Ards	0	2	0	0	1	1	4
Armagh	1	1	0	0	0	0	2
Ballymena	0	1	0	0	0	0	1
Ballymoney	0	0	0	0	0	0	0
Banbridge	0	0	0	0	1	1	2
Belfast	82	62	67	67	112	60	450
Carrickfergus	1	1	1	0	1	0	4
Castlereagh	3	1	1	0	2	4	11
Coleraine	1	1	0	3	2	4	11
Cookstown	0	0	4	0	3	0	7
Craigavon	3	1	6	4	7	0	21
Derry	6	8	15	4	7	13	53
Down	0	0	0	0	0	0	0
Dungannon	1	0	0	0	0	0	1
Fermanagh	0	1	0	0	0	0	1
Larne	3	2	0	1	2	2	10
Limavady	0	0	0	0	1	1	2
Lisburn	2	0	0	1	45	3	51
Magherafelt	0	0	0	0	1	0	1
Moyle	0	0	0	0	0	0	0
Newry & Mourne	5	9	6	3	3	1	27
Newtownabbey	4	8	17	10	16	11	66
North Down	2	5	1	0	43	4	55
Omagh	0	1	5	1	2	0	9
Strabane	2	0	0	0	0	0	2
Total	121	106	124	95	252	105	803

A credible visit is one where Invest NI can claim to have promoted a district council or parliamentary constituency area by bringing a potential investor into that area.

(ii) The number of visits which have resulted in job creation

It is not possible to align individual visits with specific employment related FDI projects. A company may visit a number of times before making the decision to invest, in which case it could be said that each visit has resulted in job promotion. On the other hand, a company may visit once, make an initial investment and then follow this up with further investment. In this case the one visit would have resulted in more than one investment project.

(iii) The location of these jobs

During the same period Invest NI has supported 247 employment related FDI projects, promoting a total of 18,686 new jobs. The breakdown by DCA is as follows:

TOTAL JOB RELATED FDI PROJECTS 2004/05 TO 2009/10

District Council Area	Projects	New Jobs
Antrim	9	466
Ards	3	36
Armagh	4	391
Ballymena	2	17
Ballymoney	0	0
Banbridge	2	15
Belfast	101	9,429
Carrickfergus	0	0
Castlereagh	6	87
Coleraine	5	578
Cookstown	9	191
Craigavon	10	56
Derry	15	2,136
Down	1	15
Dungannon	8	178
Fermanagh	14	717
Larne	4	502
Limavady	2	2
Lisburn	7	234
Magherafelt	1	1
Moyle	1	23
Newry & Mourne	16	2,297
Newtownabbey	8	173
North Down	6	749
Omagh	3	197
Strabane	8	165
Unknown	2	31
Total	247	18,686

Notes:

Figures include first-time inward investments, reinvestments and innovation projects by existing externally-owned clients.

2008/09 Figures include the Bombardier C Series project - 836 jobs promoted.

District Council Area listed as 'Unknown' is indicative of projects where a company's decision on location is pending.

It should be noted that the decision to invest is the end point of an extensive process which can span 18-24 months, or in some cases longer. For this reason it is not possible to align the number of inward visits in a given year to the jobs promoted in that same year.

I do not intend to make a statement on this issue.

Enterprise Fund

Ms M Anderson asked the Minister of Enterprise, Trade and Investment how much Invest NI has allocated to the Enterprise Fund in each of the last three years; and how much funding is planned for the 2011/12 financial year.

(AQW 3038/11)

Minister of Enterprise, Trade and Investment: The EU Sustainable Competitiveness Programme – Local Economic Development (LED) Measure has to date required funding on an equal basis from Councils and the European Regional Development Fund (ERDF) managed by DETI EU Programmes. Invest NI has not been part of this funding structure and has allocated no budget to the measure in the past three years.

In the 2011/12 financial year Invest NI expects that Councils will attempt to maximise the drawdown of ERDF funding. Invest NI will consider contributing match funding to enable them to do so for appropriate projects that fit with Invest NI's core objectives. The Councils have indicated that they are not yet in the position to confirm budget allocation against LED activity; therefore, at this stage Invest NI cannot quantify what the match funding requirement might be.

Employment

Rev Dr R Coulter asked the Minister of Enterprise, Trade and Investment what measures are currently in place to increase the number of jobs, which in turn would increase wealth and Northern Ireland's average Gross Value Added.

(AQO 725/11)

Minister of Enterprise, Trade and Investment: My Department and Invest NI have undertaken a number of tailored initiatives which have sought to create and safeguard jobs across Northern Ireland. Priority measures, such as the Short-Term Aid Scheme and the Accelerated Support Fund, which together made assistance of £20 million available, have directly contributed to safeguarding almost 4,500 jobs as well as assisting companies to improve their competitiveness and productivity.

Since 2008, Invest NI assistance towards projects undertaken by its clients has promoted over 13,500 new jobs. This has included support for inward investment projects by companies such as Citi and New York Stock Exchange, as well as support for locally-owned businesses including Randox Laboratories, ALMAC and First Derivatives.

In line with the productivity focus of the Programme for Government, many of the new jobs promoted will offer salaries higher than the NI Private Sector Median and will, therefore, make a direct and positive contribution to wealth creation and NI's Gross Value Added.

Republic of Ireland: Economy

Mr S Anderson asked the Minister of Enterprise, Trade and Investment for her assessment of the potential impact that the current economic situation in the Republic of Ireland may have on companies in Northern Ireland.

(AQO 726/11)

Minister of Enterprise, Trade and Investment: The economic challenges currently being faced by the Republic of Ireland may have significant implications for our local economy.

In particular, I remain concerned at the impact of the problems in the Irish banking sector on Northern Ireland. This is important as access to finance has been a major issue for local firms in recent years, particularly for small and medium sized enterprises.

In addition, the restructuring of the Irish banking sector may lead to significant job losses which must not be targeted towards Northern Ireland.

Social Clauses

Mr A Maginness asked the Minister of Enterprise, Trade and Investment to outline any discussions her Department has had with the Department of Finance and Personnel about revising social clauses guidelines as set out by the Central Procurement Directorate.

(AQO 727/11)

Minister of Enterprise, Trade and Investment: My Department has had no discussions with the Department of Finance and Personnel in relation to revising social clauses as set out by the Central Procurement Directorate.

The Committee for Finance and Personnel made recommendations in relation to public procurement policy and practice and Central Procurement Directorate has established an inter-departmental group, which includes my Department, to look at the issues of common interest. Officials have met to consider the wider social economy issues in relation to capacity building in the social economy sector including consideration of a public procurement brokerage service.

Central Procurement Directorate is developing guidance on model clauses to be used in contracts and some of these will include social clauses. This will assist procurement practitioners when developing contracts where an opportunity exists to include social clauses. I would envisage contact between the two Departments as the draft guidance is progressed.

Budget 2011-12: Employment

Mr M Storey asked the Minister of Enterprise, Trade and Investment for her assessment of the impact on the labour market of the delay in the Executive agreeing a budget.

(AQO 729/11)

Minister of Enterprise, Trade and Investment: Following the significant increase in unemployment over the past three years, it is essential that the Executive continues to fund measures to support the local labour market in 2011-12 and beyond.

However, this is dependent on the level of resources to my department being confirmed and operational plans developed.

In this context, I am becoming increasingly concerned that the delay in the Executive agreeing the 2010 Budget may lead to delays in responding to the ongoing impacts of the recession. I also hear from discussions with business and industry representatives that the delay in agreeing the Executives future spending plans is undermining confidence in the local economy.

Fuel Prices

Mr P Callaghan asked the Minister of Enterprise, Trade and Investment what plans she has to establish an independent fuel tsar to ensure transparent pricing policies are operated by supply companies, given the recent 23% increase in the price of home heating oil.

(AQO 730/11)

Minister of Enterprise, Trade and Investment: Regulation has been viewed as unnecessary by the UK Government and Devolved Administrations due to the competitive nature of the oil industry and it is

not apparent if significant benefit could be achieved by regulation and the creation of a Fuel Tsar, which would impose sizable regulatory costs on a competitive oil supply and distribution sector comprising more than 250 companies employing 10,000 people. This, in turn, would impact on the cost of fuel to business and domestic users. It is also important to note that neither Great Britain nor the Republic of Ireland regulates the oil sector; and, indeed, recent figures from independent energy consultants indicate that Northern Ireland consumers buy their kerosene cheaper than counterparts in Great Britain and the Republic of Ireland.

Presbyterian Mutual Society

Mr K Robinson asked the Minister of Enterprise, Trade and Investment to provide a timescale for when savers of the Presbyterian Mutual Society will receive payments.

(AQO 731/11)

Minister of Enterprise, Trade and Investment: The Spending Review provided the Government's contribution to the proposed PMS solution in the 2011-12 financial year but a number of local and EU agreements are required before payments could be made. Executive and Assembly agreement for the financial elements can be secured as part of the budget process.

We are working towards resolving all issues and implementing the proposed solution in the 2011-12 financial year. Precise timings will become clearer as we work through the State Aid approval process.

Sustainable Competitiveness Programme

Mr F Molloy asked the Minister of Enterprise, Trade and Investment for an update on the uptake of funding under the European Sustainable Competitiveness Programme.

(AQO 732/11)

Minister of Enterprise, Trade and Investment: The EU Sustainable Competitiveness Programme has a total value of €614 million, €307 million ERDF and €307 million match funding. The Programme aims to support activity which promotes investment in research and technology, enterprise and entrepreneurship, energy efficiency, renewable energy and telecoms infrastructure.

To date, Programme spend of €131 million has already exceeded the EC expenditure target for 2010 by €33 million.

The Programme is on track to be fully expended by the end date of 31 December 2015.

Tourism: Investment

Mr C Lyttle asked the Minister of Enterprise, Trade and Investment what consideration she has given to reallocating tourism-related investment from Invest NI to the Northern Ireland Tourist Board.

(AQO 733/11)

Minister of Enterprise, Trade and Investment: Powers to transfer the accommodation grants function have been taken in the Tourism (Amendment) Bill which is currently progressing through the Assembly. Any transfer of tourism related responsibilities from Invest NI to NITB will not take place until I am satisfied that all appropriate issues have been addressed.

My officials are currently considering what tourism related activities might transfer from Invest NI to the Northern Ireland Tourist Board (NITB). This includes a review of tourist accommodation provision in Northern Ireland to assess future demand and inform accommodation policy and support going forward.

Department of the Environment

BMF Business Services

Mr S Hamilton asked the Minister of the Environment how much his Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2723/11)

Minister of the Environment (Mr E Poots): From May 2007 to 30 November 2010 my Department (including executive agencies) and its arm's-length bodies have spent £64,193 on BMF Business Services.

Planning Bill

Ms M Ritchie asked the Minister of the Environment, given the proposed devolution of the majority of planning powers to local government, what statutory measure will be put in place to ensure that the principles of equality, equity and probity are wholly honoured in the Planning Bill.

(AQW 2878/11)

Minister of the Environment: Planning powers will transfer to councils only after appropriate governance arrangements and an ethical standards regime for councillors have been put in place. Within the ethical standards regime there will be a mandatory code of conduct underpinned by the Nolan principles and which will include a section on planning. On 30 November 2010 I launched consultation on the governance regime, which will ensure councils operate to the principles of equality and equity, and the ethical standards regime, with a view to legislation in the next Assembly.

In addition the Planning Bill will contain powers for the Department to intervene, if necessary, in a council's delivery of planning functions.

As public authorities, councils are subject to s75 and s76 of the Northern Ireland Act 1998, to the Human Rights Act and to anti-discrimination legislation.

Winter Tyres

Mr D Hilditch asked the Minister of the Environment, given the adverse weather conditions over the last three winters, whether he will consider introducing legislation to require the use of winter tyres by (i) all public service vehicles; and (ii) all other vehicles.

(AQW 2896/11)

Minister of the Environment: Notwithstanding the weather experienced in recent winters in Northern Ireland, the levels of snow and ice here are relatively low compared with other European countries, such as Austria and Sweden, where fitment of winter tyres is a requirement during winter months. In view of this, and the associated burden in terms of cost and time that such mandatory fitment would have on public service vehicle operators and motorists here, it has not been considered appropriate to make winter tyres compulsory in Northern Ireland. We will of course continue to keep the issue under review.

Motorists are nonetheless advised to ensure that all road vehicles, including tyres, comply with the Motor Vehicles (Construction and Use) Regulations (NI) 1999 (as amended), to maintain tyres in good condition and to regularly check them to ensure they are inflated to the correct pressure. They should also take great care in icy and snowy weather and allow more time for their journey.

Department of Finance and Personnel

Comprehensive Spending Review

Mr G Savage asked the Minister of Finance and Personnel for his assessment of the impact of the Comprehensive Spending Review on the roll-out of the Investment Strategy for Northern Ireland.

(AQW 1706/11)

Minister of Finance and Personnel (Mr S Wilson): The outcome of the Spending Review gives a real terms reduction in our capital DEL amounting to some 40 per cent by 2014-15. In addition, the biggest reduction will be in 2011-12 where our capital DEL will reduce by £342.7 million in real terms.

The reduction in capital DEL is significant and we now have less resources available than was envisaged under the Investment Strategy published as part of the previous Budget and will have to review our capital spending plans accordingly.

Staff Disciplined

Mr W Clarke asked the Minister of Finance and Personnel how many civil servants have received sanctions or been disciplined for failing to attend a consultation with the Occupational Health Service in each of the last three years broken down by (i) grade; (ii) Department; and (iii) action taken.

(AQW 2264/11)

Minister of Finance and Personnel: The information requested is set out in the attached table. The information has not been broken down by Department as individuals may have been identifiable and this information is protected by Data Protection legislation.

Year	Grade	Action Taken
2008/09	1 AO	Formal written warning and fine
2009/10	1 AO	Occupational Sick Pay entitlement was withdrawn
2009/10	1 AA	Formal written warning and fine

Performance and Efficiency Delivery Unit

Mr P McGlone asked the Minister of Finance and Personnel (i) when the Performance and Efficiency Delivery Unit was set up; (ii) what is its remit; and (iii) what progress the unit has made to date, in relation to targets met or savings achieved.

(AQW 2543/11)

Minister of Finance and Personnel: The Performance and Efficiency Delivery Unit, PEDU, was formally launched with a statement to the Assembly on 15 April 2008. That statement also set out a range of information on the role of the Unit and its early focus. A link to that statement is enclosed below:

http://www.dfpni.gov.uk/inv_135_statement_as_at_15_apr_9.22am.pdf

In relation to progress PEDU has led the Department's work on the establishment of a robust Performance Management and Monitoring system to drive the delivery of the PfG commitments and targets that departments signed up to when they secured funding in the budget. Subsequently the Executive has adopted this approach in order to gauge progress against its Programme for Government targets, and each quarter PEDU prepares PfG Delivery Reports for OFMDFM to take to the Executive.

In conjunction with Planning Service, PEDU undertook an intensive piece of work focused on improving processing times for planning applications. Ultimately that led to the development and implementation of an Action Plan to tackle the issues identified. Following the work, and implementation of the plan, processing times for planning applications improved and backlogs were reduced.

PEDU were also commissioned to undertake a review of Land & Property Services (LPS). The recommendations of the Review Team identified cultural, strategic and operational issues in six areas for priority action that were to be addressed through implementation of a comprehensive time bound Action Plan drawn up under the leadership of the Chief Executive of LPS. A link to a copy of the Review Report, including the Action Plan, is enclosed as follows:

http://www.lpsni.gov.uk/lps_copy_of_lps_review_final_report.pdf

In addition progress against the individual measures within the Action Plan is periodically monitored independently by PEDU and reported to the Permanent Secretary. At each stage the Finance and Personnel Committee are also updated on progress against the plan. A link to the most recent Committee session, when they received an update on progress from the Department, is enclosed as follows:

<http://www.niassembly.gov.uk/record/committees2010/FinancePersonnel/101013LandandpropertyServicesUpdate.pdf>

Following the Coalition Government's emergency budget in June, and as part of June Monitoring, the Executive agreed that DHSSPS and DE be exempted from their pro rata share of in-year reductions on the condition that "the Ministers for Health and Education agree to DFP, on behalf of the Executive, commissioning PEDU to undertake work into the scope for, and delivery of, significant cost reductions across the two sectors". Currently PEDU is undertaking work on Efficiencies within the Department for Education.

BMF Business Services

Mr S Hamilton asked the Minister of Finance and Personnel how much his Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2673/11)

Minister of Finance and Personnel: The amount paid to BMF Business Services by my Department and its arm's-length bodies since May 2007 is £43,755.

Basic Deaf Awareness Training for Staff

Mr P Weir asked the Minister of Finance and Personnel what plans are in place to increase the number of staff in Government Departments and public sector bodies who have basic deaf awareness training.

(AQW 2679/11)

Minister of Finance and Personnel: My Department does not have a corporate policy or plan regarding provision of deaf awareness training to NICS staff. This is a matter for individual Departments to address through departmental Disability Action Plans. Public Sector bodies are outside the remit of DFP.

Special Advisers

Mr P McGlone asked the Minister of Finance and Personnel to detail the (i) number; and (ii) cost of Special Advisers within each Department.

(AQW 2697/11)

Minister of Finance and Personnel: The details are published in the Note on Staff Numbers and Related Costs in Departments' Annual Resource Accounts.

Suicide

Mr D McNarry asked the Minister of Finance and Personnel to detail the number of people who died by suicide in each (i) constituency; and (ii) council area in each of the last ten years, broken down by age.

(AQW 2715/11)

Minister of Finance and Personnel: The information requested has been placed in the Library.

Farmers who Died by Suicide

Mr D McNarry asked the Minister of Finance and Personnel to detail the number of people, whose occupation was farmer, who died by suicide in each (i) constituency; and (ii) council area in each of the last ten years, broken down by age.

(AQW 2716/11)

Minister of Finance and Personnel: The attached tables give the number of deaths registered due to 'suicide and self-inflicted injury'¹ and 'undetermined injury whether accidentally or purposefully inflicted'² by age group and Local Government District or Assembly Area where the deceased's, or the deceased's parents, occupation was recorded as farmer³ between 2000 and 2009.

- 1 International Classification of Diseases, Ninth Revision codes E950-E959 for 2000 and Tenth Revision codes X60-X84, Y87.0 for years 2001-2009.
- 2 International Classification of Diseases, Ninth Revision codes E980-E989 for 2000 and Tenth Revision codes Y10-Y34, Y87.2 for years 2001-2009.
- 3 Farmer occupations have been identified using SOC90 codes 160 (Farm owners and managers, horticulturists) and 900 (Farm workers e.g. poultry workers) for years 2000-2001 and SOC2000 Codes 1211 (Farm managers), 5111 (Farmers), 9111 (Farm workers e.g. poultry workers) for years 2002-2009. These will include retired farmers and part-time farmers where the codes above have been listed as the major occupation.

TABLE 1: NUMBER OF REGISTERED DEATHS DUE TO 'SUICIDE AND SELF-INFLICTED INJURY' AND 'UNDETERMINED INJURY WHETHER ACCIDENTALLY OR PURPOSEFULLY INFLICTED' TO FARMERS BY AGE GROUP AND LOCAL GOVERNMENT DISTRICT, 2000 - 2009.

Local Government District	All Ages	Age Group					
		0-14	15-34	35-44	45-54	55-64	65+
Northern Ireland	73	1	10	13	18	9	22
Antrim	2	-	-	1	-	-	1
Ards	6	-	-	1	3	1	1
Armagh	4	-	1	1	1	-	1
Ballymena	7	1	3	1	1	1	-
Ballymoney	1	-	1	-	-	-	-
Banbridge	-	-	-	-	-	-	-
Belfast	-	-	-	-	-	-	-
Carrickfergus	-	-	-	-	-	-	-
Castlereagh	-	-	-	-	-	-	-
Coleraine	1	-	-	-	-	-	1
Cookstown	4	-	1	-	2	-	1
Craigavon	-	-	-	-	-	-	-
Derry	3	-	1	1	-	-	1
Down	3	-	1	-	-	1	1
Dungannon	2	-	-	-	1	-	1
Fermanagh	12	-	-	4	4	1	3
Larne	1	-	-	-	1	-	-
Limavady	1	-	-	-	-	1	-
Lisburn	3	-	-	-	1	-	2
Magherafelt	6	-	-	1	-	1	4
Moyle	2	-	-	1	-	-	1

Local Government District	All Ages	Age Group					
		0-14	15-34	35-44	45-54	55-64	65+
Newry & Mourne	6	-	-	-	2	1	3
Newtownabbey	2	-	-	-	-	1	1
North Down	-	-	-	-	-	-	-
Omagh	5	-	2	2	1	-	-
Strabane	2	-	-	-	1	1	-

TABLE 2: NUMBER OF REGISTERED DEATHS DUE TO 'SUICIDE AND SELF-INFLICTED INJURY' AND 'UNDETERMINED INJURY WHETHER ACCIDENTALLY OR PURPOSEFULLY INFLICTED' TO FARMERS BY AGE GROUP AND ASSEMBLY AREA, 2000 - 2009.

Assembly Area	All Ages	Age Group					
		0-14	15-34	35-44	45-54	55-64	65+
Northern Ireland	73	1	10	13	18	9	22
Belfast East	-	-	-	-	-	-	-
Belfast North	-	-	-	-	-	-	-
Belfast South	-	-	-	-	-	-	-
Belfast West	-	-	-	-	-	-	-
East Antrim	1	-	-	-	1	-	-
East Londonderry	2	-	-	-	-	1	1
Fermanagh and South Tyrone	14	-	-	4	5	1	4
Foyle	3	-	1	1	-	-	1
Lagan Valley	3	-	-	-	1	-	2
Mid Ulster	10	-	1	1	2	1	5
Newry and Armagh	8	-	1	1	3	1	2
North Antrim	10	1	4	2	1	1	1
North Down	1	-	-	-	1	-	-
South Antrim	4	-	-	1	-	1	2
South Down	4	-	1	-	-	-	3
Strangford	6	-	-	1	2	2	1
Upper Bann	-	-	-	-	-	-	-
West Tyrone	7	-	2	2	2	1	-

Number of Deaths

Mr D McNarry asked the Minister of Finance and Personnel to detail the total number of deaths in each (i) constituency; and (ii) council area in each of the last ten years, broken down by age.

(AQW 2719/11)

Minister of Finance and Personnel: Tables detailing the number of deaths registered by age group for each year between 2000 and 2009 by Local Government District and Assembly Area have been placed in the Library.

Business Creation

Ms M Ritchie asked the Minister of Finance and Personnel to detail any discussions he has had with banking institutions, within the last six months, in relation to (i) assisting small to medium sized industries; and (ii) the development of new businesses and job creation, including the construction industry.

(AQW 2757/11)

Minister of Finance and Personnel: My department has had ongoing contact with the banking sector over the past six months. Most recently, on Monday 6 December 2010, I met with representatives from our local banks (Barclays, Ulster Bank, Bank of Ireland, First Trust Bank, Northern Bank, Santander and HSBC) and representatives from the British Bankers Association (BBA) and the Institute of Directors to discuss the recommendations in the October 2010 BBA Business Finance Taskforce report 'Supporting UK Business'.

At this meeting we discussed the perceived lack of credit available for local businesses and the actions local banks are taking to implement the recommendations in this report to improve access to finance and customer relationships. While some of these recommendations are more relevant to Northern Ireland than others I believe that together they offer the potential to improve the relationship between the banks and businesses and indeed the wider community. I intend meeting with the banks again in late January to further discuss their progress in implementing these actions.

Investigation in the Department for Regional Development and NI Water

Mr P McGlone asked the Minister of Finance and Personnel (i) whether his Department has sought to direct the processes of the Public Accounts Committee in relation to the current investigation in the Department for Regional Development and NI Water; (ii) if so, on how many occasions; and (iii) to outline the electronic and written communications his Department has had with the PAC, including the dates of these communications, in the last two months.

(AQW 2758/11)

Minister of Finance and Personnel: My Department has not sought to direct the processes of the Public Accounts Committee in relation to the current investigation in the Department for Regional Development and NI Water.

Northern Ireland Executive Office in Brussels

Mr A Ross asked the Minister of Finance and Personnel to detail any communication his Department has had with the Northern Ireland Executive Office in Brussels in each of the last 24 months.

(AQW 2790/11)

Minister of Finance and Personnel: A number of officials in my Department are in frequent informal contact with their counterparts in the Northern Ireland Executive Office in Brussels. Much of this ad-hoc communication will not have been archived and it would be impractical to produce details over the period requested by the member.

Some particular areas of note however are where Central Procurement Directorate (CPD) assisted the Office of the Northern Ireland Executive in Brussels (ONIEB) to procure new office accommodation in the Parkview building, Chausee d'Etterek. CPD staff had regular contact with ONIEB from their appointment in Aug 2008 up to the completion of the works in Dec 2009 and occasional contact thereafter to finalise accommodation and cost issues.

The Internal Audit Services of DFP conducted an audit of ONIEB in Brussels in August 2010. Terms of reference and a draft report and other emails were exchanged arranging the review.

In addition as my Department is responsible for the coordination of current and future European Union Structural Funds programmes in Northern Ireland, communication with the Northern Ireland Executive Office covers a range of EU issues. This contact will only increase as the new funding period approaches, to ensure Northern Ireland's interests are well represented and opportunities for future funding are identified and followed up.

Ratepayer Debt

Mr J Spratt asked the Minister of Finance and Personnel to detail the current amount of ratepayer debt in each constituency.

(AQW 2853/11)

Minister of Finance and Personnel: At any point in time, the total amount of ratepayer debt comprises two elements: the previous years' ratepayer debt; and in-year debt. At 5 December 2010, the previous years' ratepayer debt of £157 million at 31 March 2010 had been reduced to £90 million. The break down between district council areas is given in Table 1.

LPS systems record information by local government district as this is needed for calculating penny product figures. There is no operational reason to hold figures by Parliamentary constituency and as a result figures cannot be provided at this administrative level.

It is difficult to quantify in-year ratepayer debt given that, as part of normal business, bills are issued and paid on a daily basis.

TABLE 1 – PREVIOUS YEARS' RATEPAYER DEBT AT 5 DECEMBER 2010 BY DISTRICT COUNCIL AREA

District Council	Prior Years' Debt
Antrim	£2,161,557
Ards	£3,537,525
Armagh	£2,901,031
Ballymena	£1,587,541
Ballymoney	£774,057
Banbridge	£1,776,679
Belfast	£28,018,164
Carrickfergus	£1,730,936
Castlereagh	£2,084,302
Coleraine	£1,975,905
Cookstown	£774,357
Craigavon	£4,776,224
Derry	£5,763,405
Down	£3,123,811
Dungannon & S.Tyrone	£1,613,745
Fermanagh	£1,806,315
Larne	£957,691
Limavady	£1,216,617

District Council	Prior Years' Debt
Lisburn	£6,211,141
Magherafelt	£966,302
Moyle	£477,375
Newry & Mourne	£5,370,769
Newtownabbey	£3,897,071
North Down	£3,787,116
Omagh	£1,311,335
Strabane	£1,334,204
Total Prior Years' Debt	£89,935,174

Figures may not total exactly due to rounding

Presbyterian Mutual Society

Mr C Lyttle asked the Minister of Finance and Personnel, in relation to his statement in the Assembly on 8 November 2010 regarding the Presbyterian Mutual Society, to explain what he meant by “investors” when he said “obviously the bigger the mutual access fund the more money there will be to give to small investors”.

(AQW 2917/11)

Minister of Finance and Personnel: The Hon. Mr Justice Deeny made it clear in his ruling on Friday 12th February 2010 that PMS investors include both shareholders and loan capital holders.

Department of Health, Social Services and Public Safety

Press Offices

Mr A Easton asked the Minister of Health, Social Services and Public Safety to outline the annual running costs, for the latest available year, of the press offices in (i) the Ambulance Service; (ii) the Health Promotion Agency; and (iii) the Regulation and Quality Improvement Authority; and how many staff are employed at each location.

(AQW 1375/11)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): Not all organisations have dedicated press offices; rather they may have communications staff whose role includes press office type functions. The costs associated with, and the number of staff employed in these types of roles, are shown in the table below.

	2009/10 £'000	Numbers of Staff (WTE)
Northern Ireland Ambulance Service	13	0.25
Health Promotion Agency	91	2.6
Regulation and Quality Improvement Authority	8	0.15

Prescriptions

Mr P Weir asked the Minister of Health, Social Services and Public Safety how many prescriptions were (i) written; and (ii) dispensed in the North Down constituency between November 2009 and 1 April 2010. **(AQW 1649/11)**

Minister of Health, Social Services and Public Safety:

- (i) The information requested is not available.
- (ii) There were 376,564 prescriptions dispensed and presented for payment by community pharmacies in the North Down Parliamentary Constituency between November 2009 and March 2010. The count includes prescriptions issued by all types of prescribers including doctors, nurses and dentists, and also includes items prescribed and dispensed by pharmacists under the minor ailments scheme. Only drugs dispensed in primary care are included as drugs prescribed and dispensed in hospital cannot be captured centrally due to the use of different hospital IT systems.

This information was supplied by the Family Practitioner Services, Information and Registration Unit - HSC Business Services Organisation.

Prescriptions

Mr P Weir asked the Minister of Health, Social Services and Public Safety how many prescriptions have been (i) written; and (ii) dispensed in the North Down constituency since April 2010. **(AQW 1650/11)**

Minister of Health, Social Services and Public Safety:

- (i) The information requested is not available.
- (ii) There were 313,469 prescriptions dispensed and presented for payment by community pharmacies in the North Down Parliamentary Constituency between April 2010 and July 2010. The count includes prescriptions issued by all types of prescribers including doctors, nurses and dentists, and also includes items prescribed and dispensed by pharmacists under the minor ailments scheme. Only drugs dispensed in primary care are included as drugs prescribed and dispensed in hospital cannot be captured centrally due to the use of different hospital IT systems.

This information was supplied by the Family Practitioner Services, Information and Registration Unit - HSC Business Services Organisation.

10-day Target for the Payment of Invoices

Mr D O'Loan asked the Minister of Health, Social Services and Public Safety to outline each Health and Social Care Trust's record in meeting the 10-day target for the payment of invoices since 1 April 2010. **(AQW 1652/11)**

Minister of Health, Social Services and Public Safety: The 10 day invoice target, set for all public sector organisations, aims to support business by improving their cash flow. The table below shows the performance of Trusts, up to 30th September 2010, in meeting this target.

Trust	Paid within 10 Days (%)	Total invoice value paid within 10 Days (%)
Belfast Trust	35	47
Northern Trust	40	66
Southern	39	64
South Eastern	45	66

Trust	Paid within 10 Days (%)	Total invoice value paid within 10 Days (%)
Western Trust	48	61
NIAS	35	42

Funding to Deliver Suicide Awareness and Prevention and Drug and Alcohol Misuse Services

Ms J McCann asked the Minister of Health, Social Services and Public Safety what groups currently receive funding to deliver (i) suicide awareness and prevention; and (ii) drug and alcohol misuse services; and how much each group will receive in the current financial year
(AQW 1807/11)

Minister of Health, Social Services and Public Safety: Funding is allocated, via the Public Health Agency and Health and Social Care Board, to a range of voluntary and community organisations to deliver suicide prevention programmes, and to deliver services to address alcohol and drug-related harm. These programmes, projects and services are delivered on a regional and a local basis.

Details on this funding are provided in the attached tables.

SUICIDE AWARENESS/PREVENTION AND ALCOHOL/DRUG FUNDING 2010/11

Summary of projects/groups funded through PHA suicide prevention budget			
Funded action	Delivery Organisation	Geography	PHA cost
Rainbow	Rainbow	Belfast	£4,681
FASA	FASA	Belfast	£112,200
PIPS	PIPS	Belfast	£118,948
Lenadoon Community Forum	Lenadoon Community Forum	Belfast	£51,286
New Life Counselling	New Life Counselling	Belfast	£86,993
Suicide Awareness Support Group	Suicide Awareness Support Group	Belfast	£83,742
Holy Trinity Centre	Holy Trinity Centre	Belfast	£34,680
Opportunity Youth	Opportunity Youth	Belfast	£26,826
Bridge of Hope	Bridge of Hope	Belfast	£26,316
Barnardos	Barnardos	Belfast	£30,000
Windsor Women's Centre	Windsor Women's Centre	Belfast	£24,000
East Belfast Independent Advice Centre	East Belfast Independent Advice Centre	Belfast	£27,500
Opportunity Youth	Opportunity Youth	Belfast	£32,217
East Belfast Community Development Agency-Family Support	East Belfast Community Development Agency	Belfast	£36,000

Summary of projects/groups funded through PHA suicide prevention budget			
Funded action	Delivery Organisation	Geography	PHA cost
Mulholland After Care	Mulholland After Care	Belfast	£32,575
Maureen Sheehan Centre	Maureen Sheehan Centre	Belfast	£11,200
Falls Women's Centre	Falls Women's Centre	Belfast	£12,240
Rainbow	Rainbow	Belfast	£4,973
Charter NI	Charter NI	Belfast	£15,000
Aware Defeat Depression	Aware defeat Depression	Belfast	£2,550
Aware Defeat Depression	Aware defeat Depression	Belfast	£2,550
Conservation Volunteers	Conservation Volunteers	Belfast	£10,000
Cause	Cause	Belfast	£4,000
Contact Youth	Contact Youth	Belfast	£16,997
Evaluation	PHA	Northern	£10,000
Bereaved by Suicide Support Officer and Counselling Sessions Available for over 18's	NHSCT	Northern	£75,888
Training in Applied Suicide Intervention Skills Training	NHSCT	Northern	£16,978
2 Young Men's Workers for 16-25yrs	NEELB Youth Service	Northern	£73,875
Community Small Grants Scheme - Year 4	Community Networks	Northern	£138,000
2 Community Based Suicide Prevention Strategy Development Officers	SARN & CWSAN	Northern	£90,000
1 Community Based Suicide Prevention Strategy Development Officer for areas of High need	Community Networks	Northern	£22,500
Children and Young People Bereaved by Suicide (under 18) Support Project	TBC	Northern	£41,500
Training in Suicide Talk and SafeTalk	Dare to Stretch	Northern	£32,700
LGBT Support Project	TBC	Northern	£10,000
Resources to Support Communities, Support Cards and Networking Events, Goods & Services	PHA	Northern	£15,800
Northern Area Annual Inter-Churches Seminar and Workshops on Suicide Prevention Strategy	PHA	Northern	£3,000

Summary of projects/groups funded through PHA suicide prevention budget			
Funded action	Delivery Organisation	Geography	PHA cost
Training in Mental Health First Aid and Depression Awareness	Aware Defeat Depression	Northern	£6,410
Support for Suicide Prevention Strategy Development Officers Steering Group	CDHN	Northern	£4,000
Programmes for those with Mental Illness/Mental Health Problems at risk of Suicide and Self Harm	Rehability	Northern	£15,354
Family Outreach Support for Self Harm inc Community and Voluntary Sector Self Harm training	ZEST	Northern	£9,000
Young Women's Education and Awareness Programmes	Women's Aid	Northern	£7,934
Self Harm Registry	PHA	Regional	£170,000
R&D projects approved for 2009/10 to build evidence base	R&D Division	Regional	£214,000
Take forward a number of agreed projects on an all island basis to build evidence base and capacity	TBC	Regional	£30,000
Evaluation of the Protect Life Strategy	TBC	Regional	£30,000
Headline Media Monitoring Service	Public Health Agency	Regional	£50,000
SSIB costs	Public Health Agency	Regional	£6,000
Self Harm Registry Programme	WHSCOT / BHSCOT / ZEST	Regional	£278,000
Support for Family Voices - Regional Forum for Bereaved families	Family Voices	Regional	£10,000
Community of Interest Protect Life Programmes providing services for local communities	TBC	South Eastern	£4,465
Community "Protect Life" Resource Centres (x5) offering advice, information, signposting and referral to services for local communities	ASCERT, Old Warren Partnership, Colin Counselling, Lisburn YMCA, Kiros Centre Newcastle	South Eastern	£50,000
Positive Futures programme	Lisburn YMCA	South Eastern	£8,000
Suicide Prevention Strategy Coordinator	South Eastern Trust	South Eastern	£39,975
Mentoring Service for at risk young people	Mulholland Aftercare Services	South Eastern	£21,016

Summary of projects/groups funded through PHA suicide prevention budget			
Funded action	Delivery Organisation	Geography	PHA cost
Young people's floating support service	Mulholland Aftercare Services	South Eastern	£43,599
Bereavement Support Service	CRUSE	South Eastern	£6,920
Programme development and support	South Eastern Trust	South Eastern	£7,500
Counselling Support	Rainbow Project	South Eastern	£6,000
Ards Seniors Project	The LINK	South Eastern	£2,985
Learning Disability Project	SE Trust	South Eastern	£615
Mental Health Vol Development	Old Warren Partnership	South Eastern	£900
Empowering Carers Project	TADA Rural Network	South Eastern	£354
Drama Project	Colin Neighbourhood Partnership	South Eastern	£3,000
Minding Me Project	Community Direct	South Eastern	£2,775
Prior Knowledge - Future Choices	Mind Wise	South Eastern	£1,620
Suicide Prevention Strategy Project	New Life Counselling	South Eastern	£2,785
NCFE Mental Health Certificate	ASCERT	South Eastern	£3,000
Lisburn Awareness of Suicide and Support	LASS	South Eastern	£3,000
Growing Together	Growing Connections NI	South Eastern	£3,000
Therapeutic Counselling Service for Women	Footprints Women Centre	South Eastern	£3,000
Early Intervention Counselling	Hollywood Family Trust	South Eastern	£3,000
Mind Me	Kilcooley Women's Centre	South Eastern	£3,000
Youth Programme	LINK Family & Resource Centre	South Eastern	£15,832
Young Men's Suicide Prevention Strategy Project	North Down YMCA	South Eastern	£19,658
Therapeutic Counselling Service	Belfast Central Mission	South Eastern	£17,495
Bereavement Support Service	CRUSE	South Eastern	£14,637
Social Prescribing project	Hollywood Family Trust	South Eastern	£18,297
Suicide Prevention Strategy Coordinator	South Eastern Trust	South Eastern	£22,478
Support for Community Forum		Southern	£3,500
Crisis response	Crisis response	Southern	£60,000

Summary of projects/groups funded through PHA suicide prevention budget			
Funded action	Delivery Organisation	Geography	PHA cost
Programme Budget allocated to SHSCT	SHSCT	Southern	£255,000
Suicide Strategy Officer	PHA	Western	£30,000
Self Harm Support Staff	WHSCT	Western	£65,000
Delib Self Harm		Western	£120,000
Strategy Liaison Officer	WHSCT	Western	£36,000
Suicide Training Programme	WHSCT	Western	£10,000
Youth Health Clinic	WHSCT	Western	£10,000
Self Harm Integrated Network	ZEST	Western	£150,000
CLEAR Initiative	Derry Healthy Cities	Western	£85,000
Community small Grants Programme	PHA	Western	£80,716
Foyle Search & Rescue	FSR	Western	£25,000
Total			£3,427,534

LIFELINE COMMUNITY GROUP CONTRACTED SUPPORT SERVICES

Organisation	Funding	Trust Area
Albert Street	5,720.00	Belfast
CODA	4,576.00	Belfast
CTC	17,160.00	Belfast
Donegal Pass	57,200.00	Belfast
FASA	30,202.00	Belfast
Feel Great Therapies	14,185.60	Belfast
Lifespring	52,624.00	Belfast
OPAL	23,680.80	Belfast
Holy Trinity	25,740.00	Belfast
WB P & Y Support Group	6,864.00	Belfast
Sub Total	237,952.40	
Feel Great Therapies	8,694.40	Northern
MUST	45,760.00	Northern
Niamh Louise Foundation	8,008.00	Northern
Patachwork	12,584.00	Northern
Sub Total	75,046.40	

Organisation	Funding	Trust Area
FASA	20,100.00	South Eastern
Hollywood Family Trust	8,580.00	South Eastern
OPAL	15,787.20	South Eastern
Protect Life	20,592.00	South Eastern
Sub Total	65,059.20	
Breakthru	40,040.00	Southern
Lifespring	13,156.00	Southern
Protect Life	30,888.00	Southern
REACT	35,464.00	Southern
Saver Naver	10,296.00	Southern
Niamh Louise Foundation	8,008.00	Southern
Sub Total	137,852.00	
Aisling Centre	25,740.00	Western
CALMS	8,580.00	Western
CUNAMH	13,728.00	Western
NORTHWEST	14,300.00	Western
ZEST	38,896.00	Western
Sub Total	101,244.00	
CARECALL	53,340.00	Regional – NI wide
Total	670,494.00	

SUMMARY OF PHA FUNDING FOR DRUG AND ALCOHOL MISUSE SERVICES 2010/11

Action	Delivery Organisation	Geography	PHA_cost
Alcohol Housing Project	EXTERN	Belfast	£84,952
COPAH	NICAS	Belfast	£48,495
Drugs Accomodation support worker	EXTERN	Belfast	£50,000
Service User Development:	Extern	Belfast	£6,535
Workforce Development	Carlisle House	Belfast	£7,000
Workforce Development	NICAS	Belfast	£10,000
Service User Development:	Carlisle House	Belfast	£7,685
Cross-sectoral training	CRUN	Northern	£84,072
Drug & Alcohol Outreach service (Ballymena - match funding)	Threshold	Northern	£15,809
Drug Outreach Service (Ballymena)	Threshold	Northern	£38,120

Action	Delivery Organisation	Geography	PHA_cost
Drug Outreach Service (Coleraine and Antrim)	Threshold	Northern	£41,195
Education & Prevention (Adults)	TIPSA	Northern	£40,874
Education & Prevention (Adults) (Antrim / Ballymena)	ACET NI Ltd	Northern	£39,101
Education & Prevention (Adults) (East Antrim)	ACET NI Ltd	Northern	£39,101
Education & Prevention (Adults)	CRUN	Northern	£40,293
Education & Prevention (Young People)	TIPSA	Northern	£40,874
Education & Prevention (Young People) (Antrim/B'mena)	ACET NI Ltd	Northern	£39,101
Education & Prevention (Young People) (East Antrim)	ACET NI Ltd	Northern	£39,101
Education & Prevention (Young People)	CRUN	Northern	£40,293
Family Support Services	Hope Centre	Northern	£40,614
Hidden Harm	Local providers	Northern	£47,386
One Stop Shop Pilot	Carrickfergus Community Drug Association	Northern	£127,149
Small Grant Funding programme	Local providers	Northern	£20,000
Supported Accommodation	Living Rivers	Northern	£99,345
Tier 2/3 Counselling, support & mentoring services for 17 years olds and under	Dunlewey Substance Advice Centre	Northern	£73,056
DARD Maximise Access	Investing for Health	Regional	£57,500
Health & Wellbeing Indicators	WIFH	Regional	£8,000
Hidden Harm Training	PHA	Regional	£13,500
NSPCC Campaign	NSPCC	Regional	£40,000
One Stop Shop Pilot	FASA	Regional	£107,021
Additional post -PHAROS	Barnardos	South East/Belfast Combined	£50,000
Additional services for Hidden harm	TBC	South East/Belfast Combined	£14,824
Alcohol Education Project	Lisburn YMCA	South East/Belfast Combined	£79,514
Community Drug Awareness Training	ASCERT	South East/Belfast Combined	£84,997

Action	Delivery Organisation	Geography	PHA_cost
Community safety initiative	FIRE IMC	South East/Belfast Combined	£7,500
Contribution towards HH awareness	PHA	South East/Belfast Combined	£10,000
Contribution towards HH workforce development	PHA	South East/Belfast Combined	£10,000
Family Support Service (PHAROS)	Barnardos	South East/Belfast Combined	£190,000
homelessness training project	CHNI	South East/Belfast Combined	£64,418
ISF development monies	FASA	South East/Belfast Combined	£6,332
RATSDAM (offenders project)	NICAS	South East/Belfast Combined	£137,328
Small Grants Scheme	TBC	South East/Belfast Combined	£50,000
Strengthening Families	TBC	South East/Belfast Combined	£5,000
taking the lid off project	ASCERT	South East/Belfast Combined	£14,028
Targetted Education Project	Opportunity Youth/ASCERT	South East/Belfast Combined	£147,187
TATI Coordinator	Lisburn YMCA	South East/Belfast Combined	£25,000
Tier 1/2 Workforce Project	ASCERT	South East/Belfast Combined	£87,442
Workforce Development	ASCERT	South East/Belfast Combined	£10,000
Young peoples early intervention and treatment service	Opportunity Youth/ASCERT	South East/Belfast Combined	£423,723
Alcohol Liaison Nurse	SEHSCT	South Eastern	£46,454
Audit of Mental Health Files	SEHSCT	South Eastern	£20,000
Community Support Service	SEHSCT	South Eastern	£84,495
MARC Project	LINK	South Eastern	£46,826
Nurse led outreach project	SIMON COMMUNITY	South Eastern	£82,611
Prescribed medication support service (SEHSCT)	SEHSCT	South Eastern	£36,740
Arrest Referral Workers	REACT Ltd	Southern	

Action	Delivery Organisation	Geography	PHA_cost
BME Co-ordinator	Newry and Mourne Drug and Alcohol Partnership	Southern	£38,390
Community Alcohol and Drugs Support Service	Opportunity Youth	Southern	£38,500
Community Alcohol and Drugs Support Service	REACT Ltd	Southern	£35,605
Community Alcohol and Drugs Support Service	Opportunity Youth	Southern	£38,500
Community Alcohol and Drugs Support Service	Newry and Mourne Drug and Alcohol Partnership	Southern	£38,466
Community Alcohol and Drugs Support Service	Opportunity Youth	Southern	£38,500
Community Alcohol and Drugs Support Service	Opportunity Youth	Southern	£38,500
Community Alcohol and Drugs Support Service	REACT Ltd	Southern	£34,605
Community Alcohol and Drugs Support Service	Opportunity Youth	Southern	£38,500
Community Training	SHSCT PWT	Southern	£20,000
Family & Child Liaison Service	SHSCT CAT	Southern	£45,714
Family Support	Barnardos	Southern	£102,169
Hidden Harm	PHA/HSCB	Southern	£90,000
One Stop Shop Pilot	REACT Ltd	Southern	£111,265
Service Users	NIAMH	Southern	£20,000
Small Grants	Voluntary/Community Sector	Southern	£20,000
Parents Carers - Awareness Event	Southern Group Environmental Health Committee	Southern	£1,500
Club Signage	Tyrone Gaelic Athletic Association	Southern	£1,050
Youth Treatment, Counselling & Support	Opportunity Youth	Southern	£150,000

Action	Delivery Organisation	Geography	PHA_cost
Chronic/Street Drinkers	Solace- Arc Healthy	Western	£95,818
Chronic/Street Drinkers	Foyle Haven	Western	£98,824
Community Education and Prevention	Breakthru	Western	£92,726
Community Education and Prevention	Divert- Dove House	Western	£222,497
Counselling and Support 18-25 yr olds	Daisy	Western	£122,497
Lifeskills	Ferm New Horizons	Western	£34,292
Mental Health in Schools	Omagh Community Church	Western	£18,217
User Involvement	Daisy West & NW Housing	Western	£21,174
Youth Diversion	Arc Healthy Living Centre	Western	£38,579
Youth Treatment & Counselling	Daisy West	Western	£166,954
			£4,893,433

Trained Consultants Who No Longer Practice Medicine

Mr J Craig asked the Minister of Health, Social Services and Public Safety how many trained consultants who no longer practice medicine are currently full-time managers in the Health Service; and how much each earned in the last available financial year.

(AQW 2114/11)

Minister of Health, Social Services and Public Safety: Three trained consultants work exclusively in management roles and are no longer involved in clinical practice. These are the Medical Directors of the Southern, Belfast and Western HSC Trusts.

When Trusts were established, they were required in statute to have on their board, a Medical Director. The medical director post fulfils a statutory function of the Trust Board and the post holder is required to be a fully qualified doctor, registered with the GMC and subject to the same appraisal and revalidation process as other consultants. Medical Directors are required to take difficult clinical decisions and to deal with issues that require them to draw on the professional knowledge, experience and competence. They are responsible for everyday medical management within the Trust and for ensuring that we have proper governance arrangements in place in order to protect the health and safety of patients and clients.

In the last financial year they earned £200,000 - £205,000; £190,000 - £195,000; and £100,000 - £105,000 respectively.

Agenda NI

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety how much his Department and its agencies have spent on (i) articles and adverts in Agenda NI; (ii) subscriptions to Agenda NI; and (iii) payments for staff attending conferences organised by BMF Conferences since May 2007.

(AQW 2474/11)

Minister of Health, Social Services and Public Safety: Since May 2007 there have been no payments recorded by my Department or its Agency to either Agenda NI or BMF Conferences.

Psychiatric Units

Lord Morrow asked the Minister of Health, Social Services and Public Safety to outline the procedure that is followed when a patient is admitted to a psychiatric ward or unit, from initial assessment to the decision to discharge; and whether this procedure is standard practice across all Health and Social Care Trusts.

(AQW 2497/11)

Minister of Health, Social Services and Public Safety: The admission and assessment procedures followed, when a patient is admitted to a psychiatric ward or unit, fundamentally follow a standard process across all Trusts. However, the specific procedures may vary according to the patient's characteristics, diagnosis and needs, the type of ward they to which they are admitted and other issues such as whether they are a voluntary or detained patient.

Following admission, a patient will receive a multi-disciplinary assessment which will determine the care plan and how discharge is to be managed. During their stay in hospital a patient may undergo further assessment; receive appropriate medication; be subject to an observation regime; and, receive appropriate therapeutic or psychological interventions. The discharge arrangements will include a risk assessment.

Community Psychiatric Nurses

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many community psychiatric nurses are currently employed in each Health and Social Care Trust.

(AQW 2498/11)

Minister of Health, Social Services and Public Safety: The number of community psychiatric nurses currently employed in each Health and Social Care Trust is given in the table below.

COMMUNITY PSYCHIATRIC NURSES EMPLOYED WITHIN THE NI HSC BY TRUST AS AT DECEMBER 2010.

Trust	Headcount
Belfast	170
Northern	102
South Eastern	83
Southern	183
Western	132
Total	670

Source: NI HSC Trusts

Rapid Response Teams

Lord Morrow asked the Minister of Health, Social Services and Public Safety what medical staff comprise a Rapid Response Team for suicide risk call-outs; and how many of these teams currently exist in each Health and Social Care Trust.

(AQW 2499/11)

Minister of Health, Social Services and Public Safety: Within each Health and Social Care Trust area there are a range of service options available to help people in crisis and or at risk of suicide. These services include:

- GP 24hr ‘first contact’ service is available for people in crisis across Northern Ireland.
- Front line medical staff provide support for individuals at risk of suicide who present at Accident & Emergency, and this includes urgent referral to specialist mental health services as required. The “Card Before You Leave” initiative also provides for next day follow up by mental health care services.
- Mental Health Crisis Response and Home Treatment teams are also available in each of the HSC Trust areas. The teams are comprised of specialist mental health practitioners, including psychiatric, nursing, and social work staff, and have access to the on call duty medical officer / consultant psychiatrist.
- Lifeline 24/7 crisis response helpline, and associated wraparound counselling, mentoring, and befriending support services.
- Suicide prevention support network established in local communities as part of the rollout of the Protect Life strategy.

Intensive Care Beds

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many Intensive Care Unit beds are currently available in each Health and Social Care Trust; and whether any degree of intensive care treatment can be provided on a standard ward if all ICU beds are occupied.

(AQW 2509/11)

Minister of Health, Social Services and Public Safety: Critical Care units in the HSC Trusts comprise intensive care (ICU) and high dependency care (HDU) beds. While beds may be designated ICU or HDU they are used flexibly and in accordance with patients’ clinical needs. The total number of critical care beds in each Health and Social Care Trust is as follows:

Trust	Beds
Belfast	40
Northern	12
South Eastern	10
Southern	8
Western	16
Total	86

It is for clinicians to determine the most suitable location for the management of patients. Some people, who require a higher level of care than provided in a normal ward setting may appropriately be managed on an acute ward with advice and support from the critical care team.

Health and Social Services Board Jobs

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety to detail the number of staff previously employed in the former Western Health and Social Services Board who have been transferred to the (i) Health and Social Care Board; (ii) Public Health Agency; (iii) Business Services Organisation; (iv) Patient and Client Council; and (v) Cooperation and Working Together, broken down by (a) destination grade; and (b) destination location.

(AQW 2510/11)

Minister of Health, Social Services and Public Safety: The information requested is provided in the tables below. Information on staff working in Cooperation and Working Together is provided separately below.

- (a) Current Grades of Staff previously employed in the Western HSS Board by Organisation as at 30 September 2010.

	Health & Social Care Board	Public Health Agency / Business Services Organisation / Patient Client Council
Grade	WTE	WTE
Admin & Clerical Bands 1 - 3	12.00	10.94
Admin & Clerical Bands 4 - 5	18.75	8.78
Admin & Clerical Bands 6 - 7	17.30	10.03
Admin & Clerical Bands 8A -D	15.70	5.00
Non-Admin Grades	2.18	4.10
Total	65.93	38.85

Source: NI HSC Board

- (b) Current Locations of Staff previously employed in the Western HSS Board by Organisation as at 30 September 2010.

	Health & Social Care Board	Public Health Agency / Business Services Organisation / Patient Client Council
Location	WTE	WTE
Gransha Park Londonderry	60.73	32.35
Other locations	5.20	6.50
Total	65.93	38.85

Source: NI HSC Board

Notes for Table (a) and (b):

1. WTE = Whole-Time Equivalent
2. Some grouping of locations and Organisations has been necessary in order to avoid personal disclosure, where it may be possible to identify an individual from the data provided.

A total of 11.80 WTE staff previously employed within the Western HSS Board are now employed within Cooperation and Working Together. They are all based in Riverview House, Londonderry.

Arm's-length Bodies: Funding

Mr P Weir asked the Minister of Health, Social Services and Public Safety to detail the level of funding provided by his Department to each of its arm's-length bodies in 2010/11.

(AQW 2519/11)

Minister of Health, Social Services and Public Safety: It is not be possible to confirm the final level of funding to each of the bodies in 2010-11 as budgets may be subject to further change.

Downe Hospital, Downpatrick

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety what he is doing to ensure that 24-hour consultant-led accident and emergency services and acute psychiatric services will continue at the Downe Hospital in Downpatrick; and if he will make a statement on the matter.

(AQW 2527/11)

Minister of Health, Social Services and Public Safety: The delivery of services at the Downe Hospital is the responsibility of the South Eastern Health and Social Care Trust. Following public consultation, the board of the South Eastern Trust recently approved proposals relating to the reform and modernisation of several of its services, including the emergency department in the Downe Hospital and mental health services across the Trust area.

These proposals have only recently been sent to my office. Until I have considered all aspects of the proposals I am unable to comment further.

Irish-Language Classes for Staff

Mr M Brady asked the Minister of Health, Social Services and Public Safety whether his Department currently offers, or plans to offer, Irish-language classes to staff.

(AQW 2556/11)

Minister of Health, Social Services and Public Safety: The Department does not offer, and has no plans to offer, Irish-language classes to staff.

Artworks

Mr A McQuillan asked the Minister of Health, Social Services and Public Safety to detail the value of the artworks that his Department currently has (i) on display; and (ii) in storage.

(AQW 2575/11)

Minister of Health, Social Services and Public Safety: Most of the artwork held by DHSSPS is owned and managed by DFP

In addition, the Department of Health, Social Services and Public Safety currently has other artworks on loan from other centres. They value of these (i) on display is £55k and (ii) in storage is £12.3k.

Drug Treatment Services

Miss M McIlveen asked the Minister of Health, Social Services and Public Safety (i) how many prisoners have availed of drug treatment services in each of the last five years; and (ii) to detail the cost of providing these services.

(AQW 2582/11)

Minister of Health, Social Services and Public Safety: Responsibility for the provision of Addiction Services in Northern Ireland's Prisons rests with the South Eastern Health and Social Care Trust. The Trust assumed responsibility for the provision of Addiction Services in October 2008; therefore we can only provide a response for the financial years 2008/09 and 2009/10.

- (i) Addiction Treatment within prisons settings is now provided through two different services.
 - (a) ADEPT who commenced their contract on 30 July 2009 – and figures are set out below.

ADEPT - APRIL 09 TO MARCH 10

	Magilligan	Maghaberry	Hydebank (Male)	Hydebank (Female)
Core Harm Induction Programme	54	123	35	0

	Magilligan	Maghaberry	Hydebank (Male)	Hydebank (Female)
Assessment	264	186	138	22
Casework	13	27	26	5
Counselling	15	7	3	5
Pre-Release	23	9	13	4

- (b) The Clinical Addiction Team, who commenced provision in January 2010, saw 68 patients between January 2010 and March 2010

COST FOR THESE SERVICES IN 2008/09 AND 2009/10 ARE SET OUT BELOW:

	2008/09	2009/10
Magilligan	£140,310	£110,055
Maghaberry	£100,527	£78,807
Hydebank	£213,651	£143,901
Addiction Nurses		£62,713

Psoriatic Arthritis

Mr T Clarke asked the Minister of Health, Social Services and Public Safety to detail (i) the number of people currently diagnosed with psoriatic arthritis; (ii) the number of these people currently awaiting anti-tumour necrosis factor treatment; (iii) the current waiting time for anti-TNF treatment; and (iv) the hospitals which offer this treatment.

(AQW 2593/11)

Minister of Health, Social Services and Public Safety:

- (i) Information on the number of people currently diagnosed with psoriatic arthritis is not available.
- (ii) The number of people currently diagnosed with psoriatic arthritis awaiting anti-tumour necrosis factor treatment is not known.
- (iii) The table below shows the number of patients with severe inflammatory arthritis waiting for anti-TNF treatment and the length of time they've been waiting as at 31st October 2010 (the most recent date for which data are available). It is not possible to identify separately those with psoriatic arthritis.

	Waiting Time in Weeks					
	0-13	>13-21	>21-39	>39-52	>52-78	>78
No. patients waiting for Biologic Therapy Treatment at 31/10/10	172	89	148	0	0	0

Source: Departmental Return SDR5

- (iv) Anti-TNF treatment is offered at Altnagelvin Area Hospital, Antrim Hospital, Craigavon Area Hospital, Musgrave Park Hospital and the Ulster Hospital.

Treatment for Arthritis

Mr T Clarke asked the Minister of Health, Social Services and Public Safety how much the anti-tumour necrosis factor drug currently used by the Health Service costs per patient treatment in comparison to other drugs used to treat arthritis.

(AQW 2594/11)

Minister of Health, Social Services and Public Safety: Detailed information on the medicines used in the treatment of arthritis, including the cost of individual products, is available in section 10.1 of the British National Formulary (BNF) at www.bnf.org. The main types of drugs used to treat arthritis are painkillers (analgesics), non-steroidal anti-inflammatory drugs (NSAIDs), corticosteroids, disease modifying anti-rheumatic drugs (DMARDs) and biologic DMARDs. Anti-TNF drugs fall into the latter group.

It is not possible to provide a definitive figure for the cost per patient treatment. There are a large number of drugs used to treat arthritis and many patients will be on a combination of drugs. The cost per patient will vary according to factors such as the type of arthritis they are suffering from, the combination of drugs they are being treated with, the individual dosage and their individual response to their treatment.

In very broad terms, the costs of analgesics and NSAIDs are approximately £120 - £250 per year; the costs of corticosteroid therapies are below £100 per year; and the costs of non-biologic DMARDs range from approximately £100 to £1,000 per year depending on the factors outlined above. There are several anti-TNF drugs currently used to treat patients in the HSC. They are significantly more expensive than other treatments, costing approximately £9,000 - £10,000 per patient per year.

Health Messages on Cigarette Packets

Mr D O'Loan asked the Minister of Health, Social Services and Public Safety whether he will make representations to his Westminster counterpart requesting more use of positive health messages on cigarette packets about the benefits of stopping smoking, rather than verbal and pictorial warning messages.

(AQW 2595/11)

Minister of Health, Social Services and Public Safety: I have recently written to my counterpart in England, Andrew Lansley, Secretary of State for Health, offering my full support for their proposals to have tobacco companies introduce plain packaging for cigarettes and have emphasised that this important health initiative allows greater scope for the use of positive health messages on the packs. Given that the introduction of plain paper packaging is likely to be some way off, I have also asked Mr Lansley to give further consideration to increased use of positive health messages on the existing packs.

I am keen to see further measures put in place, particularly to help prevent children and young people from taking up smoking and being exposed to the promotion of such harmful and life-limiting products.

Day Opportunities Programme

Mr P Frew asked the Minister of Health, Social Services and Public Safety whether the Day Opportunities Programme was set up following the amalgamation of the Homefirst and Causeway Health Trusts; and how much the Day Opportunities Programme cost to run in the last financial year available, broken down by (i) salaries; (ii) utilities; (iii) rent; (iv) mileage claims by staff; and (v) courses and staff training.

(AQW 2613/11)

Minister of Health, Social Services and Public Safety: The Day Opportunities Programme became operational in Homefirst Trust in January 2005 and prior to the amalgamation of Homefirst and Causeway Trusts.

In 2009/10, the last financial year available, the cost of the Day Opportunities Programme broken down in the format requested was as follows –

- (i) Salaries - £306,581;
- (ii) Utilities - £3,367;
- (iii) Rent – Nil;
- (iv) Mileage claims by staff – £30,116, and
- (v) Courses and Staff Training - £1,852.

Vacant Beds in Nursing Homes and Residential Homes

Mr D McClarty asked the Minister of Health, Social Services and Public Safety to detail the number of beds currently vacant in (i) private nursing homes; and (ii) residential homes in the East Londonderry constituency.

(AQW 2615/11)

Minister of Health, Social Services and Public Safety: The information requested is not collected centrally.

Lip-Reading Teachers

Mr P Weir asked the Minister of Health, Social Services and Public Safety how many lip-reading teachers each Health and Social Care Trust currently funds.

(AQW 2616/11)

Minister of Health, Social Services and Public Safety: Please see the table below.

Trust	NHSCT	SHSCT	SEHSCT	BHSCT	WHST
No. lip-reading teachers	0	0	0	0	2

Lip-Reading Services

Mr P Weir asked the Minister of Health, Social Services and Public Safety to detail the level of funding provided by his Department and its arm's-length bodies for lip-reading services in each of the last five years.

(AQW 2617/11)

Minister of Health, Social Services and Public Safety: Please see the table below detailing expenditure on lip-reading teachers/classes by Health and Social Care Trusts.

	NHSCT	SHSCT	SEHSCT	BHSCT	WHST
2006	0	n/a	0	n/a	n/a
2007	0	0	0	n/a	n/a
2008	0	£1,500	0	n/a	n/a
2009	0	£4,000	0	£2,179	n/a
2010	0	0	0	0	£24,875*

* Total annual cost.

Carbon Monoxide Poisoning

Mr T Clarke asked the Minister of Health, Social Services and Public Safety how many people have attended accident and emergency departments with symptoms relating to Carbon Monoxide Poisoning since the beginning of August of this year.

(AQW 2633/11)

Minister of Health, Social Services and Public Safety: The information is not readily available and could only be provided at disproportionate cost.

Inpatients

Mr J Craig asked the Minister of Health, Social Services and Public Safety the average number of people aged 65 years old and over who were inpatients in hospital on any day.

(AQW 2638/11)

Minister of Health, Social Services and Public Safety: On average there were 2,231 inpatients aged 65 and over, in hospital at midnight on any given date during 2009/10.

Taxis

Mr T Clarke asked the Minister of Health, Social Services and Public Safety how much each Health and Social Care Trust has spent on taxis in each of the last five years.

(AQW 2642/11)

Minister of Health, Social Services and Public Safety: The table below shows expenditure on taxis by each Health and Social Care Trust since their formation in April 2007. Expenditure prior to 2007/08 is not readily available due to the disproportionate cost involved in extracting information from legacy Trust systems.

Health and Social Care Trust	2007/08 £m	2008/09 £m	2009/10 £m
Belfast	0.8	0.9	0.9
Northern	1.2*	1.1	1.2*
Southern	1.0	1.2	1.2
South Eastern	0.7	0.8	0.9
Western	0.7	0.8	0.8
NIAS	0.1	0.2	0.2

* includes expenditure on taxis, coaches and minibuses

Expenditure incurred is the result of the transport of patients and clients, e.g. the safe transportation of children in care; facilitating transport of patients to renal dialysis treatment; transporting clients to day centres etc. In addition there will be occasions where taxis are required for the transportation of blood, medical records, equipment and staff.

Student and Volunteer Workers

Mr J Craig asked the Minister of Health, Social Services and Public Safety how many hospitals are currently recruiting students or volunteers to help out in medical departments; and what specific roles do these volunteers or students fulfil.

(AQW 2663/11)

Minister of Health, Social Services and Public Safety: Most Trusts report that they do not actively recruit students or volunteers to help out in medical departments. However, Trusts try to facilitate

a large number of requests from students for volunteer placements. Volunteers are involved in 23 hospital sites across the five Trusts. Volunteer roles vary across Trusts and include: wheelchair pushers, meet and greet, befriending roles, buddies on childrens wards, patient visiting and ward support.

BMF Business Services

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety how much his Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.
(AQW 2674/11)

Minister of Health, Social Services and Public Safety: Since May 2007 £16,170 has been spent on BMF Business Services by the Department and arm's-length bodies.

Lip-Reading Classes

Mr P Weir asked the Minister of Health, Social Services and Public Safety what plans his Department has to provide financial support for lip-reading classes.
(AQW 2675/11)

Minister of Health, Social Services and Public Safety: It is for the Health and Social Care Board to commission services to meet the needs of the population of Northern Ireland. However, my Department is currently developing a new Disability Strategy for Northern Ireland, which will aim to improve outcomes and support for those with a physical disability, communication and/or sensory impairment, including those with hearing loss.

The draft strategy includes an action to review existing sensory rehabilitation services from a user perspective with a view to promoting provision of cost effective and timely services.

Induction Loops

Mr P Weir asked the Minister of Health, Social Services and Public Safety what action he is taking to increase the provision of fully functioning and maintained induction loop systems by his Department's service providers.
(AQW 2676/11)

Minister of Health, Social Services and Public Safety: Individuals with a sensory impairment are individually assessed by Sensory Support Services in Health and Social Care Trusts to determine their needs. Sensory equipment, including induction loop systems in private dwellings, is provided on the basis of this assessed need and available resources. Sensory support staff facilitate the provision of equipment and review the ongoing maintenance needs of the equipment with individual clients.

Furthermore, the Regional Sensory Services Group, chaired by the Health and Social Care Board and which includes RNID representation, is currently considering the development of a standardised equipment policy and access criteria for across NI.

Acquired Hearing Loss

Mr P Weir asked the Minister of Health, Social Services and Public Safety what plans are in place to create a strategy for the rehabilitation of people with acquired hearing loss.
(AQW 2678/11)

Minister of Health, Social Services and Public Safety: My Department is currently developing a new Disability Strategy for Northern Ireland, which is expected to be issued for consultation by the end of 2010. The strategy will aim to improve outcomes and support for those with a physical disability, communication and/or sensory impairment, including those with acquired hearing loss.

The draft strategy includes an action to review existing sensory rehabilitation services with a view to promoting provision of cost effective and timely services

Medical Treatment of Foreign Patients

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to detail (i) the amount of money owed to each Health and Social Care Trust for the medical treatment of foreign patients, broken down by (i) the treatment given; and (ii) the patient's nationality.

(AQW 2687/11)

Minister of Health, Social Services and Public Safety: The information is not readily available and could only be provided at disproportionate cost.

Closure of Hospital Wards

Mr J Craig asked the Minister of Health, Social Services and Public Safety to provide details of all hospitals which currently have wards, units or areas which (i) are permanently closed; or (ii) have been closed temporarily or have not been in use for a period of more than six months broken down by ward, unit or area of each hospital.

(AQW 2690/11)

Minister of Health, Social Services and Public Safety:

Details of all hospitals which currently have wards, units or areas which are permanently closed are shown in the following table:

- (i) Details of all hospitals which currently have wards, units or areas which have been closed temporarily for a period of more than six months are shown in the following table:

Hospital	Unit/Ward Name
Altnagelvin	Ward 2
Altnagelvin	Stroke Unit/Ward 22
Gransha	Dementia/Functional Unit
Braid Valley	Day Hospital
Downe	Ward 3
Holywell	Tardree II
Holywell	Lissan II
Lagan Valley	Ward 2 Surgical
Mid Ulster	Surgical Ward 1
Mid Ulster	H DU
St Luke's	Ward 2
St Luke's	Ward 5
Tyrone & Fermanagh	Pine A&B
Tyrone & Fermanagh	Larch Villa
Tyrone & Fermanagh	Sperrin Ward
Waterside	X-Ray Room
Whiteabbey	Surgical Ward 4
Whiteabbey	Ward 8

- (ii) This information has been supplied by Health and Social Care Trusts in Northern Ireland and has not been validated by the Department.

Hospital	Unit/Ward Name
Erne	Ward 8
Muckamore	Conicar
Muckamore	Fintona North
Muckamore	Fintona South
Muckamore	Movilla A
Muckamore	Movilla B
Muckamore	Moyle
Royal Victoria	Ward 6F
Whiteabbey	Ward 2

Fracture Patients

Mr J Craig asked the Minister of Health, Social Services and Public Safety how many patients with fractures have been admitted to, and remained in hospital for at least 24 hours since 22 November 2010.
(AQW 2691/11)

Minister of Health, Social Services and Public Safety: It is not yet possible to give an accurate assessment of the number of people with fractures who have been admitted to, and remained in hospital for at least 24 hours since 22nd November 2010.

Social Workers

Ms A Lo asked the Minister of Health, Social Services and Public Safety if he can offer an assurance that he will ring-fence funding for social workers who are also front line Health Service staff.
(AQW 2718/11)

Minister of Health, Social Services and Public Safety: Firstly, I would like to acknowledge the dedication of social workers who provide a key front line service.

Whilst I will do everything I can to limit any impact the expected budget cuts will have on the frontline, I am not able to ring fence resources to particular staff groups. To do so would be to deny Trusts the flexibility to meet demand pressures where they arise and to adopt new and more effective methods of working across settings

As Health and Social Care are fully integrated in Northern Ireland, I am fighting for full protection of my budget.

Social Workers

Ms A Lo asked the Minister of Health, Social Services and Public Safety to detail the number of newly qualified social workers who have obtained a post as a social worker in each of the last two years.
(AQW 2720/11)

Minister of Health, Social Services and Public Safety: The information below is in relation to the last 2 financial years 08/09 and 09/10.

	Belfast Trust 08/09 09/10		Western Trust 08/09 09/10		Southern Trust 08/09 09/10		South Eastern Trust 08/09 09/10		Northern Trust 08/09 09/10	
AYE (Band 5)	(30)	(35)	n/ av*	8			32			
Perm Contracts (Band 6)	24	23	12	7	15	14	5	27	n/ av*	16
Temp Contracts (Band 6)	3	3	4	16	20	16			n/ av*	13
Agency Staff	3	9	40 agency staff used over this 2 year period				11	4	n/ av*	
Total	30	35	16	31	35	30	48	31	n/av*	29

* The head count information in the above table was provided by the HSCT's.

* indicates where data could not be provided within the timescale

Social Workers

Ms A Lo asked the Minister of Health, Social Services and Public Safety for his assessment of the risk to families as a result of the recruitment freeze on social workers.

(AQW 2721/11)

Minister of Health, Social Services and Public Safety: There is no recruitment freeze on social workers.

Family Group Conferencing

Ms A Lo asked the Minister of Health, Social Services and Public Safety for his assessment of the decision made by two Health and Social Care Trusts to no longer provide facilitated family group conferencing.

(AQW 2722/11)

Minister of Health, Social Services and Public Safety: Information provided by the HSC Board indicates that each of the 5 Health and social Care Trusts remain committed to providing Family Group Conferencing services as part of their family support services.

Children in Care

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety, further to his statement of 14 December 2010 on the 11th Sectoral North/South Ministerial Council meeting, to detail the "particular concerns" which would trigger the use of arrangements under a joint protocol on Children in Care and on the Child Protection Register.

(AQW 3054/11)

Minister of Health, Social Services and Public Safety: Particular concerns that would trigger the use of arrangements under a joint protocol will include:

- Children whose names are on the child protection register/child protection notification system and who move between the jurisdictions;
- Children who are subject of legal orders in one jurisdiction who move to reside in another; and

- Children for whom there are significant concerns in relation to their welfare or who are assessed as particularly vulnerable who move between jurisdictions.

This list is not intended to be exhaustive and the joint protocol will assist staff to make decisions about sharing information in a timely manner to ensure the safety and wellbeing of vulnerable children.

Herceptin Treatment

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety (i) to detail the cost per cycle of Herceptin treatment; (ii) how many cycles of the drug were approved for treatment last year; and (iii) to define the criteria for qualification to receive this drug.

(AQW 3060/11)

Minister of Health, Social Services and Public Safety:

- (i) The cost of the drug is dependent on the patient's weight. The cost of one cycle of Herceptin for a 70kg patient is £1166.66; to treat one patient (70Kg) with adjuvant Herceptin (which is 18 cycles in total-one cycle every three weeks for one year) the cost for the drug alone is approximately £21000.00. The cost increases as the patient's weight increases.
- (ii) The number of cycles approved for treatment in the year 2009/2010 are given in the table below;

Trust	No. of cycles approved
Belfast	689
Northern	362
South Eastern	358
Southern	350
Western	104
Total	1863

- (iii) The criterion for qualification to receive Herceptin is HER2 positive breast cancer.

Department of Justice

Artworks

Mr A McQuillan asked the Minister of Justice to detail the value of the artworks that his Department currently has (i) on display; and (ii) in storage.

(AQW 2622/11)

Minister of Justice (Mr D Ford): The Department of Justice (DOJ) has a small number of original works of art and prints, in its departmental buildings.

Many of these works belong to DFP and will be included in that Department's reply.

It has not been possible to identify the individual value of the remaining works of art, although they are predominantly prints of negligible value.

Knife Crime

Mr S Gardiner asked the Minister of Justice for his assessment of the current measures in place to address knife-crime.

(AQW 2668/11)

Minister of Justice: A range of measures have been and continue to be taken by my Department, in partnership with others, to address knife crime. These have included legislation to increase penalties for knife related offences; a major public information campaign and work in schools by the PSNI and the criminal justice outreach programme; and the removal of such weapons from our streets through a knife crime amnesty.

Whilst Northern Ireland does not have the knife culture so evident in other parts of the UK we cannot be complacent. Knife crime in our society is unacceptable and I am committed to addressing it. I have taken the opportunity to add to available measures through the Justice Bill which I introduced with Executive approval on 18 October 2010. The Bill completes the knife crime sentencing package thus reinforcing the message to people who carry knives in public without a reasonable explanation that they face a substantial period in prison.

Prisoners

Miss M McIlveen asked the Minister of Justice, for each of the last five years, what proportion of adults in the prison system entered prison for the first time.
(AQW 2680/11)

Minister of Justice: The information requested is not collated by the Northern Ireland Prison Service and could only be obtained at disproportionate cost.

Prisoners' Qualifications

Miss M McIlveen asked the Minister of Justice how many prisoners have received (i) a degree; and (ii) a higher education qualification, in each of the last five years.
(AQW 2682/11)

Minister of Justice: The numbers of prisoners who have obtained a degree or higher education qualification in each of the last five years is set out in Table A below:

TABLE A: EDUCATION QUALIFICATIONS ATTAINED

Year	2010	2009	2008	2007	2006
Degree Qualifications	3	1	2	2	1
Higher ED Qualifications	19	31	18	21	15
Total	22	32	20	23	16

Note: The Higher Education figures provided include modules that can be accredited towards a degree.

Arrests at Sport Stadiums

Mr K Robinson asked the Minister of Justice to detail (i) the number of arrests made by the PSNI for offences committed within a sports stadium in each of the past three years; (ii) the number of these arrests which resulted in a conviction; and (iii) the sentences that resulted from these convictions.
(AQW 2703/11)

Minister of Justice: The information requested is not available in the format requested, however the following table details incidents at and related to sporting events in recent years.

Sports incidents**FOOTBALL**

Date	Location	Incident	Type of Offence
06/11/2010	Coleraine Showgrounds (Coleraine v Cliftonville)	Cliftonville supporters causing disturbance in local bar. PSNI officers attacked. After match stones thrown at police car and Cliftonville supporters bus.	5 arrests public order and assault on police.
16/10/2010	Solitude (Cliftonville v Glentoran)	Alcohol removed from Glentoran supporters as they arrived on bus.	Alcohol on buses
09/10/2010	Coleraine Showgrounds (Coleraine v Linfield)	Male shouting obscenities at Linfield team bus following game.	Chanting abuse
25/9/2010	Coleraine Showgrounds (Coleraine v Ballymena)	Youths ('Coleraine casuals') gathered after second half of match. Banger thrown at police car. Youths continued to cause annoyance, throwing bangers at each other and passers by.	
28/08/2010	Donegal Celtic Suffolk Road (Donegal Celtic v Glentoran)	Glentoran supporters entered sterile zone, failed to leave when requested.	Pitch incursion
May 2010	Windsor Park	Sectarian chanting at Irish Cup Final	Chanting abuse
31/10/2010	Donegal Celtic Suffolk Road (Donegal Celtic v Cliftonville)	Altercation between a DC supporter and a Cliftonville supporter	
15/09/2010	Strangmore Park, Dungannon FC	Racial abuse towards Dungannon FC player	Chanting abuse
15/08/2009	Shamrock Park, Portadown FC (Portadown v Glentoran)	Supporter ran onto pitch and attacked Glentoran player.	Pitch incursion
28/03/2009	Windsor Park (NI v Poland)	Violence inside and outside ground before, during and after match. Assistant referee struck by coin. Fans attack police with fireworks	Fireworks
13/01/2009	Windsor Park (Linfield v Cliftonville)	Cliftonville official hit by plastic bottle	Missiles
26/12/2008	Windsor Park (Linfield v Glentoran)	Trouble causing play to be suspended	

Date	Location	Incident	Type of Offence
04/11/2008	Windsor Park	Linfield players hit by a firework	Fireworks
Oct 2008	The Brandywell (Derry City FC)	Sectarian language towards stewards	Chanting/abuse
22/03/2008	Ballymena Showgrounds (Ballymena v Lisburn Distillery)	Missiles thrown onto pitch during match	Missiles
Oct 2007	Windsor Park	Baseball thrown onto pitch and flag burned in the wooden stand	Missile
11/08/2007	Ballymena Showgrounds (Ballymena v Linfield)	Sectarian chanting	Chanting/abuse
May 2006	Mourneview Park, Glenavon FC	Crowd trouble after Irish Cup semi final	
23/04/05	The Oval, (Linfield v Glentoran)	Major trouble at match. Hundreds of fans on pitch fighting and throwing missiles	Pitch incursion, missiles
22/02/2005	Brandywell, Derry City FC	Buses attacked as they leave the Brandywell	
02/05/2004	Windsor Park	2 men stabbed at Irish Cup Final	
May 1998	Windsor Park	Crowd trouble at end of Irish Cup Final. Stewards attacked.	

GAA

Date	Location	Incident	Type of Offence
18/10/2009	Healy Park, Omagh	Referee assaulted at Tyrone County Football Final	Pitch incursion
23/03/2008	Edendork GAC, Tyrone	Crowd congestion causes match to be delayed	
20/11/2004	Casement Park	Referee attacked at Ulster Cup semi final	Pitch incursion

RUGBY

Date	Location	Incident	Type of Offence
Ongoing	Ravenhill	Isolated incidents of urinating in private gardens when returning to vehicles, complaints received in relation to parking	Being drunk

SAFETY INCIDENTS

Date	Location	Incident	Type of Offence
17/01/2009	Ravenhill	Stand evacuated due to adverse weather conditions	
17/01/2009	The Oval, Glentoran	Match abandoned due to floodlights becoming loose due to adverse weather conditions	

Offences Related to Sport

Mr K Robinson asked the Minister of Justice whether his Department holds any information on any person, currently living in Northern Ireland but originally from outside the UK, who has been convicted, in another part of the European Union, of an offence related to sport.

(AQW 2704/11)

Minister of Justice: The information requested is not available in the format requested, however the following table details incidents at and related to sporting events in recent years.

Sports incidents**FOOTBALL**

Date	Location	Incident	Type of Offence
06/11/2010	Coleraine Showgrounds (Coleraine v Cliftonville)	Cliftonville supporters causing disturbance in local bar. PSNI officers attacked. After match stones thrown at police car and Cliftonville supporters bus.	5 arrests public order and assault on police.
16/10/2010	Solitude (Cliftonville v Glentoran)	Alcohol removed from Glentoran supporters as they arrived on bus.	Alcohol on buses
09/10/2010	Coleraine Showgrounds (Coleraine v Linfield)	Male shouting obscenities at Linfield team bus following game.	Chanting abuse
25/9/2010	Coleraine Showgrounds (Coleraine v Ballymena)	Youths ('Coleraine casuals') gathered after second half of match. Banger thrown at police car. Youths continued to cause annoyance, throwing bangers at each other and passers by.	
28/08/2010	Donegal Celtic Suffolk Road (Donegal Celtic v Glentoran)	Glentoran supporters entered sterile zone, failed to leave when requested.	Pitch incursion
May 2010	Windsor Park	Sectarian chanting at Irish Cup Final	Chanting abuse
31/10/2010	Donegal Celtic Suffolk Road (Donegal Celtic v Cliftonville)	Altercation between a DC supporter and a Cliftonville supporter	

Date	Location	Incident	Type of Offence
15/09/2010	Strangmore Park, Dungannon FC	Racial abuse towards Dungannon FC player	Chanting abuse
15/08/2009	Shamrock Park, Portadown FC (Portadown v Glentoran)	Supporter ran onto pitch and attacked Glentoran player.	Pitch incursion
28/03/2009	Windsor Park (NI v Poland)	Violence inside and outside ground before, during and after match. Assistant referee struck by coin. Fans attack police with fireworks	Fireworks
13/01/2009	Windsor Park (Linfield v Cliftonville)	Cliftonville official hit by plastic bottle	Missiles
26/12/2008	Windsor Park (Linfield v Glentoran)	Trouble causing play to be suspended	
04/11/2008	Windsor Park	Linfield players hit by a firework	Fireworks
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RUGBY

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SAFETY INCIDENTS

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17/01/2009	Ravenhill	Stand evacuated due to adverse weather conditions	
17/01/2009	The Oval, Glentoran	Match abandoned due to floodlights becoming loose due to adverse weather conditions	

Offences Related to Sport

Mr K Robinson asked the Minister of Justice how many people have been convicted of offences committed (i) before; (ii) during; and (iii) after the Northern Ireland vs Poland football international on 28 March 2009; and to outline the sentences handed down as a result of these convictions.

(AQW 2707/11)

Minister of Justice: The information requested is not available in the format requested, however the following table details incidents at and related to sporting events in recent years.

Sports incidents**FOOTBALL**

Date	Location	Incident	Type of Offence
06/11/2010	Coleraine Showgrounds (Coleraine v Cliftonville)	Cliftonville supporters causing disturbance in local bar. PSNI officers attacked. After match stones thrown at police car and Cliftonville supporters bus.	5 arrests public order and assault on police.
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Disclosure of Convictions and Criminal Records

Lord Morrow asked the Minister of Justice, pursuant to AQW 242/11, what action he intends to take to address, in the interests of public safety, the lack of legislation in relation to the disclosure of convictions and criminal records held by foreign nationals coming to live or work in Northern Ireland, (AQW 2791/11)

Minister of Justice: Immigration matters are excepted under paragraph 8 of schedule 2 to the Northern Ireland Act 1998.

There currently is no legislative requirement or agreement for the criminal convictions of citizens from the 27 Member States of the European Union to be shared between member countries as a prelude to coming to live or work in another member state.

The Home Office is responsible for enforcing immigration and customs regulations through its UK Border Agency. It also considers applications for permission to enter or stay in the UK, and for citizenship and asylum, as appropriate.

Department for Regional Development

Glenravel Primary School in Martinstown

Mr D O'Loan asked the Minister for Regional Development (i) whether he consulted Glenravel Primary School in Martinstown when considering the extension of gritting routes to primary schools; and (ii) given that this school is located on a steep slope and close to the A43, which is gritted, whether it will be added to the gritting route.

(AQW 2513/11)

Minister for Regional Development (Mr C Murphy): My Department's Roads Service has advised that Glenravel Primary School was not included in a survey, conducted in 2009, to determine which schools would be included in a list of rural schools to be considered for priority secondary salting. The school was not included in the survey as it is located within an urban area and adjacent to a main through route that is part of the scheduled salted road network. The roads, upon which the schools included on the list were located, were not added to the scheduled salted road network, but instead the schools were provided with contact details for requesting priority secondary salting.

Roads Service has also advised that the Lisnamanny Road, where the school is situated, would not meet the criteria for inclusion in the salted network. However, I can assure the Member that Roads Service will continue to respond to requests for re-stocking of the salt boxes provided in the area.

Agenda NI

Mr S Hamilton asked the Minister for Regional Development how much his Department and its agencies have spent on (i) articles and adverts in Agenda NI; (ii) subscriptions to Agenda NI; and (iii) payments for staff attending conferences organised by BMF Conferences since May 2007.

(AQW 2546/11)

Minister for Regional Development: Since May 2007 my Department and its agency, Roads Service, have: (i) spent £3,353.00 on articles and adverts in Agenda NI; (ii) not made any subscriptions to Agenda NI; and (iii) paid £20,954.24 for staff attending conferences organised by BMF Conferences.

SmartPasses

Mr S Hamilton asked the Minister for Regional Development how many (i) 60 Plus SmartPasses; and (ii) Senior SmartPasses have been issued to people in the Strangford constituency, in each of the last three years.

(AQW 2547/11)

Minister for Regional Development: I am informed by Translink that the information is not readily available in the format requested as records of applicants are not maintained on a constituency basis.

Land Adjacent to Motorways and A-Class Roads

Mr S Gardiner asked the Minister for Regional Development how much land, by acreage, adjacent to motorways and A-class roads is owned by his Department.

(AQW 2550/11)

Minister for Regional Development: My Department's Roads Service maintains records showing the location/address of land that it owns, however, these records do not indicate the particular class of road, or motorway that such land lies adjacent to. It is therefore unable to provide the information requested.

The Member may be interested in my reply to Dr Alasdair McDonnell's Assembly Question, AQW 832/11, which detailed Departmental land and property deemed surplus to requirements.

NI Water: Staff Payments

Mrs D Kelly asked the Minister for Regional Development to detail the number of staff within NI Water who have received payments and the total amount of these payments under (i) the Voluntary Early Retirement Scheme; and (ii) the Voluntary Early Severance Scheme in (a) 2007/08; (b) 2008/09; and (c) 2009/10, broken down by post.

(AQW 2570/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the information requested about its Voluntary Early Retirement and Voluntary Early Severance schemes is as detailed in the tables below.

(i) Voluntary Early Retirement

Grade	Number of Payments and Cost					
	2007/08		2008/09		2009/10	
	Number	Cost £	Number	Cost £	Number	Cost £
Levels 2 to 5	-	-	3	359,486	12	1,303,323
Level 6	3	371,743	18	2,144,646	9	1,103,763
Level 7	-	-	16	1,273,033	3	233,808
HCO and Class I	7	556,824	6	522,983	-	-
Class II	19	1,551,959	27	1,966,650	-	-
Class III	3	270,163	6	563,941	-	-
Craft Grade A/ HCO/Class II	-	-	-	-	5	365,566
Total	32	2,750,689	76	6,830,739	29	3,006,460

(ii) Voluntary Early Severance

GRADE	Number of Payments and Cost					
	2007/08		2008/09		2009/10	
	Number	Cost £	Number	Cost £	Number	Cost £
Levels 4 and 5	Nil	-	3	61,150	18	655,088

GRADE	Number of Payments and Cost					
	2007/08		2008/09		2009/10	
	Number	Cost £	Number	Cost £	Number	Cost £
Level 6	Nil	-	11	313,688	14	518,291
Level 7	Nil	-	12	486,470	4	77,930
Class I	Nil	-	15	418,251	Nil	-
Class II	Nil	-	39	1,381,164	9	193,387
Class III	Nil	-	11	257,801	Nil	-
Craft Grade A and HCO	Nil	-	6	212,519	3	64,200
Total	Nil	-	97	3,131,043	48	1,508,896

Woodland Creation

Mr W Clarke asked the Minister for Regional Development what land owned by his Department could be used for woodland creation; and whether he intends to carry out an audit of suitable land.

(AQW 2602/11)

Minister for Regional Development: No land owned by my Department could be used for woodland creation. Therefore, I do not intend to carry out an audit.

Translink: Complaints

Mr C McDevitt asked the Minister for Regional Development how many complaints Translink received from, or on behalf of, people with learning disabilities in (i) 2006; (ii) 2007; (iii) 2008; (iv) 2009; and (v) 2010 to date.

(AQW 2606/11)

Minister for Regional Development: The information requested is not available. Although Translink maintains records of complaints, it does not categorise them on the basis of the section 75 status of the originator.

Agency Staff Employed by Roads Service

Mr P Frew asked the Minister for Regional Development (i) how many agency staff were employed by the Roads Service, in each division, for road gritting in times of severe weather, in each of the last three years; (ii) to detail the agency costs for each division; and (iii) whether the use of agency staff represented value for money.

(AQW 2618/11)

Minister for Regional Development: My Department's Roads Service supplements its in-house drivers with drivers sourced through an external contract, to deliver its Winter Gritting Service. This contract is awarded through a competitive tendering process to ensure value for money.

Details of the number of drivers sourced through external contract, for each of the last three years, and the associated costs in each Division, are set out in table below:-

ROADS SERVICE – EXTERNAL CONTRACT GRITTER DRIVERS

Financial Year	Driver Number Per Division			
	Northern	Southern	Eastern	Western
2007-08	5	42	21	6
2008-09	9	36	17	1
2009-10	43	49	29	25
Cost	£237,050	£450,598	£201,203	£93,727

Artworks

Mr A McQuillan asked the Minister for Regional Development to detail the value of the artworks that his Department currently has (i) on display; and (ii) in storage.

(AQW 2620/11)

Minister for Regional Development: My Department does not own any art work. Any art works held in the Department are owned and managed by the Department of Finance and Personnel.

Proposed A5 and A8 Road Projects

Mr A Ross asked the Minister for Regional Development, in light of the current financial crisis in the Republic of Ireland, for an update on the proposed A5 and A8 road projects which were to be part-funded by the Irish Government.

(AQW 2648/11)

Minister for Regional Development: I am pleased to report that the A5 and A8 dualling projects are both progressing, as planned, to a very challenging development timetable. The draft statutory orders were published for the A5 during the week commencing 15 November 2010, and it is anticipated that draft statutory orders for the A8 will be published early in the New Year.

As you may be aware, contractors have been appointed to integrated delivery teams that have been established for both schemes. Design work is currently progressing and it is anticipated that construction could commence in 2012, subject to a successful outcome of the public inquiries, scheduled for next year, and the availability of finance.

With regard to the Southern Government's position on the A5 and A8 schemes, in 2007 it confirmed a commitment to make a £400 million contribution to both projects, and the Executive agreed, in principle, to take forward both projects. Furthermore, the terms on which funding is to be provided, were agreed at the North South Ministerial Council plenary session held in July 2009. The Irish Government has since reiterated its commitment to these projects in its recent Budget statement.

Infrastructure Development Fund

Mr A McQuillan asked the Minister for Regional Development whether money is still available from the Infrastructure Development Fund to continue the dualling of the roads between Glarryford-Drones Road and Coleraine to Ballymoney Road.

(AQW 2655/11)

Minister for Regional Development: My Department's Roads Service has advised that the Infrastructure Development Fund closed prior to the 2007 Budget. However, since I announced the A26 Frosses Road dualling scheme in August 2008, significant work has been undertaken to refine the proposals and prepare the statutory orders.

It is planned to publish the Draft Orders early in 2011/12 and, in line with the Investment Delivery Plan for Roads, this scheme could commence in the period 2013/14 to 2017/18. However, progression

will be dependent on the successful completion of the Statutory Orders and the availability of the necessary funds at that time.

I am further advised that, at present, development work has not commenced on the A26 Ballymoney to Coleraine dual carriageway.

A26-A44 Link Road

Mr A McQuillan asked the Minister for Regional Development what consideration he has given to extending the dualling of the A26-A44 link road to beyond the Dunloy Junction and creating a grade separated junction to assist the Ballycastle and Dunloy traffic.

(AQW 2661/11)

Minister for Regional Development: The Investment Delivery Plan for Roads, published in 2008, identifies individual sections of the Key Transport Corridors to be upgraded over the plan period (2008/09-2017/18). The upgrade you refer to is identified in the plan as extending approximately 7 km from Glarryford to the A44 Drones Road junction. Whilst the plan makes it clear that my Department's Roads Service aspires to eventually upgrade all of the Key Transport Corridors to at least dual carriageway standard, no allowance has been made for further upgrades in this vicinity, at this time.

As part of the Stage 2 scheme development, a study was undertaken to determine the junction strategy for the scheme. The study concluded that, for safety reasons, a roundabout should be provided at the A44 Drones Road, where the carriageway standard would change from dual carriageway back to the existing single carriageway. This is in line with good practice and emphasises to drivers the change between carriageway standards.

The junction strategy is explained in the Stage 2 Scheme Assessment Report, which can be viewed at the following internet site: http://www.roadsni.gov.uk/roadimprovements/a26_glarryford_to_a44_drones_road_dualing.htm.

Alterations to the Roads Network

Mr A McQuillan asked the Minister for Regional Development what consideration he has given to allocating additional resources for the dualling of the Glarryford-Drones Road and the Coleraine to Ballymoney Road so that work can commence in 2011/12.

(AQW 2665/11)

Minister for Regional Development: My Department's Roads Service has advised that since I announced the A26 Frosses Road dualling scheme in August 2008, significant work has been undertaken to refine the proposals and prepare the statutory orders.

It is planned to publish the Draft Orders early in 2011/12 and, in line with the Investment Delivery Plan for Roads, this scheme could commence in the period 2013/14 to 2017/18. However, progression will be dependent on the successful completion of the Statutory Orders and the availability of the necessary funds at that time.

With regard the allocation of additional resources for this scheme, I can advise that the Executive is still considering the 2010 Budget and when my Department's allocation is known for the next four-year period, it should be able to determine the pace at which projects can proceed.

I am further advised that, at present, development work has not commenced on the A26 Ballymoney to Coleraine dual carriageway.

Gritting of Roads

Mr J Craig asked the Minister for Regional Development (i) who is responsible for the gritting of minor roads and residential areas; (ii) who decides which roads are to be gritted; and (iii) what criteria are used to inform this decision.

(AQW 2669/11)

Minister for Regional Development: Firstly, I should advise that my Department's Roads Service has no statutory obligation to salt roads, although it does earmark funds to provide a salting service with the aim of helping main road traffic to move safely and freely in wintry conditions.

In addition, there is no statutory duty on Roads Service, or indeed on District Councils who have responsibilities for street cleaning, to salt, or clear snow and ice from footways, or residential areas.

During the most recent review of Roads Service's Winter Service policy, which was fully debated and accepted by the Assembly, one of the key outcomes was that the practice of targeting the limited resources available for this service on the busier main through routes should continue. This practice has been used to formulate Roads Service policy which then prescribes which roads are eligible to be gritted.

The current policy ensures that the salted network is determined by fair and objective criteria, based largely on traffic volumes. The criteria used for the inclusion of roads on the gritting schedule is as follows:-

- all Motorways and Trunk roads;
- main through routes which carry more than 1,500 vehicles per day;
- small settlements containing 100 dwellings or more should be provided with a salted link to the nearest part of the existing salted network; and
- other busy through routes with special difficulties, which carry more than 1,000 vehicles per day, shall be considered. Special difficulties which are considered include the severity, frequency and extent of gradients, frequency of bends, the height above sea level, railway level crossings on the road and abnormally high junction frequencies.

However, when assessing the last criterion, consideration will be given to the availability of alternative or parallel routes, which are on the treated network. Where such parallel or alternative routes are available, the routes qualifying under this criterion may not necessarily be salted.

The application of this policy ensures that 28% of the total road network, which carries around 80% of traffic, is salted, at an annual cost of approximately £5 million. Extending the salting schedule to cover 90% or 100% of traffic volumes would increase the cost to approximately £10 million or £20 million per annum, respectively.

In addition, Roads Service has confirmed that it continues to provide 3,500 salt boxes and 39,000 grit piles at strategic locations, which can be used by the general public on a self help basis, to help prevent the formation of snow and ice on pavements and roads.

Enforcement of Bond Undertakings

Mr P Callaghan asked the Minister for Regional Development to outline the timescales or deadlines that apply to the enforcement of bond undertakings by developers to ensure Roads Service can adopt developments.

(AQW 2693/11)

Minister for Regional Development: Where a developer has entered into an Agreement with my Department's Roads Service to provide the roads, footways and street lighting to the Department's standards prescribed in The Private Streets (Construction) Regulations (NI) 1994, there is a requirement for all works to be carried out to the satisfaction of the Department within one year from the date on which the buildings are first occupied, or such longer period as the Department considers reasonable.

However, Roads Service normally recommends, as a condition of Planning Approval, that no dwellings should be occupied until that part of the service road providing access to the properties occupied, has been constructed to base course, and that the final wearing course should be applied upon completion of each phase of the development.

Completion of Housing Schemes that Allow Roads Service Adoption

Mr P Callaghan asked the Minister for Regional Development, in relation to the completion of housing schemes that allow Roads Service adoption, to detail (i) the powers available to his Department; and (ii) the schemes in place to ensure proper completion.

(AQW 2694/11)

Minister for Regional Development: The Private Streets (NI) Order 1980 and the Private Streets (Amendment) Order 1992 provide the statutory basis for the adoption of roads constructed by developers.

Prior to construction, a developer is required to enter into an Agreement with my Department's Roads Service to provide the roads, footways and street lighting to the Department's standards prescribed in The Private Streets (Construction) Regulations (NI) 1994.

Comber Greenway Section of the Cycle Network

Mr C Lyttle asked the Minister for Regional Development (i) what steps he has taken to evaluate the need for a toucan crossing each at the Kings Road and Beersbridge Road, to ease pedestrian and cyclist safety concerns on the Comber Greenway section of the Cycle Network; and (ii) whether he intends to include these works in next year's Roads Service work programme.

(AQW 2698/11)

Minister for Regional Development: My Department's Roads Service has advised that it has assessed the need for crossing facilities at both locations and will now investigate the feasibility of providing toucan crossings.

However, as I am sure the Member will appreciate, due to the current budget constraints, these schemes will have to compete with similar schemes on a basis of need and value for money, and I am unable to confirm when this work will be programmed.

Link Road to Join the M1 and A1 at Sprucefield

Mr T Lunn asked the Minister for Regional Development for an update on the proposed link road to join the M1 and A1 at Sprucefield.

(AQW 2699/11)

Minister for Regional Development: I can advise that my Department's Roads Service has commissioned consultants to develop proposals for the M1/A1 Link Road at Sprucefield.

The commission requires the consultants to initially consider a range of options for capacity enhancement along this route. The findings of this preliminary work will be published in a Stage 1 Report, which will confirm the corridors within which further options will be examined. This work should be completed soon, and I expect the Stage 1 Report to be published early next year.

This scheme is included in Roads Service's 10 year Forward Planning Schedule and it is anticipated that it could be delivered between 2014 and 2018, subject to the availability of finance.

SmartPasses

Mr P Givan asked the Minister for Regional Development how many (i) 60 Plus SmartPasses; and (ii) Senior SmartPasses have been issued to people in the Lagan Valley constituency in each of the last three years.

(AQW 2708/11)

Minister for Regional Development: I am informed by Translink that the information is not readily available in the format requested as records of applicants are not maintained on a constituency basis.

Winter Gritting Policy

Ms M Ritchie asked the Minister for Regional Development to detail any discussions he has had with the Northern Ireland Local Government Association and the Society of Local Authority Chief Executives and Senior Managers in relation to reviewing the winter gritting policy and schedule to include adopted footpaths and roads within housing estates.

(AQW 2753/11)

Minister for Regional Development: One of the key outcomes of the most recent review of Roads Service's Winter Service policy, which was fully debated and accepted by the Assembly, was that the practice of targeting the limited resources available for this service on the busier main through routes should continue. It was also recognised that the cost of salting footways was prohibitive and that the basic logistics of introducing such a service, which is largely a manual task, would make it impractical.

In the same review it was proposed, that in periods of prolonged lying snow, Roads Service would seek to enlist the help of other agencies, such as district councils, to assist in clearing busy town centre footways and pedestrian areas.

In consultation with the Local Government Association (NILGA), Roads Service drew up a draft legal agreement to try to facilitate this process. However, only a small number of councils signed up to this agreement at that time.

Following last year's spell of wintry weather, I asked the Chief Executive of Roads Service to revisit this issue.

Since that time, Roads Service has been negotiating with NILGA and an amended model agreement has been developed. The main change is that the indemnity offered in the original agreement to Councils, can now be extended to private sector organisations acting as the Council's sub-contractor or agent.

I recently met with NILGA representatives to discuss and clarify a number of issues relating to this agreement, and I am hopeful that councils will now be in a position to sign up to this Voluntary Partnering agreement.

Roads Service has confirmed that it continues to provide 3,500 salt boxes and 39,000 grit piles at strategic locations. These can be used by the general public on a self help basis, to help prevent the formation of snow and ice on footpaths and roads.

BMF Business Services

Mr S Hamilton asked the Minister for Regional Development how much his Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2755/11)

Minister for Regional Development: The amount spent by my Department and its arm's-length bodies on BMF Business Services since May 2007 is £63,152. Parking Fines

Parking Fines

Mr S Hamilton asked the Minister for Regional Development how many parking fines issued by NSL Services Group Traffic Attendants currently remain unpaid.

(AQW 2759/11)

Minister for Regional Development: My Department's Roads Service has advised that from commencement of the current parking enforcement contract in November 2006, the number of Penalty Charge Notices (PCNs) issued to the end of October 2010 was 561,493. Of that total, at 13 December 2010, 34,164 PCNs remain unpaid. These PCNs are subject to ongoing processing and debt recovery procedures.

Treacherous Conditions of Footpaths and Roads

Mr D Hilditch asked the Minister for Regional Development what discussions his Department has had with local authorities in relation to addressing the treacherous conditions of footpaths and roads due to the recent adverse weather conditions.

(AQW 2760/11)

Minister for Regional Development: Firstly, I should advise that there is no statutory duty on Roads Service, or indeed on District Councils who have responsibilities for street cleaning, to salt, or clear snow and ice from footways.

During the most recent review of Roads Service's Winter Service policy, which was fully debated and accepted by the Assembly, it was recognised that the cost of salting footways was prohibitive and that the basic logistics of introducing such a service, which is largely a manual task, would make it impractical.

In the same review, it was proposed that in periods of prolonged lying snow, the Department of Regional Development would seek to enlist the help of other agencies, such as district councils, to assist in clearing busy town centre footways and pedestrian areas.

In consultation with the Local Government Association, NILGA, Roads Service drew up a draft legal agreement to try and facilitate this process. However, only a small number of councils signed up to this agreement at that time.

Following last year's spell of wintry weather, I asked the Chief Executive of Roads Service to revisit this issue.

Since that time, Roads Service has been negotiating with NILGA and an amended model agreement has been developed. The main change is that the indemnity offered in the original agreement to Councils, can now be extended to private sector organisations acting as the Council's sub-contractor or agent.

I recently met with NILGA representatives to discuss and clarify a number of issues relating to this agreement, and I am hopeful that councils will now be in a position to sign up to this Voluntary Partnering agreement.

Roads Service has confirmed that it continues to provide 3,500 salt boxes and 39,000 grit piles at strategic locations. These can be used by the general public on a self help basis, to help prevent the formation of snow and ice on footways and roads.

With regards to ensuring that all key roads are gritted during particularly cold spells of weather, Roads Service has no statutory obligation to salt roads, although it does earmark funds to provide a salting service with the aim of helping main road traffic to move safely and freely in wintry conditions.

NI Water

Mr P McGlone asked the Minister for Regional Development (i) whether his Department has requested that documents relating to the ongoing Public Accounts Committee inquiry into his Department and NI Water be classified, and if so, how often; and (ii) to outline the legal basis for each classification request and whether legal advice supported the classification requests in part or in total.

(AQW 2762/11)

Minister for Regional Development: My Department has not requested that any documents relating to the ongoing Public Accounts Committee inquiry into Procurement Governance in Northern Ireland Water be 'classified'.

However, my Department has identified elements of the information it has provided to the Committee which are sensitive and has asked for this information to be handled appropriately.

Public Accounts Committee Inquiry into NI Water

Mr P McGlone asked the Minister for Regional Development (i) how many times, in the last six months, his Department has contacted the Department of Finance and Personnel in relation to the Public Accounts Committee inquiry into his Department and NI Water; and (ii) to outline the content of each communication.

(AQW 2763/11)

Minister for Regional Development: There has been ongoing contact between my Department and the Department of Finance and Personnel (DFP) during the last six months relating to the Public Accounts Committee (PAC) inquiry into NIW Governance.

DFP has a role to provide advice and guidance to Departments on their dealings with the PAC.

Contact with DFP has ranged from brief telephone calls to formal written exchanges. As such a comprehensive record of each and every contact has not been maintained.

Icy Paths

Mr A Ross asked the Minister for Regional Development if Roads Service issued any warning to individuals or community groups advising them that they would be legally responsible if anyone fell on icy paths which they had gritted.

(AQW 2774/11)

Minister for Regional Development: My Department's Roads Service has advised that it has not issued any warning to individuals or community groups, advising them that they would be legally responsible, if anyone fell on icy paths which they had gritted.

Roads Service Resources

Mr G Campbell asked the Minister for Regional Development to detail the approximate tonnage of salt that was available to the Roads Service for the treatment of the roads network at (i) the beginning of November 2010; and (ii) the 5 December 2010.

(AQW 2787/11)

Minister for Regional Development: My Department's Roads Service has advised that there was approximately 63,000 tonnes of salt available to the Roads Service for the treatment of the roads network, at the beginning of November 2010.

On 5 December 2010, there was approximately 34,000 tonnes available.

NI Water

Mr P McGlone asked the Minister for Regional Development whether his Department issued any direction to NI Water in relation to the article in Volume 34, Issue 11 (Dec/Jan) of 'Internal Auditing' to which a senior NI Water official made a contribution.

(AQW 2797/11)

Minister for Regional Development: My Department was unaware of this article prior to its publication and gave no direction to NI Water in relation to it.

Parking Tickets

Mr S Hamilton asked the Minister for Regional Development how many parking tickets have been issued by NSL Services Group Traffic attendants in the Ballynahinch area, since the contract was awarded.

(AQW 2804/11)

Minister for Regional Development: My Department's Roads Service has advised that, since the commencement of the parking enforcement contract in November 2006, until the end of October 2010, 1,186 Penalty Charge Notices (PCNs) have been issued in Ballynahinch.

Ballysallagh Reservoir

Mr P Weir asked the Minister for Regional Development to detail any proposals, including the timescale, for selling Ballysallagh Reservoir.

(AQW 2826/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the Ballysallagh Reservoirs are out of service and are currently in the process of being declared 'no longer required for future use'. It is likely that the reservoirs will be placed on the open market, in accordance with NIW's Asset Disposal Policy, during the 2013/14 financial year.

Sale of Reservoir Land

Mr P Weir asked the Minister for Regional Development whether the sale of reservoir land will be based on (i) the highest bidder; or (ii) social, economic and environmental factors.

(AQW 2828/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that any of its protected land, including land at reservoirs declared 'no longer required for future use', will be disposed of in accordance with the general authorisation given by my Department on 20 March 2007, the terms of NIW's licence and its Asset Disposal Policy.

NIW is required to ensure that it receives the best price for the land, achieves value for money and maintains high standards of propriety. *In addition, where NIW proposes to dispose of land within a National Park, area of outstanding natural beauty or area of special scientific interest, it must:*

- *consult the Department of the Environment;*
- *enter into such agreements under Article 9 of the Nature Conservation and Amenity Land (Northern Ireland) Order 1985 or Article 34 of the Environment (Northern Ireland) 2002 as the Department of the Environment may request; and*
- *enter into such covenants under Article 217(6) of the Water and Sewerage Services (Northern Ireland) 2006 as my Department may determine.*

Where land was vested or purchased in advance of a vesting proposal, NIW is also required to offer it for sale to the former owners.

NI Water Voluntary Early Retirement Scheme

Mr G Savage asked the Minister for Regional Development to detail the number of staff within NI Water who have received payments under (i) the Voluntary Early Retirement Scheme; and (ii) the Voluntary Early Severance Scheme in (a) 2007/08; (b) 2008/09; and (c) 2009/10, broken down by post.

(AQW 2852/11)

Minister for Regional Development: I would refer the member to my response to AQW 2570/11 which provides the information requested about Northern Ireland Water's Voluntary Early Retirement and Voluntary Early Severance schemes.

Salt or Grit Boxes in Residential Areas

Mr D Hilditch asked the Minister for Regional Development to outline the criteria used to determine whether to install a salt or grit box in a residential area.

(AQW 2859/11)

Minister for Regional Development: Salt bins, or grit piles, may be provided for use by the public, on a self help basis, on roads which do not qualify for inclusion onto the gritting schedule, provided that the following criteria are met:

- the location in question must be on the publicly maintained road network;
- the gradient of the road in question must be over 5%;
- no reasonable alternative route shall be available; and
- the subject road attains a minimum overall score, derived using a specific formula, where points are awarded depending on road geometry, residential usage, community welfare and commercial usage.

There are no limits placed on the number of salt boxes which may be provided. However, salt boxes will not normally be provided within 100 metres of an existing salt box. In addition, new salt boxes are not provided unless requested by a member of the public and that person agrees to spread the salt provided.

Salt boxes can also be provided to schools that are regularly affected by severe wintry weather.

Pilot Initiative Between Roads Service and Belfast City Council

Mr W Humphrey asked the Minister for Regional Development whether he will give consideration to the establishment of a pilot initiative between Roads Service and Belfast City Council to facilitate greater local involvement in snow clearance and gritting operations during future periods of adverse weather.
(AQW 2877/11)

Minister for Regional Development: My Department's Roads Service previously entered into an agreement with Belfast City Council, to remove ice and snow from the public footways within an agreed sector of Belfast city centre, thereby assisting local businesses and daily commuters during wintry conditions.

I am content that Roads Service continues to engage with Belfast City Council to establish if further resources can be deployed to deal with future adverse wintry weather.

Gritting of Roads

Mr S Anderson asked the Minister for Regional Development how many miles of road on average are gritted in (i) Banbridge; (ii) Craigavon; (iii) Lurgan; and (iv) Portadown each year.
(AQW 2899/11)

Minister for Regional Development: My Department's Roads Service has advised that it does not record the salted road length on an individual town basis, but is able to provide this information by District Council area.

Details of the total road length, salted in any single salting operation, for the Banbridge District Council area and the Craigavon Borough Council area, which includes Lurgan and Portadown, are shown below.

- Banbridge Council Area - 200 miles
- Craigavon Council Area - 190 miles

The frequency of salting operations in a year is dependent on weather conditions experienced during the winter season.

NI Water

Mr J Dallat asked the Minister for Regional Development (i) whether NI Water has hired, through a single tender action, the public relations company JPR; and if so, (ii) who authorised the single tender action; (iii) what is the value of the contract; (iv) whether JPR is providing private client public relations support to the Chief Executive Officer of NI Water and if the Head of Communications at NI Water is aware of any such arrangement.
(AQW 2904/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that (i) the public relations company JPR has not been appointed using single tender action procedures. In relation to (ii) and (iii) JPR does not hold a contract with NIW and (iv) the Chief Executive of NIW is not a client of JPR.

Director of Customer Services Delivery within NI Water

Mr J Dallat asked the Minister for Regional Development, pursuant to AQW 2683/11, to detail (i) whether the external candidate, which the Chief Executive Officer of NI Water met in a local restaurant in December 2009, was successful for the post of Customer Operations Director; (ii) whether interviewers on the panel were told of this meeting prior to the interviews; (iii) the purpose of this meeting and the number of people present; (iv) whether interview questions were discussed at the meeting (v) whether a member of staff booked the table at the local restaurant; (vi) how many other external candidates the CEO met, off NI Water premises, prior to the interviews; (vii) whether it is standard practice for the CEO to meet external candidates, off NI Water premises, prior to an interview; (viii) whether the CEO met all internal candidates prior to the interviews; (ix) how many people applied for the post of Customer Operations Director; (x) whether the CEO approached potential candidates within NI Electricity to apply for the post of Customer Operations Director, and if so, how many.

(AQW 2959/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that (i) the external candidate referred to was successful for the post of Customer Operations Director; (ii) the Chief Executive did not formally advise other panel members of the meeting, but panel members were fully aware that the candidate had previously worked with the Chief Executive; (iii) I refer to the answer already provided to AQW 2683/11 and can confirm that two people met with the external candidate; (iv) no interview questions were discussed at the meeting. (v) a reservation was made by the Chief Executive's personal assistant; (vi) the Chief Executive met no other external candidates prior to the interviews; (vii) NIW has no defined practice in relation to this matter; (viii) the Chief Executive met the internal candidates, on occasion, in the normal course of business prior to interviews taking place; (ix) there were 50 applications for the post; (x) approaches to potential candidates were made by an independent recruitment agent who was engaged to undertake an executive search for candidates.

Road Maintenance

Mr B Armstrong asked the Minister for Regional Development to outline the consequences of the recent prolonged cold spell on the structural maintenance of rural roads.

(AQO 746/11)

Minister for Regional Development: I can advise the Member that, even with regular care and attention, a road will deteriorate over time and will require corrective maintenance. The rate and extent of this deterioration is influenced by numerous factors, including traffic, weather conditions and work by utilities.

The recent, and indeed continuing, cold spell, will no doubt have had a damaging effect on our road network. The repeated freezing and thawing cycle can cause carriageways to split and potholes to form. The severe winter of 2009/10 was estimated to have cost an additional £2 million, up to the end of April 2010.

It will be some time before the full extent of the damage caused to the road network, during the current cold weather, can be fully assessed. That said, the total cost of damage caused solely by the cold weather may never be fully known, as it would not be practical, or indeed possible, to diagnose every failure that has already led to surface damage, or is likely to contribute to damage in the future.

Filling Grit Boxes

Mr W Humphrey asked the Minister for Regional Development to detail the process for filling grit boxes; and how many can be filled per day.

(AQW 3033/11)

Minister for Regional Development: My Department's Roads Service has advised that during periods of sustained cold weather, salt bins are continually replenished on a scheduled basis. The process for filling salt bins will involve loading the salt from the salt store onto a lorry, which will transport the salt to the bin location, where the salt bin is manually filled by a member of Roads Service staff.

The number of salt bins filled per day will depend on various factors, such as, the distance travelled by the lorry, urban or rural traffic conditions, the quantity of material placed in each salt bin and the number of salt bins in a particular area. However, when working to a planned schedule, it has been found that, on average, 21 salt bins would be filled per day.

Public Transport: Passengers with a Disability

Mr P Weir asked the Minister for Regional Development what progress has been made on the installation of audio visual equipment on public transport to assist blind and partially-sighted passengers and passengers with a hearing impairment.

(AQO 741/11)

Minister for Regional Development: Audio visual equipment is already in operation on all new trains and will continue to be installed on trains brought into service in the future. My Department has been working closely with key stakeholders and other statutory agencies and disability organisations to ensure a successful pilot of audio visual information on buses.

A stakeholders group has been established to reflect the wide range of interests involved and this group has identified three potential routes for the pilot and is working to identify potential participants. Officials are also in discussion with Translink about the identification and installation of the equipment required for onboard announcements.

I remain optimistic that the pilot can be completed and an evaluation report presented by the end of March or early April 2011.

Regional Development Strategy

Mr W Clarke asked the Minister for Regional Development for an update on the Regional Development Strategy and when it will be published for public consultation.

(AQO 743/11)

Minister for Regional Development: The review of the Regional Development Strategy is now at the stage where a new draft RDS is ready to go out for public consultation.

In seeking Executive agreement to the public consultation I issued a third Executive Paper on 25 November, having met with the Minister of the Environment who had expressed some concerns. Amendments were subsequently included in the third paper, however the Minister of the Environment has now requested a further meeting. I hope to be in a position to obtain the Executives agreement for full public consultation to commence as soon as possible after this takes place.

Roads: Gritting

Mr C Lyttle asked the Minister for Regional Development what steps his Department is taking to provide additional grit boxes in residential areas.

(AQO 744/11)

Minister for Regional Development: My Department's Roads Service already has in place procedures to provide salt bins or grit piles for use by the public, on a self help basis, on roads that do not qualify for inclusion on the gritting schedule.

Roads Service has advised that, provided the necessary criteria are met, there are no limits placed on the number of salt boxes which may be provided. However, salt boxes will not normally be provided within 100m of an existing salt box.

The Member will appreciate that Roads Service already commits significant resources to maintain approximately 3,500 salt bins provided on public roads.

Water Meters

Mr P Ramsey asked the Minister for Regional Development why he has not introduced amending legislation to remove the legal duty on NI Water to install water meters at new domestic properties.
(AQO 745/11)

Minister for Regional Development: I advised the Assembly, in my statement of 13 September, that I intend to bring long-term proposals concerning NI Water's status to the Executive in early 2011. Any such proposals are likely to involve legislative changes as would a change to the metering policy. It would be sensible to handle all such matters in a single Assembly Bill once the Executive makes decisions about the future structure of the water and sewerage industry.

Roads: Gritting

Mr A Bresland asked the Minister for Regional Development for his assessment of the effectiveness of road gritting operations, particularly in rural areas, during the recent cold weather.
(AQO 747/11)

Minister for Regional Development: To date, my Department's Roads Service has been very effective in keeping the strategic road network open during the recent cold spell, except in the most extreme conditions.

As you may be aware, one of the key outcomes of the most recent review of Roads Service's winter service policy and procedures, which was fully debated and accepted by the Assembly, was that the practice of targeting the limited resources available for this service, on the busier main through routes, should continue.

In general terms, this means that Roads Service salts the North's main through routes that carry more than 1,500 vehicles per day and, in exceptional circumstances, roads with difficult topography carrying between 1,000 and 1,500 vehicles per day. The application of this policy ensures that 28% of the total road network, which carries around 80% of traffic, is salted, at an annual cost of approximately £5 million.

As far as rural areas are concerned, I can confirm that during this prolonged cold spell, Roads Service has directed significant resources towards gritting of the rural road network. Almost 16% (6,500 tonnes) of the total amount of salt, used to date, was applied to local roads that were not on the salted network, to help alleviate conditions. Farmers/contractors were also brought in to help clear snow from local roads, as part of an ongoing agreement operated locally by Roads Service. Roads Service has also committed significant resources to maintain approximately 3,500 salt bins and almost 40,000 grit piles on roads not included in the salting schedule.

Department for Social Development

Red Sky

Mr P Maskey asked the Minister for Social Development to detail any additional costs that have been paid to Red Sky over and above the initially agreed tender in each of the last four years, including a breakdown of these costs per year.
(AQW 2041/11)

Minister for Social Development (Mr A Attwood): The information is not available in the format requested. The Housing Executive has advised that the contracts awarded to Red Sky were not awarded on the basis of a set tender/contract cost. An estimated annual cost of the contract is used for the procurement process, based on the spend over the previous years. It is only indicative and not guaranteed as the services/works are demand driven by need and available budget. Tenderers are

invited to submit a percentage adjustment to a pre-priced Schedule of Rates, that is, a schedule which details numerous items which are priced by the Housing Executive. The Housing Executive then carries out a cost evaluation. When an order for a particular item or items is issued, the contractor is paid the amount(s) from the original schedule, adjusted by the percentage tendered.

St Patrick's Barracks Site in Ballymena

Mr P Frew asked the Minister for Social Development (i) for an update on the housing scheme on the St Patrick's Barracks site in Ballymena; (ii) how this scheme compares with the Ballykelly housing scheme; and (iii) what value for money lessons have been learned from the Ballykelly scheme.

(AQW 2531/11)

Minister for Social Development: Plans to acquire 47 former Ministry of Defence houses in a discrete part of the St Patrick's Barrack's site are at an advanced stage, subject to approval from OFMDFM to sell the properties. Prior to the site being gifted to the Northern Ireland Executive as part of the Hillsborough Agreement a deal had been struck with Defence Estates and confirmation is urgently awaited from OFMDFM that a similar arrangement can still proceed.

Ballykelly was always a different scenario where the sheer scale of the Ministry of Defence housing to be acquired was well in excess of what we could realistically use. The site contained 317 houses, whereas applicants in housing stress numbered around 20. The site did not easily lend itself to dividing into smaller lots and with land already in Housing Executive ownership close by, it made better sense to build new. A new social housing scheme of 12 houses is planned for Tamblough Park, Ballykelly in 2011/12.

A feasibility study was commissioned to consider the purchase of a few units in Ballykelly. The conclusion was that purchase and refurbishment did not represent value for money in comparison to newbuild. The appraisal showed that the resultant accommodation, building performance and life expectancy would have been less attractive in the refurbishment option. In contrast, the properties at St Patrick's were extensively refurbished in 2007, so that cost of remedial repairs will be minimal.

Artworks

Mr A McQuillan asked the Minister for Social Development to detail the value of the artworks that his Department currently has (i) on display; and (ii) in storage.

(AQW 2577/11)

Minister for Social Development: The value of the artworks which the Department for Social Development currently has

(i) on display are:

Public Art Pieces

Description	Net Book Value (£)
Big Fish	0
The Belfast Wheel	0
Bottle Top	0
Haulers Way	0
Homage to the Lagan	0
Lagan Symphony	0
Mapping History	0
Millennium Milepost	0

Description	Net Book Value (£)
National Cycle Network	0
One step, two step, three step, four	0
Penny for your thoughts	0
Performance Space	0
Porthole	0
Starboard	0
The Calling	0
Trawl	0
Weights	0
Wheels of Progress	0
Dividers	0
Greenland	0
Sheep on the Road	0
Thanksgiving Square Statue	0
The Speaker	0
Voyage of St Brendan	0
Renewal	0
Legacy	0

Office Estate

There are also two oil paintings valued at £465 on display within the office estate. Other paintings on display are from the NICS Art Collection which are assets of the Department of Finance.

(ii) in storage are:

One oil painting valued at £350, and another which has an estimated value of £350.

Red Sky Repair Contract for West Belfast

Mr P Maskey asked the Minister for Social Development whether the Housing Executive Corporate Procurement Unit had examined the current Red Sky repair contract for West Belfast to check whether key performance indicators were being met; and if so, which indicators were not met and what action was taken to address these issues.

(AQW 2614/11)

Minister for Social Development: The Corporate Procurement Unit (CPU) of the Housing Executive manages all procurements taken forward by the organisation. Day to day contract management is undertaken at local level. The Response Maintenance contracts with the Housing Executive contain nine Key Performance Indicators, with associated targets covering issues such as quality and timeliness of service delivery. The Housing Executive holds monthly performance meetings with Contractors and where poor performance is identified and improvement is not demonstrated, the issues are escalated for action.

In relation to Red Sky, as the Member is aware, a confidential investigation by external forensic consultants into the work carried out by Red Sky has not yet been concluded. The findings of the report will enable the Housing Executive to carefully consider its contractual position under the contract and

decide whether any further steps against the contractor or other parties will be necessary. Any such actions will necessarily involve the right of the affected parties to make representations to the Housing Executive on its findings before any further steps can be taken. Accordingly, in the interests of due process, it would be inappropriate for me to comment further on this matter at this time.

Shared Neighbourhood Programme Areas

Mr S Hamilton asked the Minister for Social Development which of the Shared Neighbourhood Programme areas are (i) predominantly Protestant; and (ii) predominantly Roman Catholic.
(AQW 2670/11)

Minister for Social Development: The Shared Neighbourhood Programme (SNP) is a 3 year pilot programme aimed at supporting and protecting 30 shared neighbourhoods across the North to provide real opportunities for people who wish to live in diverse and welcoming communities. An important objective of the Programme is to mainstream good relations within and between communities and the Programme is only delivered within neighbourhoods at the request of the community.

SNP Estate	Predominance
Suffolk & Lenadoon	Suffolk – Protestant majority Lenadoon – Catholic majority
Skegoneil & Glandore	Skegoneil – Catholic majority Glandore – Protestant majority
Forthspring	Springfield Road – Catholic majority Shankill Road – Protestant majority
The Real Project	Mount Vernon – Protestant majority New Lodge – Catholic majority
The Village	Protestant majority
Areema	Catholic majority
Redburn/Loughview, Holywood	Protestant majority
Killyleagh	Protestant majority
Belvoir Park/Milltown	Protestant majority
Castle Street/Westgate, Ballymoney	Catholic majority
Windmill/Minorca Drive, Carrickfergus	Protestant majority
Shandon Road/Belfast Road, Newry	Protestant majority
Central Brownlow, Craigavon	Catholic majority
The Glens, Limavady	Catholic majority
Claudy	Catholic majority

The above statistics are drawn from the 2001 Census Results and the position may have changed in the intervening period. The purpose of the Shared Neighbourhood Programme is not to socially engineer balanced neighbourhoods but rather to develop communities where people of all backgrounds feel comfortable to live, work, learn and play together.

Filling Vacancies Through Temporary Promotions

Mr C Lyttle asked the Minister for Social Development (i) whether the Department for Social Development is filling vacancies through temporary promotions rather than selecting candidates from a promotion board list; and (ii) whether this is consistent with the Civil Service Vacancy Management Policy. **(AQW 2732/11)**

Minister for Social Development: An embargo on recruitment and promotion in the administrative grades Administrative Assistant to Grade 6 was introduced across the Northern Ireland Civil Service in February 2010. The vast majority of posts in my department fall under that embargo. Therefore it is not possible to fill vacancies through selecting candidates from promotion board lists.

Where substantive vacancies exist The Department seeks to fill these in line with the Civil Service Vacancy Management policy through for example the redeployment of surplus staff from other business areas, the placement of staff listed in NICS priority pools and staff returning from career breaks. Where this is not possible the Department may consider temporary promotion arrangements until a substantive replacement becomes available. Temporary promotions are also used to cover, for example, staff absences or time-bounded projects.

I am currently considering the issue and scale of temporary promotion arrangements.

Welfare Reform

Rev Dr R Coulter asked the Minister for Social Development whether he intends to implement changes under welfare reform within the same timeframe as proposed by the Department for Work and Pensions. **(AQO 704/11)**

Minister for Social Development: Some principles in the welfare reform proposals may have some attraction, such as those providing for the simplification of the system, clearer conditionality and better financial support for people moving off benefits and into work. However, many changes to the level of benefit support that are already being introduced will reduce significantly the support available through social welfare, impacting on tens of thousands of people and having a depressing effect on our regional economy. The scale of the changes proposed has prompted much discussion both within DSD and with colleagues in Whitehall. I do not propose to detail all of these discussions, the issues that we are scoping or the responses that we may introduce or propose. However, I will scope out in broad detail the range of responses that I have undertaken as Minister in the past number of months.

As Members are aware and as was reflected in the motion that the Assembly passed in September, I have engaged on an ongoing basis the London Ministers in DWP: Iain Duncan Smith; Lord Freud; Chris Grayling; and Maria Miller. They are in no doubt about my view that, be it on the Budget or on benefits that our particular circumstances here - higher levels of deprivation (as in some parts of Britain), compounded by the legacy of conflict and the risk of alienation - logically dictate that London should have a particular response to our needs.

If Ministers in London tell me that they accept that analysis — as they do, because Iain Duncan Smith, Lord Freud and Maria Miller have told me so — they must accept the consequences of it. In my view, that means, or could mean, additional funds; hardship provisions; recognition of local factors; or the ability to opt out, slow down or reconfigure reforms in the image of our circumstances.

I met with Lord Freud last Monday (29 November), and, my discussions were informed by a number of principles. The planned changes should be implemented in a manner that recognises the difficulties in areas of high unemployment in general and that has regard to the Northern Ireland's particular circumstances. I argued for the maximum flexibility to be allowed when implementing changes including the timing of those changes. As Members will be aware from the passage of the Welfare Reform Bill before the summer, there has been some flexibility to date. I want to expand on that, and I am actively scoping how that might be achieved.

Where appropriate, I will seek to introduce changes more slowly, because it is likely to take Northern Ireland longer to come out of the current economic recession.

Limited work opportunities and increasing unemployment in Northern Ireland— a situation that may be compounded by the economic developments and borrowings in the Republic of Ireland — make a nonsense of proposals to get those who are capable of working back into work, when there is simply no work available.

To follow slavishly the London Government's design and timeline for welfare reform, without measuring it against the particular historical, current and, in the light of the economic downturn, future circumstances, is not credible, mature or a considered way in which to proceed.

Neighbourhood Renewal Projects

Ms C Ní Chuilín asked the Minister for Social Development to outline the nature and scale of the evaluation and review of Neighbourhood Renewal projects; and why Neighbourhood Renewal projects were not made aware that this review was being undertaken.

(AQW 2756/11)

Minister for Social Development: In line with the Northern Ireland Guide to Expenditure Appraisal and Evaluation (NIGEAE) issued by the Department of Finance and Personnel an evaluation of all projects receiving public money must be undertaken. Neighbourhood Renewal Projects are made aware of the evaluation and monitoring process as part of their Contact for Funding.

The purpose of the evaluation process is to measure the actual outputs and outcomes of the project and whether it was a success by comparing what it was expected to achieve against what it has actually achieved. The evaluation process is also designed to ensure that lessons learned are fed back into the decision making process. This ensures that government action is continually refined to reflect what best achieves objectives and promotes the public interest and that past experience is fed into future project design, content and management.

All, or most, contracts that are currently funded under Neighbourhood Renewal are due to expire at the end of March 2011. This is being done now, rather than 6 months after project closure, as funding for new projects post April 2011 cannot be provided retrospectively. Evaluation of the current contracts is a prerequisite to any consideration of further funding beyond this date.

Housing Associations in the Greater Shankill Area

Mr W Humphrey asked the Minister for Social Development what action he plans to take to address the fact that neither Harmony Homes (NI) Housing Association nor Filor Housing Association in the Greater Shankill area currently have development status.

(AQW 2771/11)

Minister for Social Development: Both Harmony Homes (NI) Housing Association and Filor Housing Association lost development status after failing inspection by my Department. Development status may be reinstated pending follow-up inspection if the Associations demonstrate that they have addressed all points outlined in their agreed action plan. Development needs in the area can be met by other Associations currently in the development programme.

BMF Business Services

Mr S Hamilton asked the Minister for Social Development how much his Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2808/11)

Minister for Social Development: The table below provides details of expenditure as requested from May 2007 to date.

	Articles &Adverts in Agenda NI £	Subscriptions to Agenda NI £	Payments for attendance at BMF Conferences £	Totals £
Urban Regeneration & Community Development Group	0	0	4,360	4,360
Ilex	6,721	0	2,184	8,905
Charities Commission	0	0	0	0
Social Security Agency	2,392	35	4,065	6,492
Child Maintenance Enforcement Division	7,650	0	390	8,040
Core	1,205	280	2,155	3,640
Housing	0	0	1,170	1,170
N.I. Housing Executive	5,008	70	3,913	8,991
Grand Totals	22,976	385	18,237	41,598

Unemployment Benefit

Sir Reg Empey asked the Minister for Social Development how many people have been in receipt of unemployment benefit for an uninterrupted period of more than five years.

(AQO 713/11)

Minister for Social Development: Unemployment benefit has been replaced by Jobseekers Allowance. 472 people have had continuous claims to Jobseekers Allowance for at least five years.

Vacant Land on the York Road and Shore Road

Mr W Humphrey asked the Minister for Social Development what plans his Department has for the development of the vacant land on the York Road and Shore Road which has been purchased by the Belfast Regeneration Office.

(AQW 2830/11)

Minister for Social Development: Parcels of land and buildings at these and other locations were acquired to remove dereliction, stimulate private sector investment and improve the physical environment. My plan is to help regenerate these areas by disposing of such sites for development in line with the Department's priorities. It is well known, however, that current market conditions are limiting the appetite of the private sector for development sites.

Monthly Co-ownership Quotas

Mr J Spratt asked the Minister for Social Development whether the monthly Co-ownership quotas have been fully utilised in each of the last three years.

(AQW 2854/11)

Minister for Social Development: Details of the Co-Ownership quota system for applications received each month and the number of applications subsequently processed by Co-Ownership for support with purchase, from the date the quota system was introduced are contained in the table below:

Month	Quota	Applications Received	Applications Processed for Co-Ownership Support
May 2009	55	170	55
June 2009	65	162	65
July 2009	50	103	50
August 2009	50	86	50
September 2009	30	68	30
October 2009	40	82	40
November 2009	30	80	30
December 2009	30	93	30
January 2010	40	75	40
February 2010	40	61	40
March 2010	50	87	50
April 2010	55	100	55
May 2010	55	88	55
June 2010	75	92	75
July 2010	75	82	61
August 2010	75	80	67
*September 2010	N/A	131	86
*October 2010	N/A	165	126
November 2010	45	48	35
December 2010	30	69	30

All applications received during the qualifying period go forward into the monthly draw and applications are drawn out at random until there are sufficient complete applications to fill the quota. While in each month the number of applications processed for Co-Ownership support fulfils the quota established for that month, not all of these applications will be successfully completed as a house purchase under the Co-Ownership Scheme. As with all house purchase transactions, applications to Co-Ownership are still subject to appropriate property valuation, Co-Ownership Scheme affordability calculations, applicants funding their contribution by way of mortgage and the title of the property being in order.

*September/October 2010 forced a temporary suspension of the quota system which is a reflection on the market and the restricted lending criteria.

Applications for Co-ownership

Mr J Spratt asked the Minister for Social Development whether the criteria for Co-Ownership applications has changed in light of the economic downturn and high levels of personal debt.
(AQW 2856/11)

Minister for Social Development: Yes. Co-Ownership Housing regularly reviews their criteria in line with the changing mortgage markets. For example, they introduced a cap on household debt for Co-Ownership applicants as access to mortgage funding became more constrained, to inhibit potential misuse of the scheme by borrowers with multiple credit commitments.

Replace Windows in the Langley Road Estate in Ballynahinch

Mr S Hamilton asked the Minister for Social Development when the Housing Executive will replace windows in the Langley Road estate in Ballynahinch.

(AQW 2868/11)

Minister for Social Development: The Housing Executive has advised that there are no schemes programmed for the Langley Road estate in Ballynahinch. There was an external cyclical maintenance scheme in the Langley Road area in 2004 which did not include the replacement of windows. The decision not to replace windows during this scheme was made as a result of a technical inspection of the properties in question, taking into account the condition of the windows. The Housing Executive continues to service the existing windows.

Social Housing: Budget

Mr T Lunn asked the Minister for Social Development, in light of the Comprehensive Spending Review, to outline his Department's plans for the social housing budget.

(AQO 709/11)

Minister for Social Development: The Budget 2010 allocations have yet to be announced. Work is in progress but given the budget reductions we are all aware of, the outcome of the CSR may result in reductions both to the capital and revenue housing budgets.

There is no doubt that we face very challenging times in terms of the forthcoming spending review and I recognise the significant budget reductions faced by the Northern Ireland block. However, I will do all I can to maximise the allocations for social housing in order to protect the most vulnerable households in society, as I have done in the past, by protecting budgets for newbuild social housing, adaptation grants and the Supporting People programme. I will continue to highlight how investment in the new build programme not only provides houses for those in greatest need but also provides much needed employment to the construction industry and has a significant multiplier effect for the Northern Ireland economy. I await the outcome of the Budget 2010.

Workless Households

Mr B McCrea asked the Minister for Social Development what measures his Department has taken since May 2007 to reduce the number of workless households.

(AQO 710/11)

Minister for Social Development: My Department uses a range of measures to help workless households. My Department leads on the Neighbourhood Renewal Strategy, the Executive's flagship programme for addressing deprivation. One of the objectives of the strategy – economic renewal- seeks to develop economic activity in the most deprived neighbourhoods and connect them to the wider economy. Additional support through the Neighbourhood Renewal Investment Fund is offered through a range of interventions focused on addressing worklessness and ensuring that people living in the most deprived neighbourhoods have the skills needed and the support available to participate in the labour market. The strategy also seeks to encourage investment and business development by for example supporting entrepreneurship and social economy programmes.

Since May 2007 procurement contracts have included social and economic clauses as part of the award criteria. The social clause was included in major urban regeneration capital contracts such as Victoria Square. My Department has innovative plans to include a social clause, which will require successful contractors to provide work placements for the unemployed in social housing and major urban regeneration contracts with effect from January 2011. The proposal provides that for every £0.5 million of labour value, the main contractor will be required to provide a work placement opportunity for an unemployed person through the Department for Employment and Learning's Steps to Work programme. This initiative will be considered for existing contracts and work is also planned to include social clauses in other contracts in relation to for example, maintenance and warm homes.

In addition, my Department continues to work with the Department for Employment and Learning to deliver the Jobs and Benefits Service to help tackle barriers to employment and help people into work. There are now 27 Jobs and Benefits offices across Northern Ireland. Since May 2007 two new offices have opened – one in Ballymena and the other in Andersonstown. I know only too well the corrosive effect of long-term unemployment both for individuals and indeed local communities. I believe therefore that we should be doing everything we can to help people break the cycle of economic inactivity and to enter or return to work where they are fit to do so. But for this to work we need to have enough jobs in place and I have been arguing the case with Lord Freud and Iain Duncan Smith that as Northern Ireland is facing still rising unemployment and continuing recession we need to take account of the special circumstances here.

Measures and initiatives introduced by my Department since May 2007 include replacing Incapacity Benefit with the more integrated and work-focused Employment and Support Allowance; reforming the Extended Payments schemes in Housing Benefit; lone parent reforms; and replacing the 'sick note' with the 'fit note'.

Welfare: UK Parity

Mr D McNarry asked the Minister for Social Development what the budgetary implications would be if he were to break parity with the rest of the United Kingdom in relation to welfare support.

(AQO 712/11)

Minister for Social Development: Northern Ireland has never been self-sufficient in the field of Social Security. Expenditure is demand-led and Treasury provides funding on the basis of parity - the Statement of Funding of Devolved Administrations specifically provides for this funding stream to be reviewed if parity is broken.

In 2008/09, Northern Ireland received £2.55bn to fund non-contributory benefits and a further £505m to help fund contributory benefits. Additionally, most benefits in Northern Ireland are paid via the Department for Work and Pensions computer systems. Our shared computer infrastructure is a constraint on divergences from parity.

Social Security expenditure is classed as part of Annually Managed Expenditure, which is outside the managed block and not subject to the Barnett formula. Breaching parity could mean that social security benefits would compete for resources with our schools, our hospitals and all of the other calls on the public purse.

I am nevertheless very concerned about some of the proposals for welfare reform being brought forward by the Westminster Government, which are cuts masquerading as welfare reform. The estimated Northern Ireland Annually Managed Expenditure impact of the measures announced in the June 2010 and Spending Review announcements is a reduction of some £435m over the Spending Review 2010 period. This is money being taken out of the pockets of some of the most needy in our society. We must consider carefully the aspects of parity and the impact of the unprecedented scale of welfare reform changes for Northern Ireland and those in Northern Ireland reliant on benefits. We are working with a range of experts to understand the impact of welfare reform measures for Northern Ireland and how to address these. Westminster Ministers would have to consider how to and whether to adjust funding if the Northern Ireland Executive were to change social security to differ from Britain. I will continue to engage with them to achieve understanding of the special circumstances of Northern Ireland. My approach is to maximise flexibilities in and around parity and try to identify opportunities to move beyond it. I want to find where operational flexibilities are and negotiate to move beyond parity in a way that does not have an adverse or disproportionate effect on the people here or on the funding for the benefit system. I will continue to keep the Executive and Assembly informed and seek support to ensure that the most vulnerable in society are protected.

Incapacity Benefit

Mr P Girvan asked the Minister for Social Development how many people are currently in receipt of incapacity benefit.

(AQO 714/11)

Minister for Social Development: There are currently 91,632 Incapacity Benefit customers in Northern Ireland. This includes both customers who are entitled to payment of benefit (54,937) and those who receive weekly credits of National Insurance only (36,695). The figure given equates to 8.29% of the working age population.

Employment and Support Allowance replaced Incapacity Benefit and Income Support paid on the grounds of incapacity, for new customers, with effect from 27 October 2008.

DSD: Irish-Language Courses

Mr W Clarke asked the Minister for Social Development whether his Department currently offers or plans to offer Irish-language courses to staff.

(AQO 716/11)

Minister for Social Development: The Department for Social Development does not currently offer Irish-language courses to staff and no request has been made to do so. If a need is identified, it will be considered.

Parity Legislation

Ms M Anderson asked the Minister for Social Development to outline what he means by 'stretching parity to the maximum' and what consideration he has given to ending the requirement for parity legislation.

(AQO 717/11)

Minister for Social Development: I have said repeatedly that it would be 'thoughtless folly' to rush headlong in and end parity. This would only create more need among those already in need. But I will stretch parity, to find ways in law and practice, to avoid, reduce, ease or lessen the impact of welfare cuts and welfare changes. I believe that the issue of parity should be discussed and addressed in the longer term and doing things different from parity considered. The issue is not just the politics of parity, it is much more the politics of poverty, which is at the heart of my discussions with DWP and my call to the Executive to provide new monies to protect those in need.

DSD: Meeting with DWP

Mr G Savage asked the Minister for Social Development to provide an update on the meeting which took place on 18 November 2010 between his Department and the Department for Work and Pensions.

(AQO 718/11)

Minister for Social Development: The Department for Social Development and the Social Security Agency hosted a workshop on the 18 November 2010; the purpose of the workshop was to enable senior officials from within my Department and the wider NICS to gain a greater understanding of the policy intent of the Universal Credit proposals including any initial thoughts on operational implementation in GB.

The workshop was delivered by colleagues from the Department for Work and Pensions and was attended by of senior officials from my Department and other interested Department's including the Department of Finance and Personnel and the Department for Employment and Learning.

Social Deprivation

Mr P Givan asked the Minister for Social Development what the level of social deprivation is in each constituency, as measured by the Noble Indices.

(AQW 2906/11)

Minister for Social Development: The Northern Ireland Multiple Deprivation Measure (NIMDM 2010) provides a statistical measure of levels of deprivation across a number of geographies in Northern Ireland. The table presents the results from the 2010 measures at Assembly Area level with a variety of summary measures.

The Department for Social Development do not have responsibility for producing the NIMDM. These figures are produced by the Demography and Methodology Branch of the NI Statistics and Research Agency within the Department of Finance and Personnel and are available online at:

http://www.ninis.nisra.gov.uk/mapxtreme_deprivation2010/default.asp

Assembly Area	Extent (%)	Rank of Extent (1 is most deprived)	Income Scale	Rank of Income Scale (1 is most deprived)	Income Rate (%)	Rank of Income Rate (1 is most deprived)	Employment Scale	Rank of Employment Scale (1 is most deprived)	Employment Rate (%)	Rank of Employment Scale (1 is most deprived)
Belfast East	19	6	18,355	12	23	9	5,223	17	11	11
Belfast North	59	2	34,825	3	42	2	9,283	4	20	2
Belfast South	20	5	17,502	15	19	13	5,473	16	9	17
Belfast West	76	1	42,664	1	51	1	11,625	2	24	1
East Antrim	10	10	16,151	17	18	14	5,511	15	11	13
East Londonderry	14	9	23,072	10	25	7	7,132	10	13	7
Fermanagh and South Tyrone	5	17	22,741	11	22	10	6,517	11	11	12
Foyle	43	3	41,487	2	38	3	11,884	1	18	3
Lagan Valley	7	14	17,572	14	16	17	6,069	14	9	16
Mid Ulster	9	12	24,326	8	25	6	7,476	8	13	8
Newry and Armagh	17	8	30,654	4	28	5	8,783	6	14	5
North Antrim	9	11	23,689	9	22	12	7,401	9	12	10
North Down	3	18	13,446	18	15	18	4,515	18	9	18
South Antrim	5	15	17,851	13	17	16	6,307	12	10	15
South Down	7	13	25,911	7	22	11	8,428	7	12	9
Strangford	5	16	17,278	16	17	15	6,143	13	10	14
Upper Bann	18	7	27,851	5	24	8	9,290	3	14	6
West Tyrone	23	4	27,685	6	30	4	8,888	5	16	4

Allocation of Social Housing

Mr R McCartney asked the Minister for Social Development whether there will be a review of the current points system for the allocation of social housing; and if so, to outline the terms of reference and timescale for the review.

(AQW 2916/11)

Minister for Social Development: I am currently working on modernising certain aspects of the Common Selection Scheme and expect to release the proposals for consultation in the New Year. It is likely that this exercise will focus mainly on intimidation, unsuitable accommodation, temporary accommodation and transfers of tenants with a history of antisocial behaviour.

Legislative Proposals in the European Commission

Mr A Ross asked the Minister for Social Development whether there is a specific individual or section within his Department to identify, at an early stage, legislative proposals in the European Commission and the potential impact on Northern Ireland.

(AQW 2945/11)

Minister for Social Development: My Department's European Union (EU) Unit is in regular contact with the European Commission in Brussels in order to keep updated with EU Legislation/Policies/Guidance and on various issues which may have a potential impact on Northern Ireland.

The Department's European Union (EU) Unit was originally established with the objective of co-ordinating EU activities within DSD and monitoring the administration and delivery of EU Programmes. A number of the Programmes have now closed and the Unit is responsible for ensuring that Closure Packs containing a wide range of material and information from various sources throughout the Department are prepared to audit and EC standards.

DSD is the Accountable Department for Measure 2.1 of the Peace III Programme (Creating Shared Public Spaces) and additionally, continues to be involved in a number of other EU Initiatives which may potentially impact on Northern Ireland.

As the central contact point within the Department on all EU issues the EU Unit is responsible for coordinating, managing and distributing information, advice and guidance to appropriate branches throughout the Department.

Child Maintenance and Enforcement Division

Mr P McGlone asked the Minister for Social Development whether there are any security policies or procedures in place in the Child Maintenance and Enforcement Division in relation to dealing with cases for individuals who may be members of Fathers for Justice.

(AQW 2982/11)

Minister for Social Development: The Child Maintenance and Enforcement Division does not have any specific security policies or procedures for dealing with cases for individuals who may be members of Fathers for Justice.

Customer First Across the Social Security Agency's Local Office Network

Mr M Brady asked the Minister for Social Development whether he considered the implications of the introduction in 2013 of the Universal Credit in England, Scotland and Wales when making his decision to roll-out Customer First across the Social Security Agency's local office network.

(AQW 3011/11)

Minister for Social Development: I have not made any decision yet on the roll out of Customer First across the Social Security Agency's local office network. The evaluation report into the Customer First pilot in North District was provided to me in early December 2010. I am currently considering the findings of this report and I will make my decisions when I have fully considered all of the information available.

While it is too early to be definitive about the implications of the proposed introduction in 2013 of Universal Credit, consideration will be given to this in due course. It is clear that the proposed changes have the potential to impact on all the benefits currently delivered through the local office network and it is important that the Agency be positioned to respond flexibly to these challenges in the future.

Customer First Across the Social Security Agency's Local Office Network

Mr M Brady asked the Minister for Social Development what is the projected cost of rolling out the Customer First model across the Social Security Agency's local office network.

(AQW 3013/11)

Minister for Social Development: As set out in the Business Case, the projected cost of rolling out the Customer First model across the Social Security Agency's local office network is £22.9 million over a 15 year period. Over the same period the projected savings are £64.3 million.

Social Security Agency's Strategic Business Review

Mr M Brady asked the Minister for Social Development how much was spent on the Social Security Agency's strategic business review project; and how much has been spent on the Customer First project to date.

(AQW 3014/11)

Minister for Social Development: The table set out below details the Social Security Agency's expenditure on the Strategic Business Review and Customer First initiative. This is in line with the projected expenditure calculations in the Business Case.

Timeframe	Expenditure
Strategic Business Review (Nov 2006 – July 2009)	£2.671 million
Customer First (August 2009 – August 2010)	£2.376 million
Total Expenditure	£5.047 million

Northern Ireland Assembly Commission

Hansard Bound Volume

Mr T Clarke asked the Assembly Commission (i) what is the average cost of publishing a Hansard Bound Volume; (ii) how many copies of each edition are distributed free of charge; (iii) how many copies of each edition are sold, and at what price, to the public; and (iv) how many Members have cancelled their copy.

(AQW 2640/11)

The Representative of the Assembly Commission (Mr P Weir): The current average cost of publishing each Bound Volume of the Official Report (Hansard) is £5,700, which includes formatting, printing and binding (the cost of individual volumes varies slightly depending, not least, on the size and nature of the content).

In total, 112 copies of each volume are provided free of charge. Recipients include: 79 Members (29 Members have elected not to receive the volumes); the deposit/copyright libraries; the library at Queen's University; the Linen Hall Library; the Public Record Office; Westminster; the Assembly Library; seven officials of the Assembly; the Business Office; and the Office of the Official Report (Hansard) itself. A further seven copies of each volume are sold by TSO to subscribers at a price of £70 per volume.

You may be interested to hear that the Office of the Official Report (Hansard) had an objective in its business plan for this year to review archiving arrangements, notably in respect of Bound Volumes, and of course all printing arrangements will be looked at under the current spending review.

I understand that the Editor of Debates has now completed his review of the Bound Volumes and that he is about to submit recommendations to the Speaker. Without going into detail in advance of a decision on those recommendations, the effect of them (if accepted) would be to substantially reduce

the cost of Bound Volumes while at the same time balancing the need for cost effectiveness and efficiency against the need for the Assembly to maintain a sustainable and robust archive.

Once a decision on the recommendations has been made, I would be happy to write to you again and advise you of the outcome. I hope that the above information answers your question, but I would be happy to provide further detail should you require it.

Cost of Employing a Translator

Mr T Clarke asked the Assembly Commission to detail (i) the daily cost; and (ii) the cost since May 2007 of employing a translator to translate Irish spoken in the Assembly Chamber and in Committee meetings.

(AQW 2664/11)

The Representative of the Assembly Commission (Mr P Weir): By way of brief background, the Commission, through the Office of the Official Report (Hansard) provides a facility whereby Members' contributions in the Chamber in the Irish language are interpreted and relayed to the Speaker and Clerks at Table. No such service has been provided in respect of Committee meetings. The interpreting service is provided by a permanent member of Hansard staff and an agency worker.

With regard to costs, the Hansard member of staff is not employed full-time on the interpreting service; he provides other reporting and editorial services during the day and it is thus not possible to calculate the exact cost in relation to interpreting Irish, but an estimate has been made. Agency workers are paid at an hourly rate and thus the costs vary depending on the duration of each sitting.

Therefore, and in relation to the information you requested, the daily cost of providing the service represents an average figure, while the total cost is based on the actual costs of agency workers added to the estimate of the cost of the permanent member of staff. The figures are:

- Current average daily cost: c£425
- Cost from May 2007 to end-November 2010: c£91,000

Security at Parliament Buildings

Mr T Clarke asked the Assembly Commission to list those people who are not required to pass through security when entering Parliament Buildings.

(AQW 2786/11)

The Representative of the Assembly Commission (Mr P Weir): With the exception of:

- Members
- PSNI officers on duty
- PSNI CPU officers accompanying their principals
- Those persons with diplomatic immunity

all persons entering Parliament Buildings must pass through security and be searched.

Authorisation to bypass security may only be granted by the Speaker, through the Security Manager.

Northern Ireland Assembly

Friday 7 January 2011

Written Answers to Questions

Office of the First Minister and deputy First Minister

Community Relations and Good Relations Work

Mr T Lunn asked the First Minister and deputy First Minister, pursuant to AQW 69/11, (i) to provide a breakdown of the departmental costs of the expenditure on Community Relations and Good Relations Work in each financial year since 2005/06; and (ii) to provide a list of the community and voluntary organisations which received this financial assistance in each of those years.

(AQW 982/11)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): Pursuant to your question AQW 69/11 on the costs of good relations work, we have detailed below the groups and organisations supported by this department over the last five years.

Community & Voluntary Groups	2005/06	2006/07	2007/08	2008/09	2009/10
Co-Operation Ireland	76,400	192,700	198,500	199,000	184,000
Hewlett Packard - Digital Communities	50,000	25,000	24,000	24,000	24,000
Somme Heritage Centre		37,000	37,000	18,500	37,000
North & West Belfast Parades Forum		24,500	25,000	67,000	64,000
Transition Training				30,000	35,000
Women Into Politics		37,000	35,000	35,000	36,000
Glencree Centre	5,600	13,000	1,000	1,000	
Reach Across					3,000
Maiden City Festival					40,000
Top of the hill Feile					15,000
The Gasyard Wall Feile					15,000
Greater Shantallow / Outer North Festival					15,000
Belfast Reconciliation Network					28,000
North Belfast Interface Network					13,000

Community & Voluntary Groups	2005/06	2006/07	2007/08	2008/09	2009/10
Greater Village Regeneration Trust				750	5,000
Falls Youth Providers					5,000
Upper Ardoyne Youth Centre					5,000
Lower Castlereagh Community Group					5,000
Mediation Northern Ireland					14,000
Belfast Conflict Resolution Consortium				30,000	
Upper Springfield Development Co					17,000
Crimsom Players	6,600				
Re-imaging Communities		18,000			
Maydown Ebrington		6,000	25,000		
Killyleagh Mural Project		3,000			
Bright Community	35,000				
Newcastle Multipurpose Facility	77,000				
The Link (Ards)				13,250	
Jethro Centre	237,500				
Journey of Remembering		25,000			
Groundwork NI		70,000			
East Belfast Mission Mural Project				7,000	
Totals	488,100	451,200	345,500	425,500	560,000

Councils	2005/6	2006/7	2007/8	2008/9	2009/10
Antrim Borough Council	54,596.25	44,299.50	42,277.00	46,051.04	48,352.50
Ards Borough Council	51,622.50	55,897.49	56,300.00	91,296.75	89,962.50
Armagh City & District Council	84,000.00	77,121.31	83,800.00	87,990.00	92,389.50
Ballymena Borough Council	67,518.75	57,024.95	69,240.64	71,730.20	81,827.76
Ballymoney Borough Council	72,285.00	71,010.29	55,271.28	78,819.22	77,182.44
Banbridge District Council	85,883.25	71,881.39	74,929.64	98,986.25	103,935.56

Councils	2005/6	2006/7	2007/8	2008/9	2009/10
Belfast City Council	235,990.50	329,691.23	302,650.00	451,614.00	474,194.70
Carrickfergus Borough Council	57,674.25	46,719.49	48,725.00	49,498.21	53,719.31
Castlereagh Borough Council	65,779.50	59,111.23	52,242.64	54,716.70	68,512.50
Coleraine Borough Council	69,996.00	67,763.54	69,295.00	76,239.70	85,969.91
Cookstown District Council	73,917.00	72,199.25	67,846.42	55,027.96	77,626.50
Craigavon Borough Council	38,574.00	30,903.26	37,530.00	54,781.80	110,841.00
Derry City Council	120,225.00	124,290.66	138,310.00	239,290.69	318,519.55
Down District Council	87,897.75	86,729.38	86,723.62	91,901.27	96,576.12
Dungannon District Council	78,062.25	77,827.64	96,448.06	100,796.72	113,112.62
Fermanagh District Council	66,007.50	76,245.65	63,931.52	85,360.76	89,749.75
Larne Borough Council	52,387.50	50,019.51	52,045.00	54,647.25	57,379.61
Limavady Borough Council	75,960.00	54,073.92	58,260.00	64,923.00	71,415.30
Lisburn City Council	45,225.00	47,600.24	48,005.00	50,258.33	52,925.51
Magherafelt District Council	74,958.75	71,628.48	71,197.30	60,564.03	82,693.01
Moyle District Council	55,792.50	45,521.90	47,634.28	49,665.13	55,617.82
Newry & Mourne District Council	60,399.75	74,002.28	82,001.00	130,186.75	158,499.34
Newtownabbey Borough Council	68,217.00	66,763.91	65,483.61	71,111.25	74,668.81
North Down Borough Council	55,012.50	46,449.79	49,266.68	49,833.09	58,757.74
Omagh District Council	47,578.50	42,737.06	41,391.84	52,272.77	54,886.65
Strabane District Council	77,362.50	66,786.64	71,483.55	89,126.24	110,000.00
Total	1,922,923.50	1,914,300	1,932,289.08	2,406,689.11	2,759,316.01

Community Relations Council	2005/6	2006/7	2007/8	2008/9	2009/10
Programme	145,000	145,000	145,000	145,000	210,000
Small Grants Schemes & Media	570,000	612,108	570,000	570,000	570,000
Salaries & Administration	752,000	788,142	873,882	1,039,830	1,216,000

Community Relations Council	2005/6	2006/7	2007/8	2008/9	2009/10
Core Funding & Evaluation	1,391,000	1,391,000	1,391,000	1,351,000	1,351,000
Shared Future/CSI Policy Development			70,000	35,000	
Pathfinder Grants			240,000	200,000	200,000
Total	2,858,000	2,936,250	3,289,882	3,340,830	3,547,000

Department Supported	2005/6	2006/7	2007/8	2008/9	2009/10
Minority Ethnic Funding	637,000	681,000	636,000	945,000	1,047,000
Capital Build Programme	172,089	197,500	13,577	4,470	0
Technical Transfers to other Department	460,000	460,000	720,000	425,000	455,000
CEP	2,585,761.85	2598419.21	2338663.5	2417015.2	1651422.92

Community Empowerment Partnerships	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010
Ardoyne & Marrowbone	£267,650.00	£232,731.40	£239,528.00	£232,478.29	£112,502.26
Ballysillan	£58,271.60	£120,688.78	£140,365.00	£135,454.85	£78,069.23
Ligoneil	£53,739.70	£170,504.56	£131,712.35	£107,401.18	£96,003.93
Citizen Youth Project	£138,621.04	£138,971.94	£132,508.77	£149,285.64	£96,026.53
Greater Cliftonville	£174,645.18	£175,071.96	£213,259.46	£238,713.27	£131,029.29
Greater New Lodge	£257,273.30	£234,595.50	£219,769.00	£243,642.04	£158,862.29
Greater Greencastle	£136,764.00	£127,151.27	£124,034.84	£143,756.12	£88,374.76
Independent Advice Service	£296,131.00	£184,220.47	£195,997.49	£196,722.86	£198,344.10
Upper North	£283,177.14	£286,559.47	£253,245.34	£174,544.56	£65,610.58
Lower North	£273,591.20	£212,126.33	£168,551.52	£0.00	£0.00
Developing Leadership	£233,064.00	£194,772.06	£212,535.03	£278,743.71	£256,353.98
Partnerships in Community Transformation	£185,731.69	£156,618.00	£0.00	£0.00	£0.00
Rathcoole	£117,179.00	£173,191.97	£184,168.70	£222,659.92	£103,396.38

Community Empowerment Partnerships	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010
Upper Ardoyne	£97,098.00	£191,215.50	£122,988.00	£143,502.76	£69,267.59
Youthbank	£12,825.00	£0.00	£0.00	£0.00	£0.00
Loughview	£0.00	£0.00	£0.00	£150,110.00	£197,582.00
Total	£2,585,761.85	£2,598,419.21	£2,338,663.50	£2,417,015.20	£1,651,422.92

As we stated previously, it is not possible to provide full details of every group supported by the OFMDFM funding administered by the Community Relations Council (CRC); however, such information is included in the CRC's Annual Reports which are already in the public domain.

Quangos

Mr S Anderson asked the First Minister and deputy First Minister whether any of the quangos identified for abolition in Great Britain have functions that are replicated by quangos in Northern Ireland; and if so, to identify the functions and relevant quangos.

(AQW 1823/11)

First Minister and deputy First Minister: The Public Bodies Bill 2010, introduced to the House of Lords on 28 October 2010, listed at Schedule 1 those bodies that the UK Government intends to seek powers to abolish with functions either being discontinued or delivered in a different way.

We have consulted with all departments in respect of the exercise of functions in Northern Ireland similar to those of the bodies listed in Schedule 1. Where similar functions are exercised in Northern Ireland, this may not however necessarily be through a non-departmental public body as some similar functions are delivered through departments, agencies or advisory committees. The table below indicates these bodies in Schedule 1 for which there is a direct equivalent in Northern Ireland but these would not all be defined as non-departmental public bodies or quangos.

SCHEDULE 1 BODIES - FUNCTIONS DELIVERED BY QUANGOS IN NORTHERN IRELAND

GB Body	NI Body	Function
Agricultural Wages Board for England and Wales	Agricultural Wages Board (Northern Ireland)	To set wages and certain employment conditions for agricultural and horticultural workers.
Disability Living Allowance Advisory Board	Disability Living Allowance Advisory Board (NI)	The Functions are to give advice to the Department on such matters as it refers to the Board, to advise a Departmental Medical Officer on any case or question which the officer refers to the Board and to present an annual report to the Department.
Disabled Persons Transport Advisory Committee	Inclusive Mobility Transport Advisory Committee	Provides advice to Government and others in Northern Ireland on issues that affect the mobility of older people and disabled people.

GB Body	NI Body	Function
Her Majesty's Inspectorate of Court Administration	Criminal Justice Inspectorate (NI)	Inspects all DOJ organisations and agencies however statutory remit also differs from HMICA particularly in relation to civil and family justice.
National Consumer Council (Consumer Focus)	General Consumer Council NI	Multi-utility statutory role to represent consumers in electricity, natural gas, transport and water and sewerage.

Vulnerable and Disadvantaged Working Class Communities

Mr S Gardiner asked the First Minister and deputy First Minister what progress has been made in assisting vulnerable and disadvantaged working class communities in (i) Lurgan; (ii) Portadown; (iii) Craigavon; and (iv) Banbridge in the last twelve months; and how much investment has been made in each of these areas in this time.

(AQW 2456/11)

First Minister and deputy First Minister: In the current financial year (2010/11), the Office of the First Minister and deputy First Minister will have provided Craigavon Borough Council with a grant of £113,319 for the provision of community relations services and activities, including the support of the Good Relations Officer's post. Craigavon Council area includes Portadown and Lurgan, it is not possible to provide a breakdown for each area separately.

Banbridge District Council will receive £117,894 for its community relations programme. The funding awards were allocated on the basis of the Good Relations Plans which each council submitted based on good relations audits for their areas. The good relations audits identified specific good relations issues in the council areas including those in working class communities.

OFMDFM provides development funding for the Craigavon Intercultural Programme and Craigavon Travellers Support Group and project funding for Craigavon Intercultural Programme. It is not possible to determine if this funding impacts wholly or partially on working class communities although it is likely to benefit the vulnerable and disadvantaged.

The Craigavon Intercultural Programme (CIP) was established in Portadown in 2006 to promote integration between host and migrant communities by providing a variety of services and activities. CIP works with a number of agencies in the area for the benefit of all. In the 2010/11 financial year the department was provided funding of £45,000. The award supports a bilingual Polish support worker; a bilingual Lithuanian support worker; an ethnic women's support worker and an administration assistant.

The Craigavon Travellers Support Committee is a well-established body, providing a range of services to the Traveller Community in the Craigavon area. Their work is undertaken in 5 key areas; early years, education, community development, advice and health. In the 2010/11 financial year the department was provided funding of £45,000. The funding supports a project manager and a project administrator.

The Craigavon Intercultural Programme manages a Community Resource Centre which is used by both minority ethnic community members and indigenous community groups. The capacity of individual groups will be enhanced through information sessions/community meetings, personal development sessions, focus groups, recreation, arts and social activities. In the 2010/11 financial year the department provided funding of £14,836.

OFMDFM provides core funding to the Community Relations Council for the delivery of good relations work and work with the victims and survivors' sector and is continuing to develop the Programme for Cohesion, Sharing and Integration (CSI). The public consultation on the draft programme concluded at

the end of October and the information gathered is currently being analysed. Public consultation events took place in a range of 11 venues including an event in the Seagoe Hotel, Portadown on Wednesday 22nd September. That event was attended by 48 People.

Presbyterian Mutual Society

Mr R Beggs asked the First Minister and deputy First Minister when they last contacted the Presbyterian Church in Ireland regarding the Presbyterian Mutual Society.[R]

(AQW 2630/11)

First Minister and deputy First Minister: We have been in continuous contact with the Presbyterian Church in Ireland since 2008, and have been working extremely diligently with the Coalition Government to secure the best deal possible for PMS savers.

Contact has also been maintained at official level on our behalf and our Ministerial colleagues have also had recent contact.

EU Directives

Mr A Ross asked the First Minister and deputy First Minister to detail the total expenditure incurred as a result of (i) a failure to implement EU directives; and (ii) implementing EU directives, in each of the last five years.

(AQW 2689/11)

First Minister and deputy First Minister: OFMDFM has never been fined for failing to implement an EU directive. Implementation of EU directives is a core business activity for policy teams and costs for this work cannot be disaggregated from overall operating costs.

Discussions with Banking Institutions

Ms M Ritchie asked the First Minister and deputy First Minister to detail any discussions they have had with banking institutions, within the last six months, in relation to (i) assisting small to medium sized industries; and (ii) the development of new businesses and job creation, including the construction industry.

(AQW 2800/11)

First Minister and deputy First Minister: We initiated a series of meetings with local financial institutions at the outset of the current economic crisis. This work has been maintained through the Cross Sector Advisory Forum. In addition DETI and DFP Ministerial colleagues have had a series of meetings with local banks to discuss their contribution to helping local companies weather the recession. They, along with their officials, have maintained regular contact with the banks and ensured that specific problems raised by businesses have been brought to the banks' attention

North/South Implementation Bodies and Areas of Co-operation

Mr P Callaghan asked the First Minister and deputy First Minister when the recommendations from the review of the North/South Implementation Bodies and Areas of Co-operation, as provided for in the St Andrew's Agreement, will be presented to the Assembly.

(AQW 2806/11)

First Minister and deputy First Minister: We refer the member to the response to AQO 663/11 made in the Assembly on 6 December and also to the statement made in the Assembly on 14 September following a plenary meeting of the North South Ministerial Council. The text of the response of 6 December is set out below.

Consultation on all aspects of the St Andrews Agreement review is under way in both jurisdictions. That includes considering the case for additional bodies and areas of co-operation within the North/South Ministerial Council (NSMC) where mutual benefit would be derived. It is expected that the review group

will move rapidly to conclude its work when the process is completed. A report by the review group will be considered at a future NSMC meeting, and, in accordance with statutory requirements, we will provide a report to the Assembly on the outcome of the meeting and on any decisions taken on the St Andrews Agreement review.

Commissioner's Office

Mr T Lunn asked the First Minister and deputy First Minister to detail the total running costs of each Commissioner's Office within the remit of their Department, including the salary and expenses of each Commissioner, in each of the last three years.

(AQW 2817/11)

First Minister and deputy First Minister: The total running costs of each Commissioner's Office within the remit of our Department, including the salary and expenses of each Commissioner, are set out below.

COMMISSIONER's office		Office of the Commissioner for Public Appointments for Northern Ireland	Older Peoples Advocate for NI	Commissioner for Children and Young People for Northern Ireland	Commission for Victims and Survivors*
2007/08	Running costs	£138, 384	N/A	£1,728,982	N/A
	Commissioner's salary	£31,008	N/A	£75,000	N/A
	Commissioner's expenses	£247	N/A	£1,317	N/A
2008/09	running costs	£189, 290	£11,922	£1,674,768	£640,420
	COMMISSIONER'S salary	£31,628	£6,203	£76,875	£300,508
	Commissioner's expenses	£571	N/A	£1,067	£11,176
2009/10	running costs	£214, 1323	£125,420	£1,742,937	£1,075,675
	commissioner's salary	£31,836	£27,915	£79,566	£333,569
	commissioner's expenses	£188	£115	£722	£9,248

* There were 4 Commissioners until 17.02.10; there have been 3 Commissioners since 18.02.10

It should be noted that the total running costs given above also include the Commissioner's salary and expenses which are then detailed afterwards.

Promoting Social Inclusion Working Group on Disability

Ms A Lo asked the First Minister and deputy First Minister when the Executive plans to publish its response to the report of the Promoting Social Inclusion Working Group on Disability.

(AQW 2833/11)

First Minister and deputy First Minister: Our Department will be hosting a meeting of the Promoting Social Inclusion (PSI) Working Group in January 2011 to inform the Executive's response to the Group's Report and ensure it is reflective of the views of representative disabled organisations and interested parties.

We intend to have the Executive's draft response issued for consultation by the end of February 2011 and the final document in the public domain by June 2011.

UN Convention on the Rights of Persons with Disabilities

Ms A Lo asked the First Minister and deputy First Minister when the first monitoring report on the UN Convention on the Rights of Persons with Disabilities will be issued to the Office for Disability Issues.
(AQW 2836/11)

First Minister and deputy First Minister: Our officials are currently working with the Office for Disability Issues (ODI), to co-ordinate the Executive's contribution to the UN report on implementation and progress on the Convention on Rights of Persons with Disability (CRPD). The first interim report is due to be completed early in 2011.

BMF Business Services

Mr S Hamilton asked the First Minister and deputy First Minister how much their Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.
(AQW 2862/11)

First Minister and deputy First Minister: The Department and its arm's-length bodies have spent £134,106 on BMF Business Services from May 2007 to date.

Equality Act 2010

Mr J Craig asked the First Minister and deputy First Minister whether they intend to introduce legislation along the lines of the Equality Act 2010, in relation to its provision on further protecting people with disabilities from discrimination.
(AQW 3035/11)

First Minister and deputy First Minister: We are currently considering the options for legislative reform here and continue to legislate in order to provide legal protection against discrimination and to promote equality of opportunity. Since the restoration of devolution, we have introduced legislation to strengthen and improve the rights of individuals in a number of different areas.

It is vital that all legislation and not just that relating directly to disabled people, takes account of the needs of people with a disability. Government Departments must continue to lead by example through the comprehensive use of proofing and monitoring systems to ensure that both legislation and policy reflect the interests of people with a disability.

Promoting Social Inclusion Report on Disability

Mr C Lyttle asked the First Minister and deputy First Minister when they will publish their response, which was scheduled for October 2010, to the Promoting Social Inclusion Report on Disability.
(AQW 3062/11)

First Minister and deputy First Minister: Our Department will be hosting a meeting of the Promoting Social Inclusion (PSI) Working Group in January 2011 to inform the Executive's response to the Group's Report and ensure it is reflective of the views of representative disabled organisations and interested parties.

We intend to have the Executive's draft response issued for consultation by the end of February 2011 and the final document in the public domain by June 2011.

North/South Postal Arrangements

Ms M Ritchie asked the First Minister and deputy First Minister, pursuant to AQW 2653/11, what the timescale is for the North/South Ministerial Council Joint Secretariat to examine the issue of cross

border postal services and arrangements; and if and when a Statement will be made to the Assembly on this issue.

(AQW 3136/11)

First Minister and deputy First Minister: Since the NSMC Plenary in July 2010, the NSMC Joint Secretariat has met with representatives from Consumer Focus Post and InterTradelreland to discuss cross-border postal services. InterTradelreland has agreed to explore the extent to which this matter is impacting on business and cross-border trade by including relevant questions in their quarterly Business Monitor in January 2011. The results should be available at the end of February 2011.

A progress report on new and emerging cross-border mobility issues will be made to a future NSMC Institutional meeting. Following this, we will make a Statement to the Assembly.

Sustainable Development Commission

Mr B Wilson asked the First Minister and deputy First Minister whether they can give an assurance that they will continue to fund the Sustainable Development Commission.

(AQW 3174/11)

First Minister and deputy First Minister: On 22 July 2010, DEFRA unilaterally announced its decision to withdraw funding for the Sustainable Development Commission (SDC). Having given due consideration to the implications of this decision, we have reluctantly accepted that it would not be feasible for the local SDC office to continue to provide the full range of services and we will cease funding of the organisation after 31st March 2011.

We remain in discussions with counterparts in DEFRA and the devolved administrations to ensure sustainable development remains at the core of our work, and we are actively progressing our plans for future delivery of our sustainable development strategy.

Cutting Arm's-length Bodies

Mr J Craig asked the First Minister and deputy First Minister for an estimate of the savings that can be made by cutting arms-length bodies; and for his assessment of the bodies likely to be targeted.

(AQW 3200/11)

First Minister and deputy First Minister: As set out in the Finance Minister's draft Budget Statement on 15 December 2010, the Budget Review Group will review all arm's-length bodies against agreed criteria and bring a final set of recommendations to the Executive, in anticipation of a final decision before May, to facilitate a Bill to rationalise arm's-length bodies early in the next Assembly term.

This detailed work by the Budget Review Group over the coming months will enable an assessment of the financial implications to be made. All arm's-length bodies will be reviewed as part of this work.

Social Investment Fund

Dr S Farry asked the First Minister and deputy First Minister to detail (i) when the strategy paper for the social investment fund will be published; (ii) the geographical areas that will benefit from the social investment fund; (iii) the criteria used to identify the recipient areas; (iv) the activities that will be supported; (v) the expected outcomes of the money invested; and (vi) whether funding will be underpinned by a commitment to ensure that the resources are used to complement existing support services and support providers who have a proven track record in addressing the issues facing the selected communities.

(AQW 3208/11)

First Minister and deputy First Minister: A key issue for the Executive will be the need to protect the most vulnerable in our society. We are currently leading the ongoing development of the Social Investment Fund and the Social Protection Fund programmes and will shortly bring proposals to the Executive to consider.

The specific spending areas to be addressed from the Social Investment Fund, and the detailed mechanisms to agree the associated logistics, will be for the Executive to agree following further advice based on the strategy paper currently being developed. The SIF will be targeted at tackling disadvantage.

Funding of £20 million per annum will be allocated across the Budget Period. The draft Budget proposals are subject to a public consultation period with views being sought from interested parties. The Executive expects to publish a final Budget document in February 2011.

Social Investment Fund

Dr S Farry asked First Minister and deputy First Minister to detail (i) when the strategy paper for the social protection fund will be published; (ii) the geographical areas that will benefit from the social protection fund; (iii) the criteria used to identify the recipient areas; (iv) the activities that will be supported; (v) the expected outcomes of the money invested; and (vi) whether funding will be underpinned by a commitment to ensure that the resources are used to complement existing support services and support providers who have a proven track record in addressing the issues facing the selected communities.

(AQW 3209/11)

First Minister and deputy First Minister: The Executive remains committed to tackling the problem of disadvantage here.

Following on from the Executive's commitment at Greenmount, a key issue will be the need to protect the most vulnerable in our society. The SPF will be to assist those in severe hardship as a result of the economic downturn.

OFMDFM is recommending that the Executive allocate £20 million in year one, with equivalent or increased funding in future years.

The details of the scheme are still under consideration.

Department of Agriculture and Rural Development

Nitrates Derogation

Mr T Burns asked the Minister of Agriculture and Rural Development whether the recent extension to the Nitrates Derogation until 2014 applies to the spreading of poultry litter on land; and if not, why not.
(AQW 2712/11)

Minister of Agriculture and Rural Development (Ms M Gildernew): The European Commission Decision extending the derogation under the Nitrates Directive for the north of Ireland until 31 December 2014 applies only to the spreading of manure from grazing livestock, namely cattle, sheep and goats, on grassland farms.

The derogation does not apply to manure from pigs or poultry or poultry litter because spreading this material on land at rates above the general 170kg/Nitrogen/hectare limit set by the Directive will over supply nutrients, particularly phosphorus.

An over supply of nutrients would compromise the aim of the Directive which is to prevent water pollution and therefore does not meet the conditions for derogation.

Grassland farms wishing to operate under an individual derogation must make an annual application and meet specific criteria including submission of fertilisation accounts and additional nutrient management measures.

Rose Energy Incinerator at Glenavy

Mr T Burns asked the Minister of Agriculture and Rural Development how much her Department estimates it would cost annually to dispose of poultry litter produced in Northern Ireland lawfully, in compliance with the EU Nitrates Directive, if the proposed Rose Energy incinerator at Glenavy were not to go ahead.

(AQW 2713/11)

Minister of Agriculture and Rural Development: Over 200,000 tonnes of poultry litter is generated in the north of Ireland each year and the vast majority is spread on land. However, land spreading of poultry litter at current levels is not sustainable in the long term due to its high phosphorus content, the enriched phosphorus status of local soils and the resulting detrimental impact of excess phosphorus on water quality.

A working group of government officials and poultry industry representatives has recently investigated interim options for the storage and use of poultry litter pending the establishment of a sustainable long term technical alternative to land spreading. A range of options including alternative treatment systems available in Britain, the south of Ireland and further afield have been actively investigated. Conclusions of this work to date indicate that most potential options are either not available due to lack of capacity or are cost prohibitive.

Where capacity has been identified, the cost of disposal is estimated to be approximately £90 per tonne of poultry litter. However, the capacity available is limited and insufficient to deal with the amount of poultry litter currently spread on land in the north. There are also logistical and technical constraints.

As a viable option with sufficient capacity has not been identified an annual cost cannot be estimated.

Rose Energy Incinerator at Glenavy

Mr T Burns asked the Minister of Agriculture and Rural Development, given the legal challenges to the Rose Energy incinerator at Glenavy, whether her Department will continue to look at alternative technologies and methods for the lawful disposal of poultry litter to ensure that the poultry industry has a fallback position should the incinerator project fail to go ahead.

(AQW 2714/11)

Minister of Agriculture and Rural Development: My Department, in conjunction with the Agri Food and Bio-Sciences Institute, monitors the development of emerging technology and methods for the disposal of poultry litter on an ongoing basis. For example, my Departmental Scientific Adviser recently took part in a European conference on technologies for processing livestock manures held in the Netherlands.

In 2010, my Department, the Department of Environment and the Department of Enterprise, Trade and Investment established a working group with representatives of the poultry industry to investigate any viable interim options for the storage and use of poultry litter pending the establishment of a sustainable long-term technical alternative to land spreading.

The working group has actively investigated a range of options including alternative treatment systems available in Britain, the south of Ireland and further afield. Conclusions of this work to date indicate that most potential options are either not available due to lack of capacity or are cost prohibitive.

The Departments and the industry are currently conducting on-farm trials of low cost temporary storage measures for poultry litter prior to land spreading. However, land spreading of poultry litter at current levels is unsustainable in the long term due to its high phosphorus content, the enriched phosphorus status of local soils and the resulting detrimental impact of excess phosphorus on water quality.

Alternative technologies brought forward by industry are welcomed and will be considered by my Department.

Welfare of Animals Bill

Mr P Weir asked the Minister of Agriculture and Rural Development to detail the timetable for the full implementation of the Welfare of Animals Bill.

(AQW 2767/11)

Minister of Agriculture and Rural Development: It is my intention that the Welfare of Animals Bill will be enacted during the lifetime of this Assembly.

I propose that the Bill will be implemented in two stages. The first stage will be the application of the Bill provisions by my Department in respect of farmed animals, which is likely to commence in April 2011 when the necessary provisions are enacted by a commencement order.

The second stage will be the application of the Bill provisions by councils in respect of non-farmed animals i.e. domestic pets and horses. In acknowledgement that preparation is required by Councils for implementation, I have given a guarantee to the ARD Committee that the respective clause in the Bill, which gives councils the power to appoint inspectors to undertake enforcement, will not be commenced until 12 months after Royal Assent. On this basis enforcement by councils will not commence until April 2012, which will allow councils time to get the necessary systems and procedures in place and be ready to implement the new powers before they come into force. I have also guaranteed annual funding of £760k for the next budget period to allow Councils to implement these powers.

As part of the first stage, provisions will be enacted in the Bill, similar to the powers in respect of cruelty offences in the Welfare of Animals Act (NI) 1972, to allow the PSNI to continue to deal with animals in distress. This will ensure that there is no discontinuity in the protection afforded to non-farmed animals in the 12 month period prior to Councils assuming the enhanced powers provided by the new Bill.

Stray Domestic Animals

Mr P Weir asked the Minister of Agriculture and Rural Development what plans she proposes to introduce for the care of stray domestic animals.

(AQW 2768/11)

Minister of Agriculture and Rural Development: My Department has no plans to introduce new proposals for the care of stray domestic animals.

My Department has legislative responsibility for stray dogs. Under the Dogs Order 1983 district councils may seize stray dogs. Councils must maintain dog pounds or make arrangements for the use of approved kennels to detain stray dogs. Councils are required to ensure that dogs are properly fed and maintained when in their care and that veterinary treatment is arranged where necessary.

Whilst the Dogs (Amendment) Bill, which has just completed Committee stage in the Assembly, does not change these requirements, it will strengthen and improve the existing arrangements to help tackle the issue of stray dogs and promote responsible ownership. The Bill will introduce compulsory microchipping of all dogs. In future, this will make it easier to identify stray dogs and trace them back to their owner. It will also mean that careless or irresponsible owners are more likely to be identified and penalised.

USPCA

Mr P Weir asked the Minister of Agriculture and Rural Development what plans her Department has in place with the Ulster Society for the Prevention of Cruelty to Animals for the care of stray animals.

(AQW 2769/11)

Minister of Agriculture and Rural Development: My Department has no plans in place with the Ulster Society for the Prevention of Cruelty to Animals (USPCA) for the care of stray animals.

The Dogs Order 1983 provides powers for district councils to seize stray dogs and requires councils to care for them by ensuring that they are properly fed and maintained, and that veterinary treatment is

provided if necessary. I am aware that the USPCA assists some district councils with the impounding and re-homing of stray dogs.

Engagement with European Political Institutions

Mr B McElduff asked the Minister of Agriculture and Rural Development to detail (i) the number of officials within her Department who are currently directly involved in engagement with European political institutions; and (ii) the success rate of her Department in accessing European funding in each of the last three years.

(AQW 2792/11)

Minister of Agriculture and Rural Development: While DARD has no officials directly involved in engagement with the European Parliament, Council, related committees or European commissioners the Department does employ a permanent member of staff based in the NI Executive Office in Brussels. The Department's representative in Brussels follows all relevant policy developments and provides local intelligence, facilitating contacts with the European commission, the European Parliament and the permanent representative offices in Brussels.

In each of the last three financial years the Department submitted bids for EU grants and subsidy. Details of the funding granted are outlined below:-

EU Grants & Subsidies			07/08 Year (£000)	08/09 Year (£000)	09/10 Year (£000)
Resource Grants & Subsidies	*		278,152	277,464	324,737
Capital Grants & Subsidies			10,079	11,123	6,258
Total	**		288,231	288,587	330,995

All figures are sourced from the Annual Resource Accounts

* Resource Grants & Subsidies include all CAP programmes (ie Single Farm Payments etc)

** Total is EU element only, does not include matched expenditure on National schemes

Botulism in Cattle

Mr P Frew asked the Minister of Agriculture and Rural Development what action will be taken by her Department to tackle botulism in cattle over the next twelve months.

(AQW 2831/11)

Minister of Agriculture and Rural Development: While Botulism is not a notifiable disease under the Diseases of Animals Order (1981), I recognise that it can cause significant problems for farmers.

My Department attaches great importance to farmers adopting effective biosecurity measures for the prevention and control of this disease. My Department has issued advisory leaflets on botulism to all farmers and posters are on display at local DARD Veterinary offices, agricultural offices, auction marts, UFU and NIAPA offices to alert farmers to the dangers of botulism to their animals and advise them of appropriate control measures. This information is also available on the DARD website.

In addition, supported by funding from DARD, AFBI offer a testing programme and samples from post-mortem cases are tested when the pathologist and history indicate that botulism is a likely diagnosis. If AFBI receive a sample that is positive for botulism Veterinary Service will arrange for public health advice to be given to the farmer.

AFBI also issued a letter to all Private Veterinary Practices in 2009 reinforcing the latest advice and they will provide advice to herd owners.

Over the next twelve months, my Department will continue to take appropriate action to ensure that herd owners are aware of the risks and receive advice in the event of a positive test for Botulism.

DARD Direct Facility in Newtownards

Mr S Hamilton asked the Minister of Agriculture and Rural Development for an update on the DARD Direct office proposed for Newtownards.

(AQW 2864/11)

Minister of Agriculture and Rural Development: In January 2009, I announced my intention to establish a network of DARD Direct offices across the north of Ireland, including one in Newtownards.

Since then, my officials have been working with the Department of Finance and Personnel (DFP) to identify, secure, and develop office accommodation, which optimises alignment to the DARD Direct specification in each location.

Four such offices are now fully operational and we are progressing plans to complete a further three this year.

With respect to a DARD Direct office in Newtownards, it has not been possible to secure a property which meets our needs that could be delivered within this financial year.

At this time, it is planned to progress a DARD Direct office for Newtownards in 2011/12, subject to the availability of funding.

Microchipping of Dogs

Mr P Weir asked the Minister of Agriculture and Rural Development what tests have been carried out to ensure that the microchipping of dogs is efficient and effective.

(AQW 2891/11)

Minister of Agriculture and Rural Development: I am not aware of any recent tests of the efficiency and effectiveness of microchipping.

However, the workability of the technology is demonstrated by its widespread use in many statutory and non-statutory animal identification regimes around the world (such as the EU pet passport disease-control system).

In these islands the major registration databases hold the details of around 4 million animals, mostly cats and dogs. Owners, vets and animal welfare organisations testify that microchipping is an efficient and effective way of identifying lost, stray and stolen animals.

Microchipping of Dogs

Mr P Weir asked the Minister of Agriculture and Rural Development for her assessment of the merits of the microchipping of dogs compared to the use of dog identification tags.

(AQW 2892/11)

Minister of Agriculture and Rural Development: The requirement for dogs to be identified as being licensed via collar tags is set out in the Dogs (Licensing and Identification) Regulations 1983. Collar tags provide a method of quick visual identification that allows a neighbour, for example, or a dog warden, to return the dog to its owner. If a collar tag is absent, a dog warden can see easily that a dog appears to be unlicensed.

Unlike collar tags, which can become damaged or lost, microchipping provides permanent identification that allows for the rapid identification of lost, stray or stolen dogs. The two systems of identification are therefore complementary.

Microchipping of Dogs

Mr P Weir asked the Minister of Agriculture and Rural Development what concerns she has regarding the potential for the duplication of ID codes when microchipping dogs, given that these ID codes are supposed to be unique.

(AQW 2893/11)

Minister of Agriculture and Rural Development: I have no concerns on this issue.

The Bill empowers my Department to make regulations prescribing and regulating the microchipping of dogs. The regulations will include technical specifications – including compliance with relevant ISO technical standards. While it is technically possible, though exceptionally rare, for ISO compliant microchips to generate duplicate identification numbers, the widespread distribution of these chips and the huge number of microchips in use around the world means that in practice there is no scope for confusion or duplication.

Microchipping of Dogs

Mr P Weir asked the Minister of Agriculture and Rural Development why the compulsory microchipping of dogs is being considered when the methodology being proposed will not capture all the relevant data.

(AQW 2894/11)

Minister of Agriculture and Rural Development: The Dogs (Amendment) Bill will require owners to have a microchip implanted in their dogs and to have their contact details accurately recorded on one of a number of databases operated by a range of providers across these islands.

This methodology has been in use for many years now and allows for the rapid identification of lost, stray or stolen dogs. The relevant data is quickly and easily recorded either on-line, by phone or by post.

Microchipping of Dogs

Mr P Weir asked the Minister of Agriculture and Rural Development to outline her Department's position on the microchipping of dogs.

(AQW 2895/11)

Minister of Agriculture and Rural Development: The Dogs (Amendment) Bill completed its Committee stage in the Assembly on the 29 November and will introduce the compulsory microchipping of dogs.

I have given a commitment not to commence the relevant clause of the Bill until 12 months after royal assent. This will allow owners, database operators and local authority dog wardens time to prepare for the introduction of this mandatory system of identification.

Drainage Council

Mr P Callaghan asked the Minister of Agriculture and Rural Development (i) to outline the functions of the Drainage Council; and (ii) to detail its running costs in each of the last three years.

(AQW 2915/11)

Minister of Agriculture and Rural Development:

(i) The primary functions of the Council are:

- Designation of watercourses for maintenance by the Department under the Drainage (NI) Order 1973.
- De-designation of watercourses in cases where circumstances have changed or its maintenance at public expense is no longer justified.
- Consideration of Drainage/Flood Defence Schemes to ensure imparity and value of public money.
- Consultee role with regards to environmental aspects of Drainage/Flood Defence works or schemes.

- A more detailed outline of the functions is readily available in the public domain and can be viewed at <http://www.riversagencycyni.gov.uk/index/ni-drainage-council.htm>
- (ii) The members of the Drainage Council receive no salary but are entitled to reimbursement of travelling expenses. Therefore, the running costs for the Drainage Council consists only of venue costs and travel expenses.

The running costs for the last three years are:

2008:	£1813.40
2009:	£1990.87
2010:	£2231.13
Total:	£6035.40

Meat Imports

Mr G Savage asked the Minister of Agriculture and Rural Development from which countries (i) red meat; and (ii) white meat is currently imported; and how the meat is labelled when it is being sold.
(AQW 2944/11)

Minister of Agriculture and Rural Development: From January this year my Department's records show that the origin of red meat imported directly came from New Zealand, Australia and Argentina while the white meat came from Thailand, Brazil and China. You will however appreciate that the vast majority of imports into the north come here indirectly, mainly through other EU Member States. My Department does not hold details of meat imports of EU origin as such products can move freely between Member States. Imports from countries outside the EU can enter through a Border Inspection Post in any Member State. Such imports are issued with a Common Veterinary Entry Document which permits them to move freely within the EU. It is therefore not possible to provide information on meat imported indirectly into the north of Ireland from non-EU countries.

In relation to the labelling of meat sold, this is the responsibility of the Food Standards Agency, in Belfast. My Department is responsible only for the EU-wide Beef Labelling Regulations which requires all beef in the supply chain to be labelled with specified traceability and origin information. This includes the country, or countries, in which the animal was born, reared and slaughtered in. Beef imported from outside the EU must also be labelled in accordance with these rules. Where all the compulsory information is not available in relation to non-EU imports, labels must state that the meat is not of EU origin and give the name of country in which the animal was slaughtered.

Passing of Herd Numbers

Mr T Elliott asked the Minister of Agriculture and Rural Development whether her Department will review the guidelines on the passing of herd numbers following the death of a holder to make it possible for a herd number to transfer from one keeper to another, such as from father to son.
(AQW 2961/11)

Minister of Agriculture and Rural Development: The Department of Agriculture and Rural Development has no plans to review these guidelines which have now been in place for almost two years. It is also relevant that the number in question (which is not the keeper's property, but merely a reference number used by DARD for administrative and disease control purposes) is not a "herd" number, but rather a "keeper" number and, being person-related, is not transferable under the current administrative systems, whether the keepers in question are alive, dead or as is possible were a number applies to several keepers, a combination.

East Belfast Flood Alleviation Scheme

Mr C Lyttle asked the Minister of Agriculture and Rural Development whether the additional funding required for the East Belfast Flood Alleviation Scheme, as part of the Connswater Community Greenway project, will be forthcoming from her Department within the 2011/12 construction programme, ensuring that people and properties are protected from flooding and the estimated £2m cost savings from the joint project realised.

(AQW 2965/11)

Minister of Agriculture and Rural Development: Funding for the flood alleviation element of the Connswater Community Greenway project from 2011/12 will be dependent on the outcome of the Executive budgetary process which is expected to be finalised in February 2010. I have secured £2m funding for this project in the current financial year and will continue to ensure that we gain the maximum benefit from whatever future funding is available.

Sustainable Urban Drainage Systems

Mr P McGlone asked the Minister of Agriculture and Rural Development to outline her Department's policy on Sustainable Urban Drainage Systems.

(AQW 3015/11)

Minister of Agriculture and Rural Development: The NI Environment Agency, an executive Agency within the Department of the Environment, is leading development on the Sustainable Drainage Systems policy. Rivers Agency is providing input to the process as a member of the SuDS working group. In the interim, Rivers Agency continues to administer consent to discharge under the Drainage Order from SuDS and provides advice to Planning Service in line with PPS15 when this drainage solution is part of a development proposal. Sustainable Drainage Systems will also be considered by DARD Rivers Agency during the development of the 'Flood Risk Management Plans' as required by the Floods Directive.

These are due to be in draft by December 2014 and finalised in 2015 by which stage the DoE policy position should be clearer.

Brucellosis

Lord Morrow asked the Minister of Agriculture and Rural Development, pursuant to AQW2340/11, whether this particular strain of brucellosis has been identified in any other EU member state.

(AQW 3025/11)

Minister of Agriculture and Rural Development: Because there is not an internationally agreed standard for *B. abortus* molecular strain typing, it is not possible to make comparisons between *Brucella* culture from different countries.

Traditionally the bacteria responsible for bovine brucellosis, *Brucella abortus*, has been subdivided into a number of biovars, which can be thought of as high level 'strains'. There is an internationally accepted procedure for biotyping and nomenclature of biovars which facilitates international comparisons. North of Ireland brucellosis breakdowns are currently demonstrating two biovars. The same biovars may be shared by different countries but are not sufficiently discriminating to enable meaningful comparisons between individual breakdowns.

The approach currently being taken to the more refined classification of molecular typing of bacterial isolates of *Brucella abortus* (of which strain 12 is one example from dozens) is still under development and evaluation. There is currently no internationally accepted standard method for molecular typing of *B. abortus* isolates. To date, AFBI have tested only isolates from breakdowns from the north of Ireland and hence it is not possible to say categorically if this particular strain has been found in any other member state.

Countryside Management Scheme

Mr A Bresland asked the Minister of Agriculture and Rural Development how many farm businesses that applied to join the Countryside Management Scheme in 2010 have been accepted.

(AQW 3130/11)

Minister of Agriculture and Rural Development: Over 4800 applications were received in March 2010. The number to be progressed depends on availability of funding which is not yet known.

Countryside Management Scheme

Mr A Bresland asked the Minister of Agriculture and Rural Development to outline the future role of the Countryside Management Scheme.

(AQW 3131/11)

Minister of Agriculture and Rural Development: The future role of the Countryside Management Scheme will continue to be as is set out in the Rural Development Programme (2007-2013):

- To support sustainable development of rural areas and to respond to society's increasing demand for environmental services;
- To introduce or to continue to apply agricultural production methods compatible with the protection and improvement of the landscape and its features, natural resources, the soil and genetic diversity; and
- To encourage and support agricultural production methods which protect and improve the quality of rivers and lakes, and contribute to the mitigation of and adaptation to the impact of climate change.

Looking further ahead, the Scheme beyond 2013 will be the subject of review in the context of the next Rural Development Programme period.

Countryside Management Scheme

Mr A Bresland asked the Minister of Agriculture and Rural Development how many farm businesses in each constituency are currently in the Countryside Management Scheme.

(AQW 3132/11)

Minister of Agriculture and Rural Development: My Department does not hold information on the number of participants in the Countryside Management Scheme (CMS) in each constituency. However, I can provide you with the number of participants on a county basis.

Table 1 shows participation for the Countryside Management Scheme at 30 June 2010.

TABLE 1. COUNTRYSIDE MANAGEMENT SCHEME PARTICIPANTS AT 30 JUNE 2010

County	New CMS	Previous CMS	Total CMS
Antrim	165	1790	1955
Armagh	98	1059	1157
Down	90	1176	1266
Fermanagh	271	829	1100
Derry/Londonderry	126	1512	1638
Tyrone	193	2095	2288
Total	943	8461	9404

Draft Savings Delivery Plans

Mr K McCarthy asked the Minister of Agriculture and Rural Development whether her Department will publish its draft Savings Delivery Plans within one week of the publication of the draft Budget 2011-2015; and whether it will include details of departmental savings measures and their anticipated impact. (AQW 3205/11)

Minister of Agriculture and Rural Development: The publication of the Executive's draft Budget heralds the start of the public consultation process. The Executive has remitted to departments the task of producing detailed departmental plans. I now have to sit down with my officials and analyse the situation, take careful stock of the money at my disposal and the pressures which have to be funded.

It will take some time to work out where exactly we stand but I intend to make a statement in the New Year and engage with stakeholders on the way ahead.

Department of Culture, Arts and Leisure

Velodrome Project, Downpatrick

Ms M Ritchie asked the Minister of Culture, Arts and Leisure for an update on the proposed velodrome project for Downpatrick, including when a decision will be made on the location and the amount of funding that will be allocated to the project. (AQW 2996/11)

Minister of Culture, Arts and Leisure: The Velodrome project is being considered under the Elite Facilities Programme (now known as the Major Facilities and Infrastructure Programme).

The second phase of this Programme required successful bidders to produce an outline business case (OBC). Projects selected to proceed to that stage were Down District Council (velodrome), Ballyholme Yacht Club (sailing), Lisburn City Council (volleyball and basketball), Antrim Borough Council (athletics) and Wilmar Leisure (tennis).

However, you will be aware from my press release issued on 21 December 2010, regarding the impact of the draft Budget 2011-2015 on my Department's activities, that my capital allocation does not allow for these major sports facilities to be taken forward at this time

Killyleagh Library

Mr S Hamilton asked the Minister of Culture, Arts and Leisure how many people have used the Killyleagh Library in each of the last five years. (AQW 3064/11)

Minister of Culture, Arts and Leisure: The following table shows the number of people who have visited Killyleagh Library and the number of active borrowers who have used Killyleagh Library in each of the last five years.

	Visits (Based on Sample Week)	Active Borrowers
2009/10	16,900	498
2008/09	26,468	857
2007/08	22,308	945
2006/07	21,788	933
2005/06	21,944	970

Killyleagh Library

Mr S Hamilton asked the Minister of Culture, Arts and Leisure how much Libraries NI has spent on (i) infrastructure improvements; and (ii) new stock, at Killyleagh Library in each of the last five years.

(AQW 3065/11)

Minister of Culture, Arts and Leisure: The attached table shows how much Libraries NI has spent on infrastructure improvements and new stock at Killyleagh Library in each of the last five years.

	Spend on Infrastructure Improvements (£)	Spend on New Stock (£)
2009/10	4,511	8,015
2008/09	*2,594	6,947
2007/08	*2,024	4,332
2006/07	*844	2,915
2005/06	*2,112	89

* Figures provided by the South Eastern Education Library Board (SEELB).

Arts and Disability Forum

Ms A Lo asked the Minister of Culture, Arts and Leisure whether the Arts and Disability Forum is considered a front-line service.

(AQW 3069/11)

Minister of Culture, Arts and Leisure: The Arts Council recognises that the Arts and Disability Forum, along with other funded organisations that work with people with disabilities, fits well within the Arts Council Strategy and the Arts and Disability Policy.

Justice Bill: Sport

Mr K Robinson asked the Minister of Culture, Arts and Leisure, given that the sections of the Justice Bill which deal with football issues and spectators have not been subject to an equality impact assessment and may constitute an infringement of the rights of a Section 75 group and result in unnecessary legal costs should they be challenged in the courts, whether he supports the inclusion of these sections in the Bill; and what steps he will take to review the process that has led to this situation.

(AQW 3088/11)

Minister of Culture, Arts and Leisure: I have already stated publicly that I support the introduction of legislation that will help organisers of major Football, Rugby and GAA matches protect existing and future fans from certain forms of dangerous and unacceptable behaviour which can, on occasion, cause disruption at or around games. I also believe that the sports law and spectator behaviour sections of the current Justice Bill seek to deal with the key areas that currently require legislative consideration. The subjection of these sections of the Bill to an equality impact assessment, however, has been and remains a matter for the Minister of Justice, David Ford MLA.

I am, nonetheless, aware that the original sports law and spectator behaviour policy proposals were subjected to an equality screening exercise and that, subsequently, an Impact Assessment was carried out on the entire Justice Bill including those sections dealing with sports issues. I also understand that neither the screening exercise nor the Impact Assessment concluded that any of the sports related proposals constituted an infringement of the rights of any Section 75 group. Rather, it was concluded that they would have a positive impact on all Section 75 groups and would help promote good community relations by tackling certain forms of misbehaviour which can both arise from, and

lead to, poor community relations. Any review of the process that led to this conclusion is a matter for the Minister of Justice in the first instance.

Libraries in the North Down Area

Mr P Weir asked the Minister of Culture, Arts and Leisure how many books were lent by each library in North Down in each of the last five years.

(AQW 3109/11)

Minister of Culture, Arts and Leisure: The information requested is set out in tables attached at Annex A.

ANNEX A

FINANCIAL YEAR 2005 – 2006

	Transaction	
Library Location	Issues	Renewals
Bangor Carnegie Library	141, 388	39, 570
Donaghadee Library	43, 247	9, 759
Hollywood Library	49, 226	16, 397
Total	233, 861	65, 726

FINANCIAL YEAR 2006 - 2007

	Transaction	
Library Location	Issues	Renewals
Bangor Carnegie Library	121, 459	33, 376
Donaghadee Library	29, 385	6, 172
Hollywood Library	43, 937	16, 050
Total	194, 781	55, 598

FINANCIAL YEAR 2007 – 2008

	Transaction	
Library Location	Issues	Renewals
Bangor Carnegie Library	91, 084	28, 074
Donaghadee Library	46, 659	11, 454
Hollywood Library	45, 718	17, 988
Total	183, 461	57, 516

FINANCIAL YEAR 2008 – 2009

	Transaction	
Library Location	Issues	Renewals
Bangor Carnegie Library	136, 039	42, 753
Donaghadee Library	45, 389	12, 010

	Transaction	
Library Location	Issues	Renewals
Hollywood Library	46, 711	17, 819
Total	228, 139	72, 582

FINANCIAL YEAR 2009 – 2010

	Transaction	
Library Location	Issues	Renewals
Bangor Carnegie Library	206, 371	48, 527
Donaghadee Library	37, 685	9, 756
Hollywood Library	43, 588	15, 964
Total	287, 644	74, 247

Draft Savings Delivery Plans

Dr S Farry asked the Minister of Culture, Arts and Leisure whether his Department will publish its draft Savings Delivery Plans within one week of the publication of the draft Budget 2011 -2015; and whether it will include details of departmental savings measures and their anticipated impact.

(AQW 3139/11)

Minister of Culture, Arts and Leisure: It is certainly my intention to publish details of my Department's settlement, including Savings Delivery Plans within one week of the announcement of the draft Budget. However, given the number and variety of the sponsored bodies which will have to prepare these plans, there may be some slippage with some detail on saving delivery plans.

Down District Council's Velodrome Application

Mr W Clarke asked the Minister of Culture, Arts and Leisure when a decision will be made on Down District Council's velodrome application, under the Elite Facilities Programme.

(AQW 3172/11)

Minister of Culture, Arts and Leisure: The Velodrome project is being considered under the Elite Facilities Programme (now known as the Major Facilities and Infrastructure Programme).

The second phase of this Programme required successful bidders to produce an outline business case (OBC). Projects selected to proceed to that stage were Down District Council (velodrome), Ballyholme Yacht Club (sailing), Lisburn City Council (volleyball and basketball), Antrim Borough Council (athletics) and Wilmar Leisure (tennis).

However, you will be aware from my press release issued on 21 December 2010, regarding the impact of the draft Budget 2011-2015 on my Department's activities, that my capital allocation does not allow for these major sports facilities to be taken forward at this time

Libraries NI

Mr B McElduff asked the Minister of Culture, Arts and Leisure to detail the scope and purpose of the current review of the ten libraries, including which libraries are under review and the terms of reference.

(AQW 3175/11)

Minister of Culture, Arts and Leisure: Libraries NI is currently involved in reviewing its service provision across the entire public library estate.

The review is a three stage process:

- A review of the library estate in Greater Belfast;
- A review of the library estate in the rest of Northern Ireland; and
- A review of mobile library provision across Northern Ireland.

The evaluation criteria for the review, sub-divided into a number of specific criteria seek to identify libraries that are:

- Fit for purpose;
- Capable of delivering on the vision of Libraries NI;
- In the right location; and
- Sustainable.

Following a detailed Business Analysis of the 76 libraries which formed the subject of Stage 2, the following 10 libraries were identified as not meeting the criteria as set out above:

- Carnlough
- Draperstown
- Fintona
- Gilford
- Kells and Connor
- Killyleagh
- Moneymore
- Moy
- Richill
- Greystone

The findings of the report were approved by the full Board on the 9 December 2010.

These reviews are operational matters for Libraries NI; the Board of which includes councillors from my own party, the SDLP, Sinn Féin and the UUP.

A full public consultation on the Review proposals will commence on 10 January 2011 and will run for 12 weeks. As part of this process a series of meetings will be arranged, at which Libraries NI will discuss the proposals with library users, staff and the Culture, Arts & Leisure Committee.

Nothing has been finalised by the Libraries NI Board at this stage and I would encourage everyone with an interest in libraries to participate in the consultation process. This will help ensure that in the future Northern Ireland has a modern, accessible and excellent library service.

Library Provision in Killyleagh

Mr B Wilson asked the Minister of Culture, Arts and Leisure to outline his future plans for library provision in Killyleagh.
(AQW 3181/11)

Minister of Culture, Arts and Leisure: Library services in Killyleagh are being considered within Libraries NI's ongoing strategic review of the libraries estate.

A full public consultation on the Review proposals will commence on 10 January 2011 and will run for 12 weeks. As part of this process a series of meetings will be arranged, at which Libraries NI will discuss the proposals with library users, staff and the Culture, Arts & Leisure Committee.

Nothing has been finalised by the Libraries NI Board at this stage and I would encourage everyone with an interest in libraries to participate in the consultation process. This will help ensure that in the future Northern Ireland has a modern, accessible and excellent library service.

This is an operational decision to be made by Libraries NI.

Department of Education

Maghera High School Site

Mrs M O'Neill asked the Minister of Education, what measures she has instructed her officials to take to ensure that the vacated Maghera High School is retained in public ownership for continued redeployment as part of the schools' estate.

(AQW 2470/11)

Minister of Education (Ms C Ruane): Is le Bord Oideachais agus Leabharlann an Oirthuaiscirt é iarshuíomh Magherafelt High School agus caithfidh siad cloí leis an treoir polasaí a d'eisigh Láraonad Comhairleach na Seirbhíse um Thalamh agus Réadmhaoin.

The North Eastern Education and Library Board (NEELB), which owns the former Maghera High School site, must adhere to the policy guidance issued by the Central Advisory Unit of Land and Property Services. This requires all owners of public sector property to keep their land holdings under continual review and to release surplus property with the least possible delay, subject to the need to realise the best value for the Public.

My Department is in liaison with the Board and the Land and Property Service on the timing of the potential disposal of the Maghera High School.

Teachers

Mr D Bradley asked the Minister of Education to detail the number of teachers who left teaching and received an enhanced redundancy package and were then employed in (i) a temporary post; or (ii) a full-time permanent position in each of the last three academic years, broken down by gender.

(AQW 2538/11)

Minister of Education: Please see table below:

Year	Male Left employment with an enhanced redundancy	Male re-employed temp 01/09/07 – 31/08/10	Male re- employed perm	Female left with enhanced redundancy	Female re-employed temp 01/09/07 – 31/08/10	Female re- employed perm
2007/08	73	43	0	182	117	0
2008/09	51	23	0	100	48	0
2009/10	67	0	0	133	7	0
Totals	191	66	0	415	172	0

Spreagann an Roinn fostóirí chun tosaíocht a thabhairt do mhúinteoirí nua-cháilithe nó do mhúinteoirí cleachta neamhscoirtha atá ag iarraidh filleadh ar fhostaíocht, nuair is féidir, agus folúntais post á líonadh. Ina theannta sin, thug an Roinn comhairle d'fhostóirí nár chóir dóibh múinteoirí scoirtha a athfhostú le clúdach gearrthéarmach a dhéanamh ach amháin nuair nach bhfuil múinteoirí nua-cháilithe agus múinteoirí cleachta neamhscoirtha le fáil.

My Department exhorts employers to give preference, wherever possible, to newly qualified teachers (NQTs) or experienced non-retired teachers seeking to return to employment when filling vacancies, including those of a temporary nature. My Department has also advised employers that retired teachers should only be re-employed to provide short-term cover where NQTs or experienced non-retired teachers are unavailable.

Education and Skills Authority

Mr S Gardiner asked the Minister of Education to detail all costs incurred, to date, for setting up the Education and Skills Authority, including staff salaries and expenses.

(AQW 2558/11)

Minister of Education: Leagtar amach sa tábla thíos sonraí ar na costais go dtí seo i leith bhunú an Údaráis um Oideachas agus Scileanna:

Details of the costs to date in respect of the establishment of the Education and Skills Authority are set out in the table below:

	05-06 £'000	06-07 £'000	07-08 £'000	08-09 £000	09-10 £'000	10-11* £'000	Totals £'000
ESA Implementation Team	-	258	1,032	1,909	2,697	1,041	6,937
RPA Policy & Legislative Team	107	956	832	810	580	4	3,289
Totals	107	1,214	1,864	2,719	3,277	1,045	10,226

* Figures for 2010-11 are as at 31 October 2011.

These costs are an 'invest to save' measure. The establishment of the ESA will release £20 million per year from unnecessary bureaucracy, and will provide more effective arrangements for raising standards; planning the education estate; and ensuring access to the curriculum on the basis of equality.

Newbuild for Lurgan College

Mr S Gardiner asked the Minister of Education for an update on her Department's new plan for post-14 education provision in the Lurgan and Craigavon area, which is impeding the provision of a newbuild for Lurgan College.

(AQW 2559/11)

Minister of Education: Is ceist a bhaineann le húdaráis bhainistíochta na scoileanna é socrú na bpleananna um sholáthar oideachais iar-14 i gceantar an Lorgain agus Craigavon agus is fúibh moltaí a dhéanamh a d'fhéadfainn measúnú a dhéanamh orthu.

Plans for the provision of post-14 education in the Lurgan and Craigavon area are a matter for the school managing authorities to determine and bring forward proposals for my consideration. My Department sets the policy context within which proposals can be brought forward and aims to put in place education provision on an area basis that is sustainable and viable in the long term. Our focus remains on ensuring that, at the age of 14, young people in the Craigavon area and across the north, will be able, through the Entitlement Framework, to access a much broader, better balanced and more economically relevant range of courses.

My Department has asked the SELB to review the capital investment needs of Lurgan College, within the wider context of delivery of the Entitlement Framework by all schools, with the view to bringing forward a strategic plan for the whole area. The plan is awaited.

Additionally, we continue to provide support via the school managing authorities in the area, to the Craigavon Area Learning Community and to the individual schools within it to help them plan and co ordinate their curricular offer in a coherent manner that expands options for young people, reduces duplication of often costly provision and provides increased opportunities for teachers and young people to come together to learn with and from one another.

Funding of Preparatory Schools

Mr P Weir asked the Minister of Education, pursuant to AQW 7575/10, when the Equality Impact Assessment on the funding of preparatory schools will be published.

(AQW 2560/11)

Minister of Education: Tá an tuairisc um Measúnacht Tionchair an Chomhionannais (EQIA) sa chéim dheireanach de chur i gcrích. Baineann an tuairisc seo leis an mholadh le maoiniú a bhaint ó ranna ullmhúcháin na scoileanna gramadaí.

The Equality Impact Assessment (EQIA) report on the proposal to withdraw funding from the preparatory departments of grammar schools is in the final stages of completion. My Department will shortly be writing to all those who participated in the consultation to advise of the EQIA's publication on the Department's website.

Vacant School Places

Mr P Weir asked the Minister of Education to detail the current number of vacant school places in each primary school, in North Down and Ards.

(AQW 2561/11)

Minister of Education: Mionsonraítear sna táblaí thíos líon na n-áiteanna folmha scoile i ngach bunscoil i gceantair Chomhairle Ceantair Dhún Thuaidh agus Chomhairle Ceantair na hArda.

The number of vacant school places in each primary school, in North Down and Ards District Council areas is as detailed in the tables attached.

Figures provided have been derived from approved enrolment number against actual enrolment at the census date (8 October 2010) and exclude pupils in receipt of a statement of special educational needs and pupils admitted to Year 1 on appeal as they are admitted over and above a school's approved admissions / enrolment.

NORTH DOWN DISTRICT COUNCIL

School Name	Places Available
Hollywood Primary School	205
Crawfordsburn Primary School	6
Ballyholme Primary School	42
Clandeboyne Primary School	412
Redburn Primary School	284
Bloomfield Primary School	147
Grange Park Primary School	1
Kilcooley Primary School	451
Rathmore Primary School	138
Towerview Primary School	24

School Name	Places Available
Kilmaine Primary School	0
Ballymagee Primary School	8
St Patrick's Primary School	106
St Comgall's Primary School	5
St Malachy's Primary School	162
Bangor Central Primary School	11
Glencraig Integrated Primary School	32

ARDS DISTRICT COUNCIL

School Name	Places Available
Ballyvester Primary School	41
Loughries Primary School	31
Grey Abbey Primary School	3
Carrickmannon Primary School	20
Newtownards Model Primary School	21
Kirkistown Primary School	0
Castle Gardens Primary School	153
Victoria Primary School (Ballyhalbert)	35
Portavogie Primary School	39
Ballywalter Primary School	44
Comber Primary School	128
Victoria Primary School	76
Ballykeigle Primary School	34
Donaghadee Primary School	106
Millisle Primary School	87
Alexander Dickson Primary School	156
Londonderry Primary School	18
Carrowdore Primary School	62
West Winds Primary School	94
Andrews Memorial Primary School	222
Killinchy Primary School	47
Abbey Primary School	43
St Mary's Primary School	20
St Anne's Primary School	45

School Name	Places Available
St Finian's Primary School	70
St Patrick's Primary School	3
St Mary's Primary School	166
St Mary's Primary School	195
Kircubbin Primary School	40
Portaferry Integrated Primary School	49

Connor House Preparatory School, Bangor

Mr P Weir asked the Minister of Education to detail the total cost of transferring pupils from Connor House Preparatory School, Bangor to other primary schools.

(AQW 2562/11)

Minister of Education: As an 85 dalta atá ag freastal ar Connor House, beidh 19 dalta ó Bhliain 7 ag aistriú go dtí leibhéal iar-bhunscolaíochta i mí Mheán Fómhair 2010.

Of the 85 pupils currently attending Connor House, 19 Year 7 pupils will transfer to post-primary education in September 2011. As it will be for parents/guardians to decide which school they wish to send their child to, it is not possible to accurately project the total cost of transferring the remaining 66 pupils from Connor House to other primary schools. Some parents/guardians may choose to send their child to a primary school, whilst others may choose another preparatory department. The level of funding and therefore cost is not the same in each case.

Artworks

Mr A McQuillan asked the Minister of Education to detail the value of the artworks that her Department currently has (i) on display; and (ii) in storage.

(AQW 2619/11)

Minister of Education: Tá na saothair ealaíne sa Roinn Oideachais ar iasacht ó Bhailiúchán Ealaíne an NICS. Is le Rannán Réadmhaoine na Roinne Airgeadais agus Pearsanra (DFP) é an bailiúchán agus is iad a bhainistíonn é.

The Department of Education's artworks are on loan from the NICS Art Collection which is owned and managed by Properties Division in the Department of Finance and Personnel (DFP). As this is a DFP asset, all on loan artworks will be covered in DFP's own response to this question.

Training Lip-Reading Teachers

Mr P Weir asked the Minister of Education what plans are in place to ensure a pathway is in place for training lip-reading teachers.

(AQW 2677/11)

Minister of Education: Tá tugtha le fios dom ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlann nach múintear léamh beola ar bhonn foirmiúil chuig daltaí lagéisteachta sna scoileanna. Tuigim gur ceann de na scileanna is riachtanaí é an léamh beola do dhaoine fásta a bhfuil lagéisteacht orthu agus iad níos sine in aois.

I have been advised by the Chief Executives of the Education and Library Boards that lip reading/speech reading is not formally taught to hearing impaired children in schools. I understand that lip reading/speech reading may be a skill most required by adults who have acquired a hearing impairment later in life.

There is not, therefore, any pathway in place for training teachers in lip reading techniques.

School Maintenance Contracts

Mr K Robinson asked the Minister of Education what measures are employed by (i) her Department; (ii) the Education and Library Boards; and (iii) other organisations within the education sector to ensure that school maintenance contracts are awarded on a value for money basis without compromising on the quality of the materials used or work done.

(AQW 2705/11)

Minister of Education: My Department seeks to ensure that all procurement is carried out in line with Public Procurement Policy as approved by the Executive in 2002 and in accordance with the principles of best practice. The Department of Finance & Personnel Central Procurement Directorate (CPD) advises and assists the Department on all matters regarding procurement. CPD issues approved procedures and procurement guidance directly to the Centres of Procurement Excellence, which includes the Education and Library Boards and other Non Departmental Public Bodies (NDPBs). My Department holds regular accountability meetings with the ELBs and other Non Departmental Public Bodies in the education sector at which procurement issues are discussed.

Tá na Boird Oideachais agus Leabharlann agus na heagraíochtaí eile cuí san earnáil oideachais freagrach as a chinntiú go bhfuil córais ann a chinntíonn go gcloíonn gach gníomh fála, bronnadh an chonartha cothabhála san áireamh, le reachtaíocht fála agus go soláthraítear luach ar airgead.

ELBs and other appropriate organisations within the education sector are responsible for ensuring systems are in place to ensure that all procurement activity, including the award of maintenance contract, is compliant with relevant procurement legislation and delivers value for money.

Education Other Than At School Service

Mr P Weir asked the Minister of Education (i) how Education Other than at School provision is organised in the South Eastern Education and Library Board area; and (ii) for her assessment of this provision.

(AQW 2747/11)

Minister of Education: Tuigim ó Bhord Oideachais agus Leabharlann an Oirdheiscirt (SEELB) go n-eagraítear a sholáthar Oideachas Seachas Oideachas Ar Scoil (EOTAS) ar bhonn geografach le hlonaid Chomharsanachta Oideachais sa Chaisleán Riabhach, in Ard Mhic Nasca agus i nDún Pádraig.

I understand from the South Eastern Education and Library Board (SEELB) that its Education Otherwise Than At School (EOTAS) provision is organised on a geographical basis with Neighbourhood Education Centres based in Castlereagh, Holywood and Downpatrick. There is a contract with Lagan Valley Project to provide a service. There is also provision for Key Stage 1 & Key Stage 2 pupils at Longstone Special School for pupils with social, emotional and behavioural difficulties, the Child and Adolescent Mental Health Services (CAMHS) (Beechcroft Unit), and Lakewood and Ardmore House schools. In addition, the SEELB provides home tuition for those pupils who are out of school for more than 6 weeks and support for school-aged mothers.

The Education and Training Inspectorate's (ETI) report of an evaluation of Alternative Education Provision (AEP) and EOTAS in the SEELB, published in April 2008, concluded that "overall, the AEP in SEELB makes good use of its available resources and provides good value for money. The provision has major strengths and is consistently good. The SEELB and the wider community can be confident in the quality and effectiveness of the provision. No follow-up inspection is required".

Education Other Than At School Service

Mr P Weir asked the Minister of Education whether there are any plans to change the Education Other than at School provision in the South Eastern Education and Library Board area; and (ii) what consultations are planned with staff and stakeholders.

(AQW 2748/11)

Minister of Education: Tá tugtha le fios dom ó Bhord Oideachais agus Leabharlann an Oirdheiscirt (SEELB) go bhfuil an post ‘Ceannaire Sholáthar Oideachais Eile’ (AEP) (an bainisteoir oibríochtúil) ar fáil agus go ndéanfar agallaimh roimh an Nollaig leis an phost seo a líonadh.

I understand from the South Eastern Education and Library Board (SEELB) that the post of Head of Alternative Education Provision (AEP) (the operational manager) is vacant and interviews for a replacement will take place before Christmas.

The SEELB has also advised that the management structure for AEP is currently being reviewed and should this require any significant change, a development proposal would be required. This would be carried out in accordance with relevant Education Orders and Department of Education guidance. If this is a requirement, consultation will take place with all of the relevant stakeholders. Any review will be predicated on improvement to enhance day-to-day management of the provision.

Engagement with European Political Institutions

Mr B McElduff asked the Minister of Education to detail (i) the number of officials within her Department who are currently directly involved in engagement with European political institutions; and (ii) the success rate of her Department in accessing European funding in each of the last three years.

(AQW 2810/11)

Minister of Education: Is féidir liom a dheimhniú nach bhfuil duine ar bith de mo chuid feidhmeannach i dteagmháil le hinstiúidí polaitíochta na hEorpa faoi láthair.

I can confirm that none of my officials are currently involved in engagement with European political institutions. In addition, I can also confirm that the Department of Education submitted three applications for EU funding from the EU Peace III Programme in 2008 but none of these applications were successful.

Admission Criteria of Nursery Schools and Units

Mr K Robinson asked the Minister of Education whether equality legislation applies to the admission criteria currently used by nursery schools and nursery units.

(AQW 2838/11)

Minister of Education: Tá réimse reachtaíochta comhionannais ann agus níl baint ag gach cuid de le critéir iontrála a úsáideann naíscoileanna agus aonaid naíscolaíochta. Mar shampla, ní shainmhínítear scoileanna mar údaráis phoiblí chun críocha Alt 75 den NI Act 1998 agus mar sin de, ní bhaineann an reachtaíocht seo le critéir iontrála a úsáideann naíscoileanna agus aonaid naíscolaíochta.

There is a range of equality legislation and not all of it will apply to admissions criteria used by nursery schools and nursery units. For example, schools are not defined as public authorities for the purposes of Section 75 of the NI Act 1998 therefore this legislation may not apply to admissions criteria used by nursery schools and nursery units.

Responsibility for drawing up admissions criteria rests entirely with the Board of Governors of each nursery school/unit and the criteria reflect the Governors' priorities for admission. There is, however, a duty upon the Governors to ensure any admissions criteria are legally based and compliant with relevant equality legislation. Equality legislation which is relevant in this instance includes:

The Human Rights Act 1998 which requires public bodies including schools to act in a manner that is compatible with human rights.

The Special Educational Needs and Disability Order (NI) 2005 which makes it unlawful for a school to discriminate against a disabled person in the arrangements it makes for determining admission to the school.

The Race Relations (NI) Order 1997 which makes it unlawful to discriminate on the grounds of colour, race, nationality or ethnic or national origin in a number of fields including education.

The Sex Discrimination (NI) Order 1976 which makes it unlawful to discriminate against an individual on the grounds of his or her sex in a number of fields including education.

Uptake of Free School Meals in Primary Schools

Mr J Spratt asked the Minister of Education to detail the level of free school meal uptake among primary-school children in each Education and Library Board area.

(AQW 2858/11)

Minister of Education: Athraíonn líon na bpáistí a fhaigheann saorbhéilí scoile ó sheachtain go seachtain.

The number of children taking school meals varies from week to week. However, information collected annually from the School Meals Census provides a snapshot of the numbers taking meals on the day on which census information is gathered. The most recent figures available, for primary school pupils, taken from the 2009 census were as follows:

	Pupils Entitled To Free School Meals	Pupils Taking Free School Meals	% of Entitled Pupils Taking Free School Meals
BELB	7,079	5,887	83
NEELB	5,087	4,176	82
SEELB	4,764	3,414	72
SELB	6,570	5,549	84
WELB	7,322	6,009	82
Total	30,822	25,035	81

Grades of School Leavers

Mr W Humphrey asked the Minister of Education to detail the number of school leavers resident in the Greater Shankill Neighbourhood Renewal Area who achieved five or more GCSEs at grades A* to C, including English and Maths, in each of the last five years for which data are available.

(AQW 2883/11)

Minister of Education: Tá an freagra le fáil sa tábla thíos. Tabhair faoi deara le do thoil nár bailíodh an t-eolas go dtí an bhliain acadúil 2005/06 ar aghaidh agus mar sin de, níl ach eolas do cheithre bliana ar fáil sa tábla.

The answer is contained in the table below. Please note that the data were only collected from the 2005/06 academic year onwards therefore only four years of data are contained in the table.

Number of school leavers resident in Greater Shankill Neighbourhood Renewal Area achieving at least 5 GCSEs A*-C (inc. equivalents) including English and Maths by school type 2005/06 to 2008/09

	Non Grammar School Leavers resident in Greater Shankill NRA		Grammar School Leavers resident in Greater Shankill NRA		Total School Leavers resident in Greater Shankill NRA	
	Number	%	Number	%	Number	%
2005/06	46	18.7	15	93.8	61	23.3
2006/07	33	16.2	15	100.0	48	21.9
2007/08	26	12.9	16	80.0	42	18.9
2008/09	37	17.3	13	100.0	50	22.0

Source: School Leavers Survey

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Minister of Education: Tá an freagra le fáil sa tábla thíos. Tabhair faoi deara le do thoil nár bailíodh an t-eolas go dtí an bhliain acadúil 2005/06 ar aghaidh agus mar sin de, níl ach eolas do cheithre bliana ar fáil sa tábla.

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2007/08	26	12.9	16	80.0	42	18.9
2008/09	37	17.3	13	100.0	50	22.0

Source: School Leavers Survey
Chris Hughes

Lurgan College

Mr S Anderson asked the Minister of Education, whether her Department has received any correspondence from political representatives opposing a new school building for Lurgan College. **(AQW 2897/11)**

Minister of Education: Fuair mo Roinn comhfhreagras ó ionadaí polaitiúil chuir i gcoinne na scéime molta caipitiúla oibreacha do Lurgan College cheal plean fhoriomláin ceantair um sholáthar iarbhunscolaíochta san earnáil rialaithe i gceantar na Lorgan.

My Department is in receipt of correspondence from one political representative which opposed the proposed capital works scheme for Lurgan College in the absence of an overall area plan for post-primary provision in the controlled sector in the Lurgan area.

On 10 August 2009, DE advised SELB that it was unable to approve the EA for Lurgan College as it did not sufficiently take into account the wider education policy framework in relation to Sustainable Schools and the delivery of the Entitlement Framework (EF).

In writing to the SELB on 2 October 2009, DE asked SELB to reconsider the proposal in the wider context of delivery of the EF in the Craigavon area (Lurgan and Portadown) and to set out clearly how this development will contribute to the delivery of high-quality and sustainable provision on an area basis. The revised EA is awaited

School Closures

Mr S Anderson asked the Minister of Education how many schools have closed at least once in the last two months due to adverse weather conditions.

(AQW 2901/11)

Minister of Education: I rith na míonna Deireadh Fómhair agus Samhain 2010, chuardaigh 52 scoil faomhadh na Roinne le haghaidh dúnadh speisialta, ar feadh lae amháin ar a laghad, mar gheall ar dhrochaimsir.

During the months of October and November 2010, 52 schools sought the Department's approval for at least one exceptional closure day due to adverse weather conditions.

Clearly the month of December caused further challenges for schools and the information regarding applications for closure in December is currently being collated. Once this work has been finalised a list of all schools closed will be placed in the Assembly Library.

Enrolment in Irish Medium Schools

Lord Morrow asked the Minister of Education pursuant to AQW1212/11, how many pupils currently enrolled in Irish medium schools and units are from the Protestant community.

(AQW 2910/11)

Minister of Education: Tá 24 Gaelscoil ann. Tá sé taifeadta go bhfuil seisear daltaí ón phobal Protastúnach; 2,776 dalta ón phobal Caitliceach; 9 ndalta ar 'Críostaithe eile' iad; agus 157 dalta ar taifeadadh nár tugadh a gcreideamh nó nach raibh creideamh ar bith acu.

There are 24 Irish medium schools. Six pupils are recorded as being from the Protestant community; 2,776 pupils from the Catholic community; 9 pupils recorded as 'Other Christian'; and 157 pupils with religion recorded as 'not stated/none'.

There are 12 Irish medium units situated in English medium primary or post-primary schools, with a total of 855 pupils. No pupils in those units were recorded as being Protestant; and, of the others, fewer than 5 have their religion recorded as something other than 'Catholic'.

Of the 410 children in funded places in the 29 Irish medium voluntary and private pre school centres: 309 children have their religion recorded as Catholic; 101 children have their religion recorded as 'not stated/none'. No children have their religion recorded as 'Protestant' or 'Other Christian'.

Access to Preschool Provision

Sir Reg Empey asked the Minister of Education whether all pre school children with special educational needs from the East Belfast constituency, who applied were able to access suitable local pre school provision in the current academic year.

(AQW 2930/11)

Minister of Education: Tá tugtha le fios agam ag Príomhfheidhmeannaigh Bhoird Oideachais agus Leabharlann Bhéal Feirste agus an Oirdheiscirt go raibh rochtain ar sholáthar réamhscoile áitiúil oiriúnach ag gach páiste a bhfuil ráiteas ar riachtanais speisialta aige nó aici nó a bhfuil measúnú reachtúil á dhéanamh air nó uirthi maidir leis na riachtanais speisialta seo, sa bhliain acadúil reatha.

I have been advised by the Chief Executives of the Belfast and South-Eastern Education and Library Boards that all children on whom a statement of special educational needs is maintained or are undergoing statutory assessment of their special educational needs were able to access suitable local pre school provision in the current academic year.

Nursery School Places

Mr K Robinson asked the Minister of Education how many nursery school places were available in (i) Newtownabbey; (ii) Carrickfergus; and (iii) Larne in each of the last five years.
(AQW 2932/11)

Minister of Education: Mionsonraítear sna táblaí thíos líon na n-áiteanna reachtúla naíscoile i mBaile na Mainistreach; Carraig Fhearghais; agus Latharna i ngach bliain le cúig bliana anuas.

The statutory nursery school places available in Newtownabbey; Carrickfergus; and Larne in each of the last five years are as detailed in the attached tables. The North Eastern Education and Library Board have advised that information in respect of the number of applications received is only available for the last four years and is also detailed in the attached tables. The number of applications detailed includes those in respect of children in their final pre school year (who are the target of the provision) and those in their penultimate pre school year.

	2010/11 School Year	
	Nursery places available	Total Applications
Newtownabbey	754	1278
Carrickfergus	312	395
Larne	234	304

	2009/10 School Year	
	Nursery places available	Total Applications
Newtownabbey	754	1264
Carrickfergus	312	470
Larne	234	276

	2008/09 School Year	
	Nursery places available	Total Applications
Newtownabbey	754	1106
Carrickfergus	312	368
Larne	234	227

	2007/08 School Year	
	Nursery places available	Total Applications
Newtownabbey	754	1264
Carrickfergus	312	438
Larne	234	245

	2006/07 School Year	
	Nursery places available	Total Applications
Newtownabbey	754	Not available
Carrickfergus	312	Not available
Larne	234	Not available

Nursery School Places

Mr K Robinson asked the Minister of Education how many applications were received for nursery school places in (i) Newtownabbey; (ii) Carrickfergus; and (iii) Larne in each of the last five years. **(AQW 2933/11)**

Minister of Education: Mionsonraítear sna táblaí thíos líon na n-áiteanna reachtúla naíscoile i mBaile na Mainistreach; Carraig Fhearghais; agus Latharna i ngach bliain le cúig bliana anuas.

The statutory nursery school places available in Newtownabbey; Carrickfergus; and Larne in each of the last five years are as detailed in the attached tables. The North Eastern Education and Library Board have advised that information in respect of the number of applications received is only available for the last four years and is also detailed in the attached tables. The number of applications detailed includes those in respect of children in their final pre-school year (who are the target of the provision) and those in their penultimate pre-school year.

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Larne	234	227

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	Nursery places available	Total Applications
Newtownabbey	754	1264

	2007/08 School Year	
	Nursery places available	Total Applications
Carrickfergus	312	438
Larne	234	245

	2006/07 School Year	
	Nursery places available	Total Applications
Newtownabbey	754	Not available
Carrickfergus	312	Not available
Larne	234	Not available

Closure of Schools

Mr S Moutray asked the Minister of Education whether any schools have closed in the last two months as a result of a heating system failure; and if so, to list the schools affected.

(AQW 2939/11)

Minister of Education: I mí Dheireadh Fómhair agus i mí na Samhna 2010, d'iarr na 5 scoil atá liostaithe thíos ar an Roinn Oideachais druidim eisceachtúil a fhaomhadh cionn is gur theip ar an chóras téimh agus d'fhaomh an Roinn na hiarratais seo.

During the months of October and November 2010, the 5 schools listed below applied to, and received approval from, the Department of Education for an exceptional closure citing heating failure as a reason for their request.

- Blythefield Primary School, Belfast
- Forth River Primary School, Belfast
- St Brigid's Primary School, Augher
- St Finian's Primary School, Newtownards
- St Peter's High School, Derry

Sale of School Playing Fields and Sites

Mr T Burns asked the Minister of Education to detail (i) the number of school playing fields and playgrounds that have been sold in each of the last 15 years, (ii) the names and addresses of these sites; and (iii) the price for which they were sold.

(AQW 2952/11)

Minister of Education: Sholáthair na Boird Oideachais agus Leabharlann an t-eolas sna táblaí thíos. The information is outlined in the table below as been provided by the Education Boards.

Name and Address	Date	The Price for which they were sold
Carbane Playing Fields, Newry	27/3/09	£365,000
Annadale Crescent, Belfast	13/12/1998	£53,000
Forthbridge Playing field	5/4/2001	£685,000
Whitewell Playing Fields	28/7/2007 and 21/9/1999	Leased to N'Abbey CC. In 1999 small area sold for £110,000

Name and Address	Date	The Price for which they were sold
Woodlands Playing Fields	5/11/1991 and 11/12/1998	Leased to City Council. In 1998 small area sold for £135,000

A total of five playing fields have been sold over the last 15 years. These have been identified as defined in your question. There may be other school playing fields and playgrounds sold but these would have formed part of the sale of the complete school property and hence are not included in the above table.

Abusive Pupils

Mr P McGlone asked the Minister of Education what measures are in place to protect teachers from abusive pupils.

(AQW 2981/11)

Minister of Education: Bíonn freagracht dhlíthiúil ar Bhord Gobharnóirí agus ar Phríomhoidí scoileanna le dea-iompar agus smacht a chothú.

Board of Governors and Principals of every grantaided school have a legal responsibility to encourage good behaviour and discipline. It is critical that a school's position is clearly set out in its Discipline Policy and that the entire school community – pupils, parents and staff – are fully aware of it and the implications. Sanctions are available to schools, such as suspension and expulsion, for breaches of the school discipline policy, including verbal abuse of and physical attacks on school staff, and should be covered in school policies.

The Department's publication 'Promoting and Sustaining Good Behaviour: A Discipline Strategy for Schools' (1998) sets out a support model of progressively more intensive interventions for pupils whose behaviour is challenging. The Strategy is underpinned by guidance issued by the Department to schools in 2001, "Pastoral Care in Schools: Promoting Positive Behaviour". The Department has also issued guidance on the use of reasonable force to restrain or control pupils who are at risk of harming themselves or others.

In addition, the Teachers' Negotiating Committee, of which the Department is a member, is currently in the process of finalising a workable, affordable teachers' health and well being strategy, aimed at promoting a more proactive approach to teachers' health and wellbeing through an inclusive approach to best policy and practice on all aspects of workplace health. The Committee is also in the final stages of agreeing guidance on tackling violence against staff in schools which will include guidance on the handling, recording and reporting of violent incidents.

Children with a Full-time or Part-time Classroom Assistant

Mr S Hamilton asked the Minister of Education how many children in mainstream education with (i) learning difficulties; and (ii) care issues currently have a full-time or part-time classroom assistant in the South Eastern Education and Library Board area.

(AQW 2986/11)

Minister of Education: Tá tugtha le fios dom ag Príomhfheidhmeannach Bhord Oideachais agus Leabharlann an Oirdheiscirt gur mar seo a leanas líon na ndaltaí i scoileanna príomhshrutha a bhfuil ráitis ar riachtanais speisialta oideachais acu agus a bhfuil tacaíocht á thabhairt dóibh ó chúntóir ranga lán aimsire nó páirt aimsire:

I have been advised by the Chief Executive of the South Eastern Education and Library Board that the number of pupils with statements of special educational needs who are currently supported by a full-time or part-time classroom assistant in mainstream schools is:-

- (i) 177 with moderate/severe/specific learning difficulties

(ii) 1074 with care issues (medical/sensory/attention/behavioural difficulties)

School Maintenance Backlog

Mr P Weir asked the Minister of Education to provide a breakdown of the current school maintenance backlog in each school in the North Down area.

(AQW 2989/11)

Minister of Education: Seo mar a leanas riaráiste cothabhála na scoileanna i dtoghcheantar an Dúin Thuaidh, de réir chórais bhainistíochta eastáit na mBord Oideachais agus Leabharlann.

According to the Education and Library Boards' estate management system the maintenance backlog in schools in the North Down constituency is as follows:

School	Maintenance Backlog (£)
Ballyholme Primary School	3,500
Ballymagee Primary School	3,290
Ballyvester Primary School	6,920
Bangor Central Primary School	143,850
Bangor Grammar School	4,791,098
Bangor Nursery School	49,400
Bloomfield Primary School	306,105
Clandeboyne Primary School	268,695
Clifton Special School	3,700
Crawfordsburn Primary School	20,250
Donaghadee Primary School	140,430
Glencraig Integrated Primary School	61,900
Grange Park Primary School	256,540
Hollywood Nursery School	8,075
Hollywood Primary School	222,594
Kilcooley Primary School	249,242
Millisle Primary School	119,335
Priory College	568,935
Rathmore Primary School	366,955
Redburn Primary School	599,405
St Anne's Primary School	18,210
St Columbanus' College	556,895
St Comgall's Primary School	3,130
St Malachy's Primary School Bangor	191,193
St Patrick's Primary School Hollywood	296,145
Trinity Nursery School	45,050

School	Maintenance Backlog (£)
Total	9,300,842

You will note that the total backlog figure for North Down is considerably larger than that detailed in a previous response to you in September 2009; this is mainly due to the addition of Bangor Grammar School to the table. This school was not previously included as it was due to be replaced as part of the Schools' Modernisation Programme. A backlog figure for this school was obtained following a condition survey, carried out as part of my review of capital projects, earlier this year. This review was commissioned to ensure that the investment in the schools estate was consistent and supportive of the DE policy Framework.

Moderate Learning Difficulties

Mr P Weir asked the Minister of Education to detail the number of pupils in each primary school in the South Eastern Education and Library Board area who currently attend a moderate learning difficulties unit.

(AQW 2993/11)

Minister of Education: Tá tugtha le fios dom ag Príomhfheidhmeannach Bhord Oideachais agus Leabharlann an Oirdheiscirt (SEELB) gur mar seo a leanas líon na ndaltaí atá ag freastal ar aonad dóibh siúd a bhfuil deacrachtaí measartha foghlama acu (MLD) i mbunscoileanna an SEELB:

I have been advised by the Chief Executive of the South Eastern Education and Library Board (SEELB) that the number of pupils who currently attend a moderate learning difficulties unit (MLD) in primary schools in the SEELB is as follows:

School	No of Pupils
Bloomfield PS	15
Castlewellan PS	10
Downpatrick PS	30
Knockbreda PS	18
Seymour Hill PS	19
St Colman's PS	19
St Colmcille's PS	20
St Kieran's PS	6
St Malachy's PS	26
Towerview PS	15
West Winds PS	6
Total	184

The above named primary schools are the only primary schools in the SEELB which have MLD units. All pupils who attend these units are registered at that primary school.

Glenwood Primary School, Belfast

Mr W Humphrey asked the Minister of Education, pursuant to AQW 2586/11, given that her Department has categorised the proposed major capital works at Glenwood Primary School, Belfast as

partially compliant with the Sustainable Schools policy, what action needs to be taken to ensure that the proposed works are fully compliant.

(AQW 3009/11)

Minister of Education: Ciallaíonn measúnú ‘páirt-chomhlíontach’ ar na Tionscadail um Mhóroibreacha Caipitil go bhfuil roinnt ceisteanna ann a bhaineann go díreach le scoil éigin nó a bhaineann le ceisteanna níos leithne maidir le soláthar inbhuanaithe sa cheantar sin.

The assessment of major capital works projects as partially compliant means that some issues have emerged, which relate either directly to a school, or to wider issues about sustainable provision in that area.

In the case of Glenwood Primary School, my Department has asked the Belfast Education and Library Board to ensure that the proposed major capital works project is part of an area based solution, which aims to produce sustainable provision that serves the future needs of all primary-school children in the Shankill area. My Department will continue to work closely with the board on this matter.

Springhill Primary School, Belfast

Mr W Humphrey asked the Minister of Education, pursuant to AQW 2585/11, given that her Department has categorised the proposed major capital works at Springhill Primary School, Belfast as non-compliant with the Sustainable Schools policy, what action needs to be taken to ensure that the proposed works are fully compliant.

(AQW 3010/11)

Minister of Education: Ciallaíonn measúnú ‘neamh-chomhlíontach’ ar na Tionscadail um Mhóroibreacha Caipitil go bhfuil buarthaí móra ann faoin tionscadal atá molta faoi láthair agus go mbeidh athruithe de dhíth le díriú isteach ar cheisteanna a bhaineann go díreach leis an scoil nó a bhaineann le ceisteanna níos leithne maidir le soláthar inbhuanaithe sa cheantar sin.

The assessment of major capital works projects as non-compliant means that there are major concerns about the project as currently proposed and reworking is required to address school specific or wider issues about sustainable provision in that area.

In the case of Springhill Primary School, my Department has asked the Belfast Education and Library Board to ensure that the proposed major capital works project is part of an area based solution, which aims to produce sustainable provision that serves the future needs of all primary-school children in the Upper Shankill area.

Draft Early Years (0-6) Strategy

Mr G Campbell asked the Minister of Education, following her decision to extend the consultation period on the draft Early Years (0-6) Strategy, when she expects the strategy to be implemented.

(AQW 3118/11)

Minister of Education: Is tréimhse ríthábhachtach i saol an pháiste iad na luathbhlianta agus tá sé riachtanach go bhfreastalóidh an Straitéis ar riachtanais gach páiste.

The early years are a vitally important time in a child's life and it is imperative that the Strategy that is delivered meets the needs and requirements of all children.

There is clearly a significant interest among parents, schools and a range of stakeholders on the best way forward for early years provision and services in the coming years. I want all interested parties to know that they have had the opportunity to contribute to the debate and I have, therefore, extended the deadline for the consultation to 31 January 2011.

The consultation to date has raised a wide range of important issues. It has identified a desire for a much broader based cross departmental Early Years Strategy which covers key services from 0-6 in an integrated fashion. While it would essentially be a decision for the Executive to decide to progress this

I have written in the first instance to ministerial colleagues in both OFMDFM and DHSSPS to arrange a meeting to hear their views in order to help me decide how I wish to proceed.

I do not wish to delay the publication and implementation of an Early Years Strategy any longer than is necessary. However, I want to ensure that the Strategy that is taken forward has taken careful account of the issues raised.

Therefore I will wish to consider the timetable for the publication of the Strategy following the completion of the consultation, the analysis of the findings and my meetings with ministerial colleagues.

Capital Projects for the City of Londonderry

Mr M Storey asked the Minister of Education to detail the capital projects for the City of Londonderry that are awaiting approval.

(AQW 3182/11)

Minister of Education: Seo a leanas na cúig thionscadal i gceantar Dhoire atá ar an Phlean Soláthair Infheistíochta.

In the Derry area there are currently 5 projects on the Investment Delivery Plan namely:-

Belmont Special School
Ebrington PS
Eglinton PS
Foyle & Londonderry College
New Buildings PS

and a further 4 projects comprising 6 schools which are at the early stages of planning, namely:-

Broadridge PS
Bunscoil Cholmcille
Gaelscoil Edain Mhoir
Rosemount PS }
St Anne's PS } single project
St Eugene's PS }

Department for Employment and Learning

Honorary Degrees

Ms M Ritchie asked the Minister for Employment and Learning to detail the cost incurred, including expenses, by each university for the provision of honorary degrees in each of the last five years.

(AQW 2728/11)

Minister for Employment and Learning (Mr D Kennedy): This is information that my Department does not hold. The funding provided by my Department can only be used for the purposes for which it is given and no funding is provided for awarding honorary degrees. The information provided by the universities is detailed in the table below. The University of Ulster could not provide costs for academic years 2005/06 and 2006/07.

Academic Year	2005/06 £	2006/07 £	2007/08 £	2008/09 £	2009/10 £
Queen's University	10,666	9,440	28,014	33,171	17,843
University of Ulster	n/a	n/a	58,325	71,535	65,500

Engagement with European Political Institutions

Mr B McElduff asked the Minister for Employment and Learning to detail (i) the number of officials within his Department who are currently directly involved in engagement with European political institutions; and (ii) the success rate of his Department in accessing European funding in each of the last three years.

(AQW 2812/11)

Minister for Employment and Learning:

- (i) For the purpose of this question, “European political institutions” is taken to refer to the European Council, the European Parliament or the European Commission. Five members of staff currently have direct contact with the European Commission on delivering on the implementation of European Social Fund (ESF) projects and the Transnational Network Project on Empowerment and Inclusion.
- (ii) In terms of the Department’s success rate in accessing European funding in the last three years:
 - A total of €166 million ESF funding was allocated to Northern Ireland for the period 2007-2014 and the Department is the Managing Authority for these funds on behalf of the European Commission; and
 - a total of €0.494 million “Transnational Network Project on Empowerment and Inclusion” funding was accessed in August 2009 for a period of 3 years.

Student Loans

Mr T Burns asked the Minister for Employment and Learning (i) what is the current interest rate on student loans taken out (a) before 1998; and (b) after 1998; (ii) for his assessment of the disparity in these rates; and (iii) to detail what representations he has made to the student loans company to correct this disparity.

(AQW 2968/11)

Minister for Employment and Learning: I can advise that (i) for the current academic year 2010/11, the interest rate for student loans taken out (a) before 1998 (mortgage style loans) is 4.4% and (b) after 1998 (income contingent repayment loans) is 1.5%; (ii) the reason for the difference in the interest rates is that mortgage style loans and income contingent repayment loans are entirely distinct loan products which are governed by separate legislation and also have different loan repayment arrangements; (iii) as the interest rates for each loan type have been set in accordance with the relevant legislation, I have not made any representations to the Student Loans Company on this matter.

Sign Language Interpreters

Mr P Weir asked the Minister for Employment and Learning when training for sign language interpreters and tutors will commence.

(AQW 2976/11)

Minister for Employment and Learning: I am committed to delivering the personal pledge of my predecessor to enhance course provision in sign language in Northern Ireland. My Department has taken receipt of proposals from potential delivery partners and is currently working with those partners to ensure that the training to be provided meets with the expectations of the sign language sector. This has necessitated, for example, a short feasibility study to address issues such as sustainability of provision and future developments within the interpreting profession.

Subject to formal approval of expenditure by the Department of Finance and Personnel, it is my intention that preparatory course provision will be operational by June 2011 and that initial tutor and interpreter provision will commence in September 2011.

Re-aligning GCE A Level Equivalents

Mr D Bradley asked the Minister for Employment and Learning to detail (i) any correspondence which his Department has had with the Irish Universities Association in relation to re-aligning GCE A Level equivalents for entry to university in the Republic of Ireland, to take account of the introduction of the A* grade at GCE A2 Level; (ii) his Department's response to any such correspondence; and (iii) what action he intends to take to ensure that students from Northern Ireland are not disadvantaged.

(AQW 3073/11)

Minister for Employment and Learning: My Department has not had any correspondence with the Irish Universities Association in relation to re-aligning GCE A Level equivalents for entry to university in the Republic of Ireland, to take account of the introduction of the A* grade at GCE A2 level. However, I understand that the Council for the Curriculum, Assessment and Examinations (CCEA) is currently, with the support of the Minister of Education, pursuing the matter with the Irish Universities Association.

I will be asking the Minister of Education to update me on the outcome of this issue, as I am concerned that students from Northern Ireland could be placed at a disadvantage when applying to universities in the Republic of Ireland.

Student Loans Company

Mr T Burns asked the Minister for Employment and Learning, for each of the last five years, to detail (i) the number of people who have been overcharged by, or made overpayments to the Student Loans Company; (ii) the total amount overcharged/overpaid; (iii) the average amount overcharged/overpaid per person; (iv) the number of refunds issued and the total amount refunded; and (v) the average time taken to provide full refunds for overcharges/overpayments.

(AQW 3114/11)

Minister for Employment and Learning: Due to the unavoidable time lag between income contingent repayment student loan deductions being made and the Student Loans Company receiving information from Her Majesty's Revenue and Customs, it is possible for students to over repay their loan before the Student Loans Company becomes aware that their repayments should stop. Students are never therefore "overcharged" and over repayments by students are refunded with interest by the Student Loans Company when borrowers' accounts are reconciled at the end of the financial year.

It is not possible to provide all the information requested broken down by each year but I can advise that over the last five full financial years from 2005/06 to 2009/10 (i) the number of Northern Ireland domiciled graduates who have made overpayments is 4,006; (ii) the total amount overpaid is £2,551,850; (iii) the average amount overpaid per person is £637; (iv) 3,084 customers have received refunds and the total amount refunded is £2,037,412; (v) No figures are held for the average time taken to provide full refunds for overpayments.

Draft Savings Delivery Plans

Mr C Lyttle asked the Minister for Employment and Learning if he can confirm that his Department will publish its draft Savings Delivery Plans within one week of the publication of the draft Budget 2011-2015; and whether it will include details of departmental saving measures and the potential impact of these measures.

(AQW 3143/11)

Minister for Employment and Learning: Following the delayed publication of the Draft Budget last week, my officials are working through the detailed implications for my Department over the four-year Budget period. When that process is completed we will then be in a position to publish a detailed Savings Delivery Plan. In the interim, I will endeavour to publish an indication of the areas from which I may have to seek reductions in expenditure as soon as possible.

Antrim College

Mr T Clarke asked the Minister for Employment and Learning what action he is taking to address access to further and higher education and vocational training within the South Antrim constituency since the closure of Antrim College; and what access is currently available.

(AQW 3194/11)

Minister for Employment and Learning: Northern Regional College's Business Improvement Plan, which was commissioned by the College to examine its operations and improve efficiency, has presented proposals for the rationalisation of its estate. Whilst the plan includes the proposed closure of Antrim Campus in June 2011, the College has indicated that it intends to continue to have a presence in the Antrim area. To that end, it is pursuing a number of possible partnership arrangements with other local education providers, to enable it to continue to offer further education in Antrim, particularly to part-time students. A wide range of full time provision will also continue to be delivered through the College's other campuses and outreach centres. The College has recently completed a new £10m project at Newtownabbey which will provide further education for full time students from the Antrim area. These measures will ensure that a comprehensive range of further education provision continues to be accessible to all those living in the area.

Additionally, 52 training suppliers are contracted by my Department to deliver the ApprenticeshipsNI and Training for Success programmes throughout Northern Ireland, offering a wide range of vocational training provision. Whilst these programmes are demand led my Department provides a guarantee of a training place to all eligible participants who wish to avail of the opportunity, including those in the South Antrim constituency.

The higher education institutions actively target potential students within the South Antrim constituency by promoting course provision through a wide variety of media. As a result, students from this area continue to access higher education provision at Queen's University Belfast, the University of Ulster, St. Mary's University College and Stranmillis University College. In addition Northern Regional College provides a range of higher education courses to students in the area.

Department of Enterprise, Trade and Investment

Executive Office in Brussels

Mr A Ross asked the Minister of Enterprise, Trade and Investment to detail any communication her Department has had with the Northern Ireland Executive Office in Brussels in each of the last 24 months.

(AQW 2746/11)

Minister of Enterprise, Trade and Investment (Mrs A Foster): Individual communications between my Department and the Northern Ireland Executive Office in Brussels (ONIEB) are not compiled.

However, my Department has been in regular contact with ONIEB in relation to projects that need State Aid Approval. Also recently, matters relating to Regional Aid post 2013, a reduced rate of Corporation tax in Northern Ireland and the Presbyterian Mutual Society have necessitated contact with ONIEB.

In addition, the Department liaised with ONIEB in relation to the following:

- (i) a visit to Brussels by the Head of the Northern Ireland Civil Service in October 2010
- (ii) arrangements for the visit to Northern Ireland of Commissioner Marie Geoghan Quinn on the 12 November 2010
- (iii) to use ONIEB facilities for a presentation on 2 December 2010 about the ISLES offshore grid study.

In November 2010 ONIEB contacted (i) the Department's Consumer Affairs Branch to ascertain who would advise a consumer about a property deal in Bulgaria and (ii) the Department's Finance Division seeking clarification on a briefing request.

Engagement with European Political Institutions

Mr B McElduff asked the Minister of Enterprise, Trade and Investment to detail (i) the number of officials within her Department who are currently directly involved in engagement with European political institutions; and (ii) the success rate of her Department in accessing European funding in each of the last three years.

(AQW 2813/11)

Minister of Enterprise, Trade and Investment:

- li) There are currently no DETI officials directly involved in engagement with European political institutions;
- (ii) In each of the last 3 years, DETI has successfully accessed the following EU funding:

(a) EU Sustainable Competitiveness Programme for NI 2007 – 2013

DETI recorded expenditure on the Central EU Database is set out below. 50% of this expenditure is EU funded.

2008-09	2009-10	2010-11*	Total
£541,793	£7,810,059	£3,847,671	£12,199,523

* The 2010-11 figure relates to the period 1 April – 30 November 2010 only. It is anticipated that further payments will be made by the end of March 2011.

(b) EU Peace and Reconciliation (Peace II) Programme 2000-2008

A total of £5,783,111 (£2.4m of which was EU funding) was paid directly to 24 projects during financial year 2008-09.

(c) Interreg IVA 2007-2013

The Department has received the following Interreg IVA funding in respect of Project Kelvin:

2008-09	2009-10	2010-11	Total
€2,950,000	€16,200,000	€10,350,000	€29,500,000
	£77,255.17	£32,958.52	£110,213.69

Direct International Routes between Belfast International Airport and Toronto

Mr G Savage asked the Minister of Enterprise, Trade and Investment whether her Department, or its agencies, have provided funding to support direct international routes between Belfast International Airport and Toronto in each of the last three years; and whether there are any plans to provide such funding in the future.

(AQW 2962/11)

Minister of Enterprise, Trade and Investment: No funding has been provided in the last three years to support flights between Belfast and Toronto. The development of new air services is primarily a matter for the commercial judgement of the airports working with the airlines to determine whether a route will be financially successful. In the absence of clear market failure, such as gave rise to the now closed Northern Ireland Air Route Development Scheme, any direct governmental involvement would be seen as market manipulation and be contrary to the current EU guidance on the provision of start-up aid to airports and airlines.

However, the Canadian market is an important market for tourism to Northern Ireland and where an opportunity exists in such a market, Tourism Ireland will commit co-operative marketing funds in order to help secure a new, or re-instated, service.

Key Flight Routes from Northern Ireland's Airports

Mr G Savage asked the Minister of Enterprise, Trade and Investment whether her Department has a policy which sets out the criteria for funding for the creation and retention of key flight routes from Northern Ireland's airports, and if not, what consideration she has given to developing such a policy. **(AQW 2963/11)**

Minister of Enterprise, Trade and Investment: The development of new air services is primarily a matter for the commercial judgement of the airports working with the airlines to determine whether a route will be financially successful. In the absence of clear market failure, such as gave rise to the now closed Northern Ireland Air Route Development Scheme, any direct governmental involvement would be seen as market manipulation and be contrary to the current EU guidance on the provision of start-up aid to airports and airlines.

In this context my Department and the agencies funded by it, which include Invest NI, the Northern Ireland Tourist Board and Tourism Ireland Limited, all actively work with Northern Ireland's airports to provide assistance where possible.

Promotion of Tourism

Mr M Storey asked the Minister of Enterprise, Trade and Investment how much her Department has spent on the promotion of tourism in each constituency in each of the last three years. **(AQW 2975/11)**

Minister of Enterprise, Trade and Investment: The Northern Ireland Tourist Board (NITB) expenditure on Marketing, Advertising & Promotion and Publications in each of the last three years is as follows:

Year:	Marketing, Advertising & Promotion:	Publications:	Total:
2007/08	£ 4,095,000	£ 221,000	£ 4,316,000
2008/09	£ 8,243,000	£ 411,000	£ 8,654,000
2009/10	£ 8,856,000	£ 155,516	£ 9,011,516
Total:	£ 21,194,000	£ 787,516	£ 21,981,516

This promotional expenditure is Northern Ireland wide, and not attributable to specific constituencies, regions or areas.

Presbyterian Mutual Society

Mr A Maginness asked the Minister of Enterprise, Trade and Investment when she intends to make public Mr Arthur Boyd's next six-monthly progress report on the affairs of the Presbyterian Mutual Society. **(AQW 2987/11)**

Minister of Enterprise, Trade and Investment: A six-monthly progress report on the affairs of the Presbyterian Mutual Society was filed with the Registrar of Industrial and Provident Societies on 17th December 2010 and covers the period 17th May 2010 to 16th November 2010. This is available for public scrutiny at the registrar's office at Waterfront Plaza, Belfast and online: http://www.detini.gov.uk/deti-registry-index/credit_union-society_search.htm.

Funding by Invest NI

Ms M Ritchie asked the Minister of Enterprise, Trade and Investment to detail (i) the companies that are currently funded by Invest NI in the (a) Down District Council; (b) Newry and Mourne District Council; and (c) Banbridge District Council areas; (ii) how much funding has been allocated to each company in each of the last three years; and (iii) the purpose of each allocation of funding.

(AQW 2998/11)

Minister of Enterprise, Trade and Investment: During the period 1st April 2007 to 31st March 2010, Invest NI approved offers of assistance worth £35m to companies in the Down, Newry and Mourne and Banbridge District Council Areas (DCA). Table 1 shows the amount of assistance offered in each DCA in each of these 3 years. This represents the value of support which is expected to be paid towards business-related investment during the life-time of assisted projects.

TABLE 1: INVEST NI ASSISTANCE OFFERED (£M) IN BANBRIDGE, DOWN, AND NEWRY & MOURNE DCAS (2007/08 – 2009/10)

Year	Banbridge		Down		Newry & Mourne		Total	
	Number of Offers	Assistance Offered (£m)	Number of Offers	Assistance Offered (£m)	Number of Offers	Assistance Offered (£m)	Number of Offers	Assistance Offered (£m)
2007-08	46	0.71	54	0.83	140	6.13	240	7.67
2008-09	49	0.60	41	0.54	156	16.62	246	17.76
2009-10	60	0.91	86	1.15	212	7.30	358	9.37
Total	155	2.22	181	2.52	508	30.05	844	34.79

The support offered by Invest NI over this 3 year period involved 844 projects. The resources needed to provide the requested information for each project would constitute a disproportionate cost. Therefore, the response is restricted to the 38 projects which were offered £100,000 or more that are already in the public domain and the publication of which will not harm the commercial interests of the company concerned. Table 2 provides details of those projects and the purpose of Invest NI's support.

TABLE 2: INDIVIDUAL DETAILS OF OFFERS OVER £100K MADE BY INVEST NI IN BANBRIDGE, DOWN, AND NEWRY & MOURNE DCAS (2007/08 – 2009/10)

Dca	Client Name	Year	Total Assistance Offered (£)	Purpose Of Project
Banbridge	M J M Marine Limited	2009-10	323,316	Indigenous Product Development
Banbridge	Radius Plastics Limited	2008-09	242,287	Inward Investment
Banbridge	Radius Plastics Limited	2009-10	220,661	Inward Investment
Banbridge	Radius Plastics Limited	2007-08	136,353	Inward Investment
Banbridge	Armaghdown Creameries Limited	2007-08	115,370	Indigenous Business Growth
Banbridge	M J M Marine Limited	2009-10	105,993	Indigenous Business Growth
Down	Vivomed Ltd	2007-08	182,758	Indigenous Business Growth
Down	Nitronica Limited	2008-09	150,000	Indigenous Business Growth
Down	Nitronica Limited	2007-08	136,000	Indigenous Business Growth
Down	T S Foods Limited	2009-10	120,585	Indigenous Product Development
Down	Lynn's Country Foods Limited	2009-10	100,800	Indigenous Business Growth
Newry & Mourne	B/E Aerospace (Uk) Limited	2008-09	6,800,000	Inward Investment
Newry & Mourne	Mm Teleperformance Limited	2008-09	3,050,000	Inward Investment
Newry & Mourne	First Derivatives Public Limited Co.	2008-09	2,698,000	Indigenous Business Growth
Newry & Mourne	Norbrook Laboratories Limited	2007-08	2,500,000	Indigenous Business Growth
Newry & Mourne	B/E Aerospace (Uk) Limited	2008-09	1,202,670	Inward Investment

Dca	Client Name	Year	Total Assistance Offered (£)	Purpose Of Project
Newry & Mourne	Independent News And Media Plc	2007-08	1,060,000	Inward Investment
Newry & Mourne	Thompson Aero Seating Limited	2009-10	875,000	Indigenous Business Growth
Newry & Mourne	First Derivatives Public Limited Co.	2009-10	788,866	Indigenous Product Development
Newry & Mourne	Mm Teleperformance Limited	2009-10	611,620	Inward Investment
Newry & Mourne	First Derivatives Public Limited Co.	2009-10	500,740	Indigenous Product Development
Newry & Mourne	Eurostock Foods Ni Ltd	2007-08	490,000	Indigenous Business Growth
Newry & Mourne	First Derivatives Public Limited Co.	2008-09	426,883	Indigenous Business Growth
Newry & Mourne	Mourne Country Meats Limited	2008-09	320,000	Indigenous Business Growth
Newry & Mourne	Mourne Country Meats Limited	2009-10	276,639	Indigenous Maximising Efficiencies
Newry & Mourne	Toughglass Ltd	2007-08	250,000	Indigenous Business Growth
Newry & Mourne	Cartoncare Limited	2007-08	231,000	Indigenous Business Growth
Newry & Mourne	Norbrook Laboratories Limited	2007-08	219,404	Indigenous Product Development
Newry & Mourne	Norbrook Laboratories Limited	2007-08	212,481	Indigenous Product Development
Newry & Mourne	Moyfab Engineering Limited	2008-09	198,255	Indigenous Product Development
Newry & Mourne	B/E Aerospace (Uk) Limited	2009-10	167,865	Inward Investment
Newry & Mourne	First Derivatives Public Limited Co.	2009-10	149,328	Indigenous Product Development
Newry & Mourne	Mourne Country Meats Limited	2009-10	140,000	Indigenous Business Growth

Dca	Client Name	Year	Total Assistance Offered (£)	Purpose Of Project
Newry & Mourne	Softedge Systems (NI) Limited	2008-09	140,000	Inward Investment
Newry & Mourne	J.K. Fabrications Limited	2009-10	129,147	Indigenous Product Development
Newry & Mourne	Nacelle Systems Consultancy Ltd	2008-09	115,010	Indigenous Business Growth
Newry & Mourne	Del-Lites (Ireland) Limited	2009-10	109,397	Indigenous Business Growth
Newry & Mourne	First Derivatives Public Limited Co.	2009-10	108,894	Indigenous Product Development
Total			25,605,322	

The remaining 806 projects in Table 1 include 802 which were offered assistance of £8.27m, the majority of which was to indigenous companies.

In addition, during the same period Invest NI also indirectly offered support of over £260,000 to nearly 1,000 new business starts through the Enterprise Development Programme (formerly the Start a Business programme), delivered in conjunction with Enterprise Northern Ireland. Table 3 shows the number of businesses and the associated assistance offered to these projects.

TABLE 3: NEW LOCAL BUSINESSES ASSISTED UNDER THE ENTERPRISE DEVELOPMENT PROGRAMME IN BANBRIDGE, DOWN AND NEWRY & MOURNE DCAS (2007/08 – 2009/10)

FIN YEAR	Banbridge		Down		Newry & Mourne		Total	
	Offers	Assistance Offered (£)	Offers	Assistance Offered (£)	Offers	Assistance Offered (£)	Offers	Assistance Offered (£)
2007-08	100	35,200	149	58,000	203	77,000	452	170,200
2008-09	63	19,600	89	32,000	113	40,000	265	91,600
2009-10	53	0	101	0	99	0	253	0
Total	216	54,800	339	90,000	415	117,000	970	261,800

Note: The new Enterprise Development Programme established in 2009 does not offer financial support to establish a business but provides training, advice and guidance.

Northern Ireland Electricity

Sir Reg Empey asked the Minister of Enterprise, Trade and Investment (i) for her assessment of whether it is consistent with current EU policy for the Irish Government owned Electricity Supply Board to acquire 100% of the Northern Ireland Electricity grid; and (ii) whether her Department has made any representations to the Irish Government in relation to this matter.

(AQW 3048/11)

Minister of Enterprise, Trade and Investment: I am not aware of any EU policy obstacle to the sale of the Northern Ireland Electricity Grid system to ESB. Both the UK Office of Fair Trading and the Irish Competition Commission have examined the transaction, which is an entirely commercial matter between Arcapita-owned NIE and ESB, and have determined that there is no impediment to completing the transaction.

I have made no representations to the Irish Government in relation to the specific EU issue raised by the Member. However, the Member is already aware that I have met with Minister Eamon Ryan and the Chairman and Chief Executive of ESB on a number of matters.

Proposed Sale of Northern Ireland Electricity's Grid

Sir Reg Empey asked the Minister of Enterprise, Trade and Investment what representations she, or her departmental officials, have made to the Irish Government in relation to the proposed sale of Northern Ireland Electricity's grid to the Electricity Supply Board.

(AQW 3050/11)

Minister of Enterprise, Trade and Investment: As Energy Minister, I have responsibility for protecting the interests of energy consumers in Northern Ireland. I have, therefore, taken a close interest in the proposed sale of NIE to ESB and in July I met with Eamon Ryan, the Irish Energy Minister, to discuss the transaction.

Subsequently, I, and my officials, have met with ESB senior management and have secured written commitments in relation to issues including the continued independence of NIE, a commitment to grid investment, and in relation to job security and pensions for NIE staff. These commitments, in a letter from the Chief Executive, have already been lodged in the Assembly Library.

Proposed Sale of Northern Ireland Electricity's Grid

Sir Reg Empey asked the Minister of Enterprise, Trade and Investment whether she is aware that the sale of Northern Ireland Electricity's grid to the Electricity Supply Board will make it beyond the reach of any private intervention.

(AQW 3072/11)

Minister of Enterprise, Trade and Investment: The then Northern Ireland Electricity was floated on the stock exchange in 1993 and the public was able to trade in its shares. The Bahrainian-based bank Arcapita purchased Viridian Group in 2006, at which time the company ceased to have shares on the stock exchange.

The sale of NIE is an entirely commercial matter and the Department has no formal powers to intervene in the transaction.

Regulation of the Home Heating Oil Market

Mr P Callaghan asked the Minister of Enterprise, Trade and Investment whether she will bring forward measures to regulate the home heating oil market.

(AQW 3095/11)

Minister of Enterprise, Trade and Investment: Regulation has been viewed as unnecessary due to the competitive nature of the oil industry. The home heating oil markets in Great Britain and the Republic of Ireland also are not regulated. Nor is it apparent that significant benefit could be achieved

by regulation. Regulation would not protect Northern Ireland consumers from volatile movements in international oil prices and it would impose sizable regulatory costs on the oil supply and distribution sector. This comprises more than 250 companies employing 10,000 people across Northern Ireland. This cost would, in turn, be passed on to business and domestic users.

However, I am alert to concerns about the cost of home heating oil, especially for those on low incomes, and my Department continues to monitor the oil supply and distribution network. Recent figures from independent energy consultants indicate Northern Ireland consumers have been able to buy their oil cheaper than consumers in Great Britain and the Republic of Ireland.

EU State Aid Approval

Mr D O'Loan asked the Minister of Enterprise, Trade and Investment (i) to explain the nature of the EU state aid approval needed for the Executive to carry out its rescue plan for the Presbyterian Mutual Society; (ii) what work has been done to achieve this approval to date; (iii) what are the stages of the approval and what is the current position; (iv) whether similar approvals were required and provided in relation to UK Government support for other banks and building societies; and (v) if and when EU approval is expected to be given.

(AQW 3135/11)

Minister of Enterprise, Trade and Investment: State Aid approval is required for the £175 million loan element of the package. This is because the loan element does not pass the Commission's Market Economy Investor test.

DETI officials have drafted the required State Aid notification documents, these have been signed off by HMT and the Department of Business Innovation and Skills (BIS) and were formally notified, via the Commission's electronic State Aid Notification Interactive (SANI) system, on 5 January 2011. The next stage of the State Aid process will involve the European Commission undertaking a detailed assessment to ensure the NI Executive's package of assistance is compatible with the State Aid rules.

In all cases where the UK provided State Aid to banks and building societies, the aid was subject to a similar detailed assessment. The Commission's assessments and decisions can be accessed from the European Commission's State Aid Register. (http://ec.europa.eu/competition/state_aid/register/).

The Commission's policy is to never comment on specific cases until a decision has been taken. It also states that the time it needs to arrive at a decision depends on many factors including the complexity of the case.

In this case, the BIS State Aid unit has advised that it could take the Commission some time to arrive at a decision. This advice is based on the Commission's ongoing workload relating to financial institution / banking cases as well as the complexity and uniqueness of this case, for example the fact that Presbyterian Mutual Society is not a bank. DETI will be working closely with UKREP, BIS and HMT to ensure that the Commission's assessment process is as short as possible. Precise timings will become clearer as we work through the State Aid approval process.

Draft Savings Delivery Plans

Mr S Neeson asked the Minister of Enterprise, Trade and Investment if she can confirm that her Department will publish its draft Savings Delivery Plans within one week of the publication of the draft Budget 2011-2015; and whether it will include details of departmental saving measures and the potential impact of these measures.

(AQW 3145/11)

Minister of Enterprise, Trade and Investment: My department plans to publish draft Savings Delivery Plans within one week of the publication of the draft Budget 2011-15, which would include details of departmental savings measures and the potential impact of these measures.

Broadband Upgrades

Mr T Burns asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 168/11, which telephone exchanges in the South Antrim constituency have had broadband upgrades to date; and to detail the increase in the broadband speed as a result of each upgrade.

(AQW 3163/11)

Minister of Enterprise, Trade and Investment: Upgrades are taking place in 10 exchange areas in the South Antrim constituency, Antrim, Crumlin, Dundrod, Templepatrick, Randalstown, Toombridge, Kells, Glengormely, Ballyclare and Whiteabbey. This work is ongoing with, to date some 60% of upgrades completed, which is in line with the project plan. Regarding the speeds available as a result of these upgrades, broadband speeds depend on a wide range of individual factors for consumers however the minimum services as specified in the contract are being delivered in those areas that have had an upgrade completed. Precise details can be found through the website www.fasterbroadbandni.com.

Regulator to Ensure the Fair Pricing of Oil

Sir Reg Empey asked the Minister of Enterprise, Trade and Investment whether she has any plans to appoint a regulator to ensure the fair pricing of oil, given the level of dependency on oil as a primary heating source.

(AQW 3180/11)

Minister of Enterprise, Trade and Investment: Regulation of the Northern Ireland oil sector has been viewed as unnecessary due to the competitive nature of the oil industry. The home heating oil market in the rest of the UK is not regulated. Nor is it apparent that significant benefit could be achieved by regulation. Regulation would not protect Northern Ireland consumers from volatile movements in international oil prices and it would impose sizable regulatory costs on the oil supply and distribution sector.

Draft Budget

Mr G Savage asked the Minister of Enterprise, Trade and Investment for her assessment of the impact of the draft Budget on the construction industry.

(AQW 3185/11)

Minister of Enterprise, Trade and Investment: The level of capital investment funding available to the Executive is planned to fall over the next four years as a result of the 2010 national Spending Review, as announced by the Chancellor of the Exchequer on 20 October 2010.

Following the publication of the local draft Budget document on 15 December 2010, it is not possible at this stage to determine the impact on the construction sector, as departments are currently considering their draft Spending Plans. In addition, not all of the capital investment by Northern Ireland departments relates to construction activity.

Presbyterian Mutual Society

Sir Reg Empey asked the Minister of Enterprise, Trade and Investment whether her Department intends to put proposals to the administrator of the Presbyterian Mutual Society in relation to setting out the Executive's plan to ensure that savers have their money returned.

(AQW 3189/11)

Minister of Enterprise, Trade and Investment: Yes. My Department plans to put the Executive's proposals to the Administrator as soon as practically possible.

Presbyterian Mutual Society

Mr C Lyttle asked the Minister of Enterprise, Trade and Investment for an update on (i) plans to provide funds to the Presbyterian Mutual Society administrator for distribution to members; (ii) when members can expect to receive this assistance; and (iii) what level of financial assistance members can expect. (AQW 3206/11)

Minister of Enterprise, Trade and Investment: As announced in their recent Spending Review, the Coalition Government has agreed to both make a £175M loan facility available to the Executive and also contribute £25 million to a Mutual Access Fund (MAF) in 2011/12. Funding for the proposed solution has now been incorporated in the Executive's draft budget and spending plans for the four-year period 2011 – 2015 which were agreed on 14 December.

A significant number of important steps still need to be taken before payments can be made. These include, in particular, making the necessary legislation for both schemes in the Assembly, the Administrator securing members' and creditors' agreement to the proposals as part of his formal Scheme of Arrangement, and securing EU State Aids approval to the Executive's proposed loan.

Details of payments to be made have not yet been finalised.

Department of the Environment

Transfer of Planning Functions

Mrs D Kelly asked the Minister of the Environment (i) to outline the level of funding his Department intends to allocate to local councils, as part of the transfer of planning functions; and (ii) whether he can confirm that the transfer of planning functions will be at zero cost to local councils. (AQW 2566/11)

Minister of the Environment (Mr E Poots): The Executive has yet to agree the circumstances and timescale for the transfer of planning functions to councils. Arrangements for transfer will be determined in line with those decisions and will take account of resource issues.

Northern Ireland Environment Agency

Mr G Campbell asked the Minister of the Environment (i) how many complaints have been made against the Northern Ireland Environment Agency in the last 12 months; and (ii) how many of those complaints have been upheld after investigation. (AQW 2778/11)

Minister of the Environment: The Northern Ireland Environment Agency has received seven formal complaints. One complaint was upheld after investigation.

Northern Ireland Environment Agency

Mr G Campbell asked the Minister of the Environment how many cases the Northern Ireland Environment Agency has dealt with in the last 12 months. (AQW 2779/11)

Minister of the Environment: The Northern Ireland Environment Agency has received seven formal complaints. One complaint was upheld after investigation.

Engagement with European Political Institutions

Mr B McElduff asked the Minister of the Environment to detail (i) the number of officials within his Department who are currently directly involved in engagement with European political institutions; and (ii) the success rate of his Department in accessing European funding in each of the last three years. **(AQW 2811/11)**

Minister of the Environment: A number of Departmental officials are currently engaged directly with European Institutions in relation to the implementation of EU Directives, infraction proceedings and monitoring programme requirements. However, at any one time, the level of engagement varies greatly and is dependent on the nature of the matter and the current work programme.

Officials are not directly engaged with European Union political institutions in relation to accessing EU funding. Instead they act in support of officials in the European Division of the Department of Finance and Personnel who liaise on behalf of all the departments.

Through the INTERREG IIIA programme and the Building Sustainability Programme, EU Funding of £2.2 million was secured by the Department over the last three financial years as follows:

2007-08	£1,289,000
2008-09	£911,000
2009-10	Nil

Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010

Mr P Callaghan asked the Minister of the Environment how many staff will be required to administer (i) license processing; and (ii) any other aspects of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010. **(AQW 2914/11)**

Minister of the Environment: The Department is currently implementing the provisions of the Goods Vehicles Act with a view to it being operational early in 2012.

At this point in the process it is not known what the staffing requirement for the introduction and management of various aspects of the new licensing system will be. The Department is currently considering resource requirements to enable the Act to be effectively implemented, managed and enforced.

MOT Test

Mr M Storey asked the Minister of the Environment (i) how many cars failed an MOT test in each of the last three years; and (ii) what these figures represent as a percentage of the total number of tests carried out. **(AQW 2971/11)**

Minister of the Environment: The information requested for the last three years has been included in the following table. The table reflects figures for private car vehicle tests ("MOT's") only.

	Private Cars – Vehicle Tests	
	Apr 10 - Oct 10 (Year to date)	
Total	Tests Conducted	383040
	Fail	83160
	Fail %	22%

	Private Cars – Vehicle Tests	
	Apr 09 - Mar 10	
Total	Tests Conducted	604439
	Fail	129844
	Fail %	21%
	Apr 08 - Mar 09	
Total	Tests Conducted	582472
	Fail	122767
	Fail %	21%
	Apr 07 - Mar 08	
Total	Tests Conducted	518190
	Fail	115584
	Fail %	22%

Driving Tests

Mr M Storey asked the Minister of the Environment (i) how many learner drivers failed their driving test in each of the last three years; (ii) what these figures represent as a percentage of the total number of driving tests taken; and (iii) how this figure compares with the rest of the UK.

(AQW 2973/11)

Minister of the Environment: The information requested for the last three years has been included in the following tables. The tables reflect figures for car learner drivers taking their test from 1 April 2007 to 31 March 2010.

NORTHERN IRELAND FIGURES

“L” Tests	1 Apr 2009 to 31 Mar 2010	1 Apr 2008 } to 31 Mar 2009	1 Apr 2007 to 31 Mar 2008
Total tests Conducted	61027	67202	65541
Total tests Failed	30271	36298	35979
% failure rate	49.6%	54%	54.8%

UK COMPARISON FIGURES

“L” Tests	1 Apr 2009 to 31 Mar 2010	1 Apr 2008 to 31 Mar 2009	1 Apr 2007 to 31 Mar 2008
Northern Ireland % failure rates	49.6%	54%	54.8%
*Great Britain % failure rates	46%	45%	44%

* Figures sourced from the 2009/10 Driving Standards Agency Annual Report and Accounts

MOT Test

Mr M Storey asked the Minister of the Environment what is the current average waiting time for an MOT test, broken down by test centre.

(AQW 2974/11)

Minister of the Environment: The information requested has been included in the following table. This information is updated on a weekly basis and posted on the Agency's website.

Vehicle waiting times for week ending 11/12/2010

Test Centre	Average waiting time (days)
Agency	6
Armagh	6
Ballymena	6
Belfast	5
Coleraine	5
Cookstown	6
Craigavon	5
Downpatrick	5
Enniskillen	7
Larne	5
Lisburn	5
Londonderry	6
Mallusk	5
Newry	6
Newtownards	5
Omagh	6

Sustainable Drainage Systems

Mr P McGlone asked the Minister of the Environment to outline his Department's policy on Sustainable Drainage Systems.

(AQW 3016/11)

Minister of the Environment: A Cross-Government Sustainable Drainage Systems (SuDS) Working Party set up and chaired by the Northern Ireland Environment Agency (NIEA), is working towards the publication of a SuDS Strategy which is intended to provide a coherent approach for all stakeholders. A draft Strategy was issued for consultation from July to October 2009.

A number of the Department's Planning Policy Statements (PPSs) already help promote the use of SuDS. In particular PPS 15 'Planning and Flood Risk' includes guidance on the use of SuDS at Annex C of the document. Policy LC 3 of the second Addendum to PPS 7 encourages greater use of permeable paving in urban areas to help reduce flash flooding. In addition, draft PPS 16 on Tourism which was published on 23 November 2010 proposes the appropriate use of surface materials to ensure adequate control of surface water run-off.

Management Training Courses

Mr P McGlone asked the Minister of the Environment how many departmental staff have attended management training courses in each of the last two years.

(AQW 3018/11)

Minister of the Environment: My Department offers a central management development programme which is certified by the Institute of Leadership and Management (ILM). The number of staff attending courses as part of the programme was 31 in 2008/09 and 24 in 2009/10. Staff also attended one off management training courses during this period. The numbers attending these courses were 95 in 2008/09 and 13 in 2009/10.

Sewage Pumping Station at Loughadian Brae

Mrs D Kelly asked the Minister of the Environment to detail (i) any assurance he was given that the sewage pumping station at Loughadian Brae, Poyntzpass was installed correctly; (ii) who approved the installation; (iii) whether an inspection was carried out prior to this approval; (iv) whether the pumping station has been approved, and if not why; (v) who is responsible for the operation of the pumping station; (vi) to outline what conditions were stipulated when approving permission for the pumping station and the emergency overflow; (vii) whether Northern Ireland Environment Agency staff have visited the site in the last four years; and (viii) for an update on any enforcement action in relation to the pumping station.

(AQW 3029/11)

Minister of the Environment: Under the terms of the Water (Northern Ireland) Order 1999, Northern Ireland Environment Agency (NIEA), on behalf of the Department of the Environment, consents continuous or emergency discharges to waterways from commercial, industrial or domestic properties. The pumping station at Loughadian Brae, Poyntzpass was consented by NIEA on 27 July 2007.

The discharge from this asset was inspected by NIEA prior to the consent being issued. The Agency has consented the emergency discharge to the waterway and as such can only enforce the conditions of the discharge consent.

NIEA does not advise on or consent the construction of a pumping station. The Agency is aware of construction issues associated with this pumping station however, the responsibility for dealing with this lies with the consent holder. In this case, the contractor who constructed the pumping station is the consent holder, who I understand has gone out of business. Under these circumstances, responsibility for the pumping station must be taken on by the householders who use the system.

The consent requires the pumping station to be designed to include the following safeguards to minimise the risk of an emergency discharge.

1. All surface (storm) water shall be excluded from the pumping station;
2. A standby pump which automatically activates should the duty pump fail (for reasons other than a power cut) is provided;
3. Suitable storage capacity is provided, usually 6 hours, but in this case 12 hours;
4. Facilities for connection to a mobile generator are provided should power be interrupted;
5. Access is provided for a tanker to remove sewage should both pumps be inoperative;
6. Maintenance schedule and records are to be retained for inspection by NIEA;
7. A telemetry based alarm system to alert the consent holder or their agent should there be a failure of the pump(s);
8. Should a discharge occur 6mm screening is required to limit the discharge of solids.

After a number of complaints regarding this asset NIEA staff visited the pumping station and found that there was no telemetry alarm aerial, which is a breach of its consent. The Agency is currently putting together a file in respect of this breach of consent with a view to submitting this to the Public Prosecution Service.

With regard to pollution complaints made in relation to the pumping station, I can confirm that there have been 2 reports of suspected pollution. The complaints were made in March 2007 and in August 2010. Both were investigated by Water Quality Inspectors acting on behalf of NIEA. During these investigations, there was no active discharge from the site and no evidence was detected of an impact on the adjacent waterway.

Speed Awareness Course

Mr G Campbell asked the Minister of the Environment to outline any restrictions that apply to drivers who have received a caution for speeding and wish to avail of the speed awareness course as a substitute for three points on their licence.

(AQW 3032/11)

Minister of the Environment: The speed awareness course is an initiative run by the Police Service of Northern Ireland and therefore responsibility does not lie with my Department.

I would recommend that you address your question on the restrictions associated with the initiative to the Chief Constable.

Planning Service

Mr P Callaghan asked the Minister of the Environment what requirements exist for Planning Service to consult with planning authorities in the Republic of Ireland in relation to (i) development plans; and (ii) specific applications, which have an impact on border areas.

(AQW 3096/11)

Minister of the Environment: Development Plans

- (i) Article 7 of European Union Directive 2001/42/EC on the assessment of the effects of certain plans or programmes on the environment (commonly known as the SEA Directive) provides for transboundary consultations on draft development plans where either the plan making body considers that the implementation of the plan or programme being prepared in relation to its territory is likely to have significant effects on the environment in another Member State, or in instances where a Member State likely to be significantly affected so requests. The process of strategic environmental assessment (SEA) is undertaken in parallel with the preparation of development plans.

Article 7 of the SEA Directive is transposed by Regulation 13 of the Environmental Assessment of Plans and Programmes Regulations (NI) 2004 and this sets out in greater detail the requirements for transboundary consultations between plan-making authorities in Northern Ireland with their counterparts in the Republic of Ireland. In addition a best practice guidance note on SEA transboundary consultation for development plans is available on the Planning Service website.

While there are no other statutory requirements to consult authorities in the Republic of Ireland, the Department, in the interests of good environmental planning practice, will normally forward copies of all relevant development plan documents to neighbouring County Council(s) in the Republic seeking comments as part of the plan preparation process.

- (i) Specific Applications

Part 6 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 relates to development likely to affect other EEA states.

Where it comes to the attention of my department that an application is likely to have significant effects on the environment in another EEA state my Department shall in accordance with Regulation 18(1) of Part 6 publish a notice in the Belfast Gazette; send to the EEA state the particulars about the application and; give the EEA state a reasonable time in which to indicate whether it wishes to participate in the procedure for which these regulations provide.

In addition, my Department shall in accordance with Regulation 18(4), arrange for the particulars and information in respect of the EIA application to be made available within a reasonable time and will ensure that those authorities and the public concerned are given an opportunity, before planning permission for the development is granted, to forward within a reasonable time frame, their opinion on the information supplied.

In accordance with Regulation 18 (5) my Department shall enter into consultation with the EEA state and agree a timeframe for response.

On the determination of the application concerned, my Department shall in accordance with Regulation 18 (6) inform the EEA state and forward to it a statement of the content of the decision and any conditions attached thereto; the main reasons and considerations on which the decision is based including if relevant, information about the participation of the public; and a description, where necessary, of the main measures to avoid, reduce and if possible, offset the major adverse effects of the development.

Downpatrick Divisional Planning Office

Ms M Ritchie asked the Minister of the Environment (i) whether an Equality Impact Assessment was carried out on his decision to downgrade the Downpatrick Divisional Planning Office to a sub-office; (ii) to detail the results of the Assessment; and (iii) when he will make a decision on this matter.

(AQW 3102/11)

Minister of the Environment: The decision about the status of the Downpatrick Planning Office does not require an Equality Impact Assessment.

Downpatrick Divisional Planning Office

Ms M Ritchie asked the Minister of the Environment to detail the reasons for down-grading Downpatrick Divisional Planning Office to a sub-office.

(AQW 3104/11)

Minister of the Environment: The arrangements for Area Planning Offices are designed around the 11 council clusters. They will provide for an affordable, effective and consistently robust service across Northern Ireland, including Downpatrick, under both the existing 26 councils and when the new 11 council model comes into effect.

Divisional Planning Offices

Ms M Ritchie asked the Minister of the Environment how many (i) planning or technical; (ii) administrative; and (iii) ancillary staff are currently employed in each of the divisional planning offices, broken down by (a) grade; (b) gender; and (c) religious background; and (ii) what are the comparative figures for (a) 2005; (b) 2007; and (iii) 2009.

(AQW 3106/11)

Minister of the Environment: Staffing numbers for the 2009 and 2010 years in the Department's Divisional Planning Offices (DPO) broken down by Grade and gender are set out in the tables below.

Ballymena	2010	2009
Grade	No.	No.
Administrative Assistant	7	11
Administrative Officer	10	14
Personal Secretary	1	1
Executive Officer 2	4	6

Ballymena	2010	2009
Grade	No.	No.
Executive Officer 1	1	1
Staff Officer	1	1
Deputy Principal	0	1
Divisional Planning Manager	1	1
Principal Professional & Technical Officer	4	5
Senior Professional & Technical Officer	9	11
Higher Professional & Technical Officer	21	22
Professional & Technical Officer	13	18
Total	72	92
	2010	2009
Sex	No.	No.
Female	45	58
Male	27	34
Total	72	92
	2010	2009
Classification	No.	No.
Administrative	24	35
Professional & Technical	48	57
Total	72	92

Belfast	2010	2009
Grade	No.	No.
Administrative Assistant	4	12
Administrative Officer	10	14
Personal Secretary	1	1
Executive Officer 2	4	5
Executive Officer 1	1	2
Staff Officer	0	1
Deputy Principal	1	1
Divisional Planning Manager	1	1
Principal Professional & Technical Officer	4	3
Senior Professional & Technical Officer	6	7
Higher Professional & Technical Officer	14	15

Belfast	2010	2009
Grade	No.	No.
Professional & Technical Officer	14	19
Technical Grade 1	1	1
Total	61	82

Belfast	2010	2009
Grade	No.	No.
	2010	2009
Sex	No.	No.
Female	33	43
Male	28	39
Total	61	82
	2010	2009
Classification	No.	No.
Administrative	21	36
Professional & Technical	40	46
Total	61	82

Craigavon	2010	2009
Grade	No.	No.
Administrative Assistant	9	18
Administrative Officer	16	22
Personal Secretary	1	1
Executive Officer 2	2	5
Executive Officer 1	2	2
Staff Officer	0	1
Deputy Principal	1	1
Divisional Planning Manager	1	1
Principal Professional & Technical Officer	3	4
Senior Professional & Technical Officer	11	13
Higher Professional & Technical Officer	25	26
Professional & Technical Officer	20	34
Total	91	128
	2010	2009
Sex	No.	No.
Female	47	69
Male	44	59
Total	91	128

Craigavon	2010	2009
Grade	No.	No.
	2010	2009
Classification	No.	No.
Administrative	31	50
Professional & Technical	60	78
Total	91	128

Downpatrick	2010	2009
Grade	No.	No.
Administrative Assistant	8	15
Administrative Officer	7	14
Personal Secretary	1	1
Executive Officer 2	3	5
Executive Officer 1	1	3
Staff Officer	0	1
Deputy Principal	1	1
Divisional Planning Manager	1	1
Principal Professional & Technical Officer	3	5
Senior Professional & Technical Officer	7	8
Higher Professional & Technical Officer	18	22
Professional & Technical Officer	14	24
Total	64	100
	2010	2009
Sex	No.	No.
Female	40	64
Male	24	36
Total	64	100
	2010	2009
Classification	No.	No.
Administrative	21	40
Professional & Technical	43	60
Total	64	100

Londonderry	2010	2009
Grade	No.	No.
Administrative Assistant	6	8
Administrative Officer	7	16
Personal Secretary	1	1
Executive Officer 2	3	4
Executive Officer 1	0	2
Staff Officer	0	1
Deputy Principal	1	1
Divisional Planning Manager	1	1
Principal Professional & Technical Officer	4	5
Senior Professional & Technical Officer	8	11
Higher Professional & Technical Officer	20	20
Professional & Technical Officer	19	20
Total	70	90
	2010	2009
Sex	No.	No.
Female	39	49
Male	31	41
Total	70	90
	2010	2009
Classification	No.	No.
Administrative	18	33
Professional & Technical	52	57
Total	70	90

Omagh	2010	2009
Grade	No.	No.
Administrative Assistant	5	14
Administrative Officer	15	23
Personal Secretary	1	1
Executive Officer 2	4	6
Executive Officer 1	0	2
Staff Officer	1	1
Deputy Principal	1	1

Omagh	2010	2009
Grade	No.	No.
Divisional Planning Manager	1	1
Principal Professional & Technical Officer	4	4
Senior Professional & Technical Officer	9	9
Higher Professional & Technical Officer	29	28
Professional & Technical Officer	8	20
Technical Grade 1	1	1
Typist	1	2
Support Grade 2	2	4
Total	82	117
	2010	2009
Sex	No.	No.
Female	41	62
Male	41	55
Total	82	117
	2010	2009
Classification	No.	No.
Administrative	28	50
Professional & Technical	52	63
Ancillary	2	4
Total	82	117

The Northern Ireland Civil Service (NICS) collects equality monitoring information for the purpose of providing statutory reports to the Equality Commission and also to enable the Service to monitor the effectiveness of its corporate equal opportunities policies. These functions are carried out by the Department of Finance and Personnel looking at the whole of the NICS as a single employer. This means that equality monitoring information is not held or processed in a way that identifies the profile of individual offices. Therefore, details on religious background cannot be provided.

For the 2005 and 2007 years the only figures available are overall staff numbers for each of the Divisional Offices and these are as follows-

2005

Divisional Office	Staff Numbers
Londonderry/Coleraine	85
Ballymena	88
Craigavon	111
Omagh/ Enniskillen	104

Divisional Office	Staff Numbers
Belfast	80
Downpatrick	97
Total	565

2007

Divisional Office	Staff Numbers
Londonderry/Coleraine	89
Ballymena	92
Craigavon	124
Omagh/ Enniskillen	116
Belfast	80
Downpatrick	87
Total	588

I previously explained to you in my letter of the 30 November 2010, the need to reduce staffing levels in the Planning Service and on 13 December 2010, I also provided you with details of the number of staff employed in the Downpatrick DPO in the Administrative disciplines.

Planning Applications

Ms M Ritchie asked the Minister of the Environment to detail the number of planning applications processed to decision stage in each divisional planning office in (i) 2005/06; (ii) 2006/07; (iii) 2007/08; (iv) 2008/09; (v) 2009/10; and (vi) 1 April 2010 to 30 November 2010, broken down by District Council area.

(AQW 3113/11)

Minister of the Environment: The information requested is contained in Planning Service's annual and quarterly development management reports. The most recently published information is up to the period September 2010. The next quarterly report is due to be published in March 2011. The details requested are set out in the table below.

	2005/06	2006/07	2007/08	2008/09	2009/10	April 10/ June 10	July 10/Sept 10
Belfast Division							
Belfast	2438	2345	2493	2512	1807	393	269
Castlereagh	533	581	537	489	447	89	106
Newtownabbey	639	593	592	541	610	124	97
Ballymena Division							
Antrim	1144	1059	867	751	660	122	147
Ballymena	1270	1136	1038	894	850	139	184
Carrickfergus	290	302	324	322	270	79	55
Magherafelt	1273	1309	905	883	825	143	171
Larne	344	360	372	399	381	92	107
Craigavon Division							
Armagh	1289	1073	1472	987	756	193	152
Banbridge	993	1089	1072	976	599	147	198
Craigavon	1121	962	1051	890	760	196	179
Newry & Mourne	2375	1655	2183	1876	1551	352	469
Coleraine Division							
Ballymoney	771	666	558	541	342	83	74
Coleraine	1131	1232	956	1095	763	201	162
Moyle	426	406	291	397	332	88	77

	2005/06	2006/07	2007/08	2008/09	2009/10	April 10/ June 10	July 10/Sept 10
Downpatrick Division							
Ards	1307	1141	1004	947	846	232	220
Down	1616	1385	985	978	969	196	195
Lisburn	1541	1278	1116	1277	1161	284	229
North Down	616	815	747	930	684	188	178
Enniskillen Division							
Fermanagh	2008	2507	2032	1506	1427	259	335
Londonderry Division							
Derry	968	1014	1237	878	832	143	199
Limavady	773	553	500	508	344	80	99
Omagh Division							
Cookstown	980	979	901	776	659	114	152
Dungannon & South Tyrone	1708	1926	1472	1336	955	253	209
Omagh	1591	1688	1254	1208	890	172	202
Strabane	1016	1030	621	740	503	103	117

(Applications decided does not include withdrawn applications)

Sub-office of the Downpatrick Divisional Planning Office

Ms M Ritchie asked the Minister of the Environment, following the staff and office rationalisation procedures, how many (i) planning or technical; (ii) administrative; and (iii) ancillary staff are currently employed in the sub-office of the Downpatrick Divisional Planning Office, broken down by (a) grade; (b) gender; and (c) religious background.

(AQW 3121/11)

Minister of the Environment: The current staffing numbers for the Downpatrick Divisional Planning Office broken down by Grade and gender are given set out in the table below.

	2010
Grade	No.
Administrative Assistant	8
Administrative Officer	7
Personal Secretary	1
Executive Officer 2	3
Executive Officer 1	1
Deputy Principal	1
P&T officer	14
Higher P&T officer	18
Senior P&T officer	7
Principal P&T officer	3
Grade 6 Divisional Manager	1
Total	64
	2010
Gender	No.
Female	40
Male	24
Total	64

The Northern Ireland Civil Service (NICS) collects equality monitoring information for the purpose of providing statutory reports to the Equality Commission and also to enable the Service to monitor the effectiveness of its corporate equal opportunities policies. These functions are carried out by the Department of Finance and Personnel looking at the whole of the NICS as a single employer. Equality monitoring information is not held or processed in a way that identifies the profile of individual offices. Therefore, details on the religious background of the workforce in the Downpatrick office cannot be provided.

Plastic Bag Levy

Mr D McKay asked the Minister of the Environment when regulations to introduce a plastic bag levy will be brought forward if the draft Budget is approved.

(AQW 3123/11)

Minister of the Environment: In order to introduce a single use bag levy in Northern Ireland it will first be necessary to have relevant primary legislation passed by the Assembly. My officials are looking at how this can be brought forward as soon as possible. Regulations, made under the primary legislation, will also be required to enable the levy to operate and I can confirm that work on these will commence alongside the process to put in place the necessary primary legislation.

Tree Preservation Orders

Mr T Burns asked the Minister of the Environment how many Tree Preservation Orders have been revoked for the purpose of granting planning permission in each local council area, in each of the last ten years.

(AQW 3165/11)

Minister of the Environment: No Tree Preservation Orders have been revoked for the purpose of granting planning permission since April 2006.

Information in the form requested for the period prior to April 2006 is not readily available and could only be obtained at a disproportionate cost. It is unlikely however that a Tree Preservation Order would be revoked for the purpose of granting planning permission because of the fact that planning permission overrides Tree Preservation Orders.

Planning Application H/2008/0089/F

Mr P McGlone asked the Minister of the Environment, in relation to planning application H/2008/0089/F, to detail (i) when it was validated; (ii) when it was presented to Magherafelt District Council with an option to approve; (iii) when it was referred to his office and for how long he has been considering this application; (v) whether the Planning Service has made a decision or when he expects a decision to be made.

(AQW 3214/11)

Minister of the Environment:

- (i) A valid planning application for a hotel at Magherafelt Road, Castledawson was received by my officials on 4 February 2008.
- (ii) An initial opinion was taken to council on 10 February 2009 with an opinion to refuse on 4 grounds.
- (iii) A meeting took place with Martin McGuinness MP on 27 March 2009.
- (iv) My officials further consulted Magherafelt District Council with an opinion to approve the application on 9 June 2009.
- (v) Subsequent to this, Dr McCrea MP MLA made representations to my officials on behalf of objectors and I met Dr McCrea on 19 January 2010 at which time he raised a number of detailed points on behalf of the objectors.
- (vi) I have received further advice and I am currently considering the issues raised on behalf of the objectors. I intend to make a decision to determine the application in the near future.

Draft Savings Delivery Plans

Mr T Lunn asked the Minister of the Environment if he can confirm that his Department will publish its draft Savings Delivery Plans within one week of the publication of the draft Budget 2011-2015; and whether it will include details of departmental saving measures and the potential impact of these measures.

(AQW 3217/11)

Minister of the Environment: My Department are currently working through the detail of the Executive's Draft Budget and assessing the implications for the Department's services and programmes. Every effort is being made to publish this information as soon as possible which will include details of spending proposals and savings measures.

Fast Food Outlets in the Vicinity of Schools

Mr C Lyttle asked the Minister of the Environment if he has any plans to propose planning policy to control the development of fast food outlets in the vicinity of schools.

(AQW 3226/11)

Minister of the Environment: I have no plans to control the development of fast food outlets in the vicinity of schools.

Department of Finance and Personnel

Civil Service: Temporary Contracts

Mr J Craig asked the Minister of Finance and Personnel how many staff employed within the Civil Service and the respective arm's-length bodies are currently employed on temporary or 51-week contracts.

(AQW 1722/11)

Minister of Finance and Personnel (Mr S Wilson): The numbers of staff employed on temporary or 51 week contracts at 3 November 2010 within the NI Civil Service and the respective arms-length bodies are set out on the attached table.

NUMBER OF STAFF EMPLOYED IN THE NI CIVIL SERVICE AND THE RESPECTIVE ARM'S-LENGTH BODIES CURRENTLY EMPLOYED ON TEMPORARY OR 51-WEEK CONTRACTS AT 3 NOVEMBER 2010

Department	Core Dept / Agencies	Arm's-Length Bodies	Overall Total
DARD	26	0	26
DCAL	6	101	107
DE	9	913	922
DEL	25	1291	1316
DETI	7	20	27
*DFP	109	0	109
DHSSPS	5	0	5
DOE	106	2	108
DOJ	52	783	835
DRD	12	30	42
DSD	157	194	351
OFMDFM	0	7	7
PPS	13	0	13
Overall Total	527	3341	3868

Notes: *DFP - Figure provided is at 15 October 2010.

Civil Service Overtime

Mr P McGlone asked the Minister of Finance and Personnel to outline the procedures and protocols governing the working of overtime by Civil Servants; and what grades can authorise overtime.

(AQW 2160/11)

Minister of Finance and Personnel: The NICS policy for the payment of overtime is contained within Chapter 8.08 of the HR Handbook, a copy of which has been placed in the Library for information. Overtime can be worked with the prior approval of the Head of Branch. Payment of overtime worked is normally authorised by Staff Officer or above. However, exceptions exist in the Department of Culture Arts and Leisure, the Department of the Environment, the Department for Social Development and

the Department for Regional Development whereby payment of overtime can be approved at Executive Officer 1 or analogous grades for business reasons.

Saving Plans

Sir Reg Empey asked the Minister of Finance and Personnel which Departments have presented him with saving plans and which have yet to do so.

(AQW 2612/11)

Minister of Finance and Personnel: Departments have not been asked to submit Savings Delivery Plans to DFP. Instead they have been asked to publish their Savings Delivery Plans at the same time as, or shortly after, the publication of the draft Budget.

However, Departments were asked to enter details onto the DFP database of the spending areas where the indicative level of savings should be made. This was to have been completed by 26 August. To date only four Departments, DCAL, DETI, DFP and DOE, have complied with this request.

Legislative Proposals in the European Commission

Mr A Ross asked the Minister of Finance and Personnel whether there is a specific individual or section within his Department to identify, at an early stage, legislative proposals in the European Commission and the potential impact on Northern Ireland.

(AQW 2789/11)

Minister of Finance and Personnel: OFMDFM's European Policy and Co-Ordination Unit (EPCU) has a role to monitor EU Directives across NI Departments. EPCU notifies all EU Co-Ordinators of all newly adopted EU Directives on a monthly basis.

DFP has an EU Co-ordinator, who is responsible for notifying business areas within the Department of all EU Directives. It is the responsibility of the business area to identify the potential impact on Northern Ireland.

Engagement with European Political Institutions

Mr B McElduff asked the Minister of Finance and Personnel to detail (i) the number of officials within his Department who are currently directly involved in engagement with European political institutions; and (ii) the success rate of his Department in accessing European funding in each of the last three years.

(AQW 2794/11)

Minister of Finance and Personnel: Officials in my department are not involved in engagement with political institutions. Officials in the main deal with the European Commission through the Commission's departments or Directorates General.

In 2007 my Department succeeded in securing a substantial package of EU funding for the 2007-13 period through the Regional Competitiveness & Employment Programme, the PEACE III Programme and the INTERREG IVA Programmes with these allocations confirmed to Northern Ireland through Commission Decisions at the outset of the funding period. In addition to this funding package my Department has worked to increase Northern Ireland's participation in the INTERREG IVB transnational and INTERREG IVC interregional programmes. These programmes award funds competitively to partnerships of organisations from several member states. DFP aims to treble the number of projects with Northern Ireland partners from a baseline figure of 17 approvals during the 2000-06 programming period. So far, in the 2007-13 period, there have been 35 projects approved from 96 applications which involve Northern Ireland. These projects will see local partners working with over 50 organisations from 23 Member States and non-member states. They will bring more than €6.3 million additional European funding to Northern Ireland.

Work is continuing to ensure NI accesses the remaining funds which will be awarded under these programmes under next 12-18 months.

Redundancy Packages

Mr T Elliott asked the Minister of Finance and Personnel for his assessment of the redundancy terms on offer in the public sector compared to those in the private sector.

(AQW 2920/11)

Minister of Finance and Personnel: The Department has not commissioned any comparison of the redundancy terms in the public sector and the private sector.

It should be noted that the Department of Finance and Personnel administers the Principal Civil Service Pension Scheme (Northern Ireland) only for Civil Servants and those Non Departmental Public Bodies, which are listed at Annex 2, of the 1972 Section of that scheme.

Redundancy Payments

Mr T Elliott asked the Minister of Finance and Personnel to detail (i) the number of Civil Service personnel who received redundancy payments in each of the last three years; (ii) the total amount paid out in each year; and (iii) the number of redundancy payments totalling in the current year to date (a) £10,000 or less; (b) £10,001 - £20,000; (c) £20,001 - £30,000; (d) £30,001 - £40,000; (e) £40,001 - £50,000; and (f) above £50,000.

(AQW 2922/11)

Minister of Finance and Personnel: In 2007/2008 one Civil Servant was made redundant, the cost of which cannot be disclosed as this would be in breach of the Data Protection Act; in 2008/2009 no Civil Servants were made redundant; and in 2009/2010 two Civil Servants were made redundant. The 2009/2010 cost was £124,756, which includes the initial costs for leavers during 09/10 years, and any ongoing liabilities.

The number of redundancies and redundancy payments totalling in the current year to date are two within the £10,001 - £20,000 bracket. These payments are for ongoing Annual Compensation Payments only, paid from 1 April 2010 to 30 Nov 2010. No Civil Service personnel left on redundancy in 2010/11 to date.

Lone Pensioner Allowance

Mr P Weir asked the Minister of Finance and Personnel how many pensioners in the (i) North Down constituency; and (ii) the North Down Borough Council area have benefited from the Lone Pensioner Allowance since its introduction; and how much they have saved on their rates bill as a result.

(AQW 2964/11)

Minister of Finance and Personnel: The table below shows the total Lone Pensioner's Allowance awards made by Land & Property Services for owner occupiers in the North Down Borough Council area, along with their total value (as at 12 December 2010):

Council	Total awards 01 April 08 to date	Total value £
North Down Borough	1,962	£958,791

The Northern Ireland Housing Executive administers Lone Pensioner's Allowance for the social and private rented sectors. The Executive has supplied the following information on total current awards of Lone Pensioner Allowance by its relevant office (as at 30 November 2010):

NIHE Office	Total current awards
Bangor	282

Land & Property Services records show the total amount awarded by NIHE during the period for the North Down Borough Council area (as at 12 December 2010):

Council	Total value of awards 01 April 08 to date
North Down Borough	£103,465

Information is not available for North Down constituency as Land & Property Services records Lone Pensioner's Allowance information by local government district and not parliamentary constituency.

The Level of VAT on Extensions and Refurbishments on Buildings

Mr A Maginness asked the Minister of Finance and Personnel, given the difficulties confronting small builders and construction firms, whether he will consider requesting that HM Treasury varies downwards the level of VAT on extensions and refurbishments on buildings with a value not exceeding £100,000.

(AQW 2985/11)

Minister of Finance and Personnel: While I have not recently received any substantive proposals in relation to reducing VAT on extensions and refurbishments, I am firmly of the view that we should consider all possible options to support economic growth in Northern Ireland.

As you will be aware, the Coalition Government will shortly be publishing its consultation paper on rebalancing the Northern Ireland economy. A draft of this has recently been received and while the document focuses primarily on mechanisms for reducing the rate of corporation tax in Northern Ireland, the Government have also indicated that they are willing to consider other tax options to stimulate the local economy.

I am happy to consider any proposals developed for reducing VAT on extensions and refurbishments in this context. I intend engaging with Treasury Ministers, in conjunction with Executive colleagues, on the Government's paper early in the New Year. Furthermore, I would also encourage local stakeholders to respond to the Government's consultation with any views or proposals they may have and I will be pressing the Treasury to give these full consideration.

Desertcreat College Development

Mr P McGlone asked the Minister of Finance and Personnel, in light of the budget announcement of 15 December 2010, what financial commitment his Department has made to the Desertcreat college development; and to outline the expected timescale for the project.

(AQW 3103/11)

Minister of Finance and Personnel: My Department has made no financial commitment to the Desertcreat College and I am not in a position to comment on any associated timescale for the project. The Minister of Justice and the Minister of Health, Social Services and Public Safety would be better placed to respond.

Christmas Bonuses

Mr T Burns asked the Minister of Finance and Personnel to detail (i) the number of civil servants in each Department who are receiving Christmas bonuses this year; (ii) the monetary value of the individual bonuses; and (iii) the total of all the bonuses, broken down by grade.

(AQW 3105/11)

Minister of Finance and Personnel: The NICS does not pay Christmas bonuses to any of its staff.

Plastic Bag Levy

Mr D McKay asked the Minister of Finance and Personnel on what price for a single plastic bag is the estimated £4 million revenue projection for the introduction of a plastic bag levy based.

(AQW 3122/11)

Minister of Finance and Personnel: In developing the estimated resource generated by a plastic bag levy it was assumed that the levy per bag would be 15p.

Based on current estimates some 189 million 'single use' carrier bags were used in Northern Ireland in 2009-10. As such a 15p levy per bag would generate some £28.4 million per annum. An adjustment to this figure was then made to account for the estimated decline in usage due to changes in consumer behaviour. An allowance was also made for the costs that the Executive will incur for administration, enforcement and promotion of the levy.

Plastic Bag Levy

Mr D McKay asked the Minister of Finance and Personnel whether a preferred use for the revenue raised by a plastic bag levy has been identified by the Executive; and if so, what is the preferred use.
(AQW 3124/11)

Minister of Finance and Personnel: The proposed plastic bag levy receipts have been initially allocated to the advancement of the Green New Deal.

Dormant Bank Accounts Scheme

Mr D O'Loan asked the Minister of Finance and Personnel for an update on the progress towards a dormant bank accounts scheme.
(AQW 3133/11)

Minister of Finance and Personnel: As you will be aware, this is a Treasury led initiative and therefore the timetable for the release of funds to the Reclaim Fund, the Big Lottery Fund and ultimately the opening of the applications process of the scheme is affected by a number of factors which are beyond the Executive's control.

HM Treasury have recently confirmed that the Co-operative Financial Services submitted their application to establish and administer the Reclaim Fund to the Financial Services Authority in November 2010. The Co-operative Financial Services expect to have the Reclaim Fund set up in spring 2011 subject to the Financial Services Authority approval and following this, it expects to be able to release the first tranche of surplus dormant accounts funds in the second quarter of 2011.

Based on the latest estimates provided by the Co-operative Financial Services a Barnett Share for Northern Ireland would be £1.5 – 2.9m. However, this is an estimate only and could be higher or lower.

In line with Section 17 of the Dormant Bank and Building Society Accounts Act 2008, HM Treasury will initiate a consultation exercise with all the Devolved Administrations on the apportionment process early this year concluding, in April 2011 at the latest. It is then expected that the draft Apportionment Order will be drafted, laid in Parliament and passed by the House of Lords and House of Commons by May 2011.

In light of the continued uncertainty around the amounts likely to be available for the Scheme, I have decided that it would be prudent to await the outcome of the HM Treasury apportionment process before making my recommendations on priorities for the Scheme. At that point I would hope to have a clearer picture of the level of funding likely to be available to Northern Ireland and will be better placed to formulate the priorities.

NI Civil Service Art Collection

Mr D O'Loan asked the Minister of Finance and Personnel to list (i) the title; (ii) the artist; (iii) the current valuation; and (iv) the last known location, of the 14 paintings belonging to the NI Civil Service art collection whose whereabouts are unknown.
(AQW 3134/11)

Minister of Finance and Personnel: The information requested is as follows.

(I) Title	(II) Artist	(III) Current Valuation £	(IV) Last Known Location
New Grange Restored	Malcolm Bennett	1,800	LEDU Office, Franklin Street, Belfast
Girl On a Sunbed	Betty Brown	225	Dungannon Crown Building, Thomas Street, Dungannon
Autumn Lane	Maisie Kennedy	120	Lincoln Buildings, Gt. Victoria Street, Belfast
Untitled	Felim Egan	1,750	Castle Buildings, Stormont Estate
The Black Box Painting	Rosaleen Davey	2,800	River House, High Street, Belfast
The Sleeper	Paul Finnegan	800	River House, High Street, Belfast
Figure In A Studio	David Crone	3,000	Gloucester House, Chichester Street, Belfast
At Whiterock, Co. Down	Denis Orme Shaw	610	Netherleigh House, Massey Avenue, Belfast
Lagan Canal, Shaw's Bridge	Romeo C Toogood	1,250	Dundonald House, Stormont Estate
Retablo 1	Alphonso Monreal	475	Castle Buildings, Stormont Estate
Retablo 2	Alphonso Monreal	475	Castle Buildings, Stormont Estate
Tullymore	David Crone	4,500	Dundonald House, Stormont Estate
Smithfield Market, Belfast	Colin Gibson	250	Rosepark House, Upper Newtownards Road, Belfast
Coastal Scene	Paul Cunningham	750	Castle Buildings, Stormont Estate

Housing Associations

Mr G Savage asked the Minister of Finance and Personnel to outline the mechanism by which the Executive hopes to obtain £80m from Housing Associations over the budget period 2011-15. [R]
(AQW 3138/11)

Minister of Finance and Personnel: This issue will now be taken forward by the DSD Minister. It is not the case that the Executive will obtain this funding directly from the Housing Associations. Instead, the Housing Associations have been asked to deliver an additional £80 million of new social housing over the four year Budget period, which has freed up resources previously drawn from DSD for allocation elsewhere.

Presbyterian Mutual Society

Mr D O'Loan asked the Minister of Finance and Personnel whether the £25 million contribution to the Executive in relation to the Presbyterian Mutual Society is a gift or a loan; and whether the £25 million contribution by the Executive to the PMS is a gift or a loan.
(AQW 3157/11)

Minister of Finance and Personnel: The exact details of how the proposed Mutual Access Fund element of Presbyterian Mutual Society (PMS) solution have not yet been finalised and any final

solution will be subject to the agreement of the Executive, the Assembly, the EU, and PMS creditors and members.

The Government's £25 million contribution to this was conferred in the Spending Review and our own draft Budget makes provision for the Executive's £25 million contribution. In making their contribution the Government has required that it be repaid from any available surplus at the end of the 10-year loan workout period for PMS assets. After this any remaining surplus would be available for distribution to PMS creditors and members.

Capital Projects

Mr G Savage asked the Minister of Finance and Personnel (i) to detail the proposed amount available for expenditure on capital projects for the budget period 2011-2015; (ii) for a breakdown of the projects in each Department; and (iii) for his assessment of the impact that this will have on the construction industry.

(AQW 3168/11)

Minister of Finance and Personnel: The total planned gross capital expenditure over the four year Budget period amounts to some £5.2 billion.

Departments have full flexibility in terms of what projects or programmes to take forward and it will be for each Department to now make their investment intentions clear as part of the consultation process.

Although the capital DEL allocation from Treasury will reduce considerably over the Budget period, the Executive has ensured that some £1.5 billion will be invested in 2014-15. This is similar to the level in 2005-06 and exceeds the long term trend. Whilst there will be some impact on the local construction sector, the Executive's proposals will ensure that the construction sector will not be as adversely affected as some had predicted.

Investment Strategy for Northern Ireland 2008-18

Mr G Savage asked the Minister of Finance and Personnel what impact the publication of the draft Budget will have on the investment strategy for Northern Ireland (2008-18).

(AQW 3169/11)

Minister of Finance and Personnel: The existing investment strategy for Northern Ireland (2008-18) will be replaced by a new investment strategy to reflect the changed financial circumstances.

Plastic Bag Levy

Mr G Savage asked the Minister of Finance and Personnel whether all revenue generated by the plastic bag levy will be directed to support the Green New Deal.

(AQW 3171/11)

Minister of Finance and Personnel: The proposed plastic bag levy receipts have been initially allocated to the advancement of the Green New Deal, however the specific details of the plastic bag levy scheme and any ongoing link with Green New Deal have yet to be finalised.

Plastic Bag Levy

Mr B Wilson asked the Minister of Finance and Personnel whether all the revenue generated by the plastic bag levy will be invested in a Green New Deal programme.

(AQW 3173/11)

Minister of Finance and Personnel: The proposed plastic bag levy receipts have been initially allocated to the advancement of the Green New Deal, however the specific details of the plastic bag levy scheme and any ongoing link with Green New Deal have yet to be finalised.

Non-domestic Regional Rate

Mr G Savage asked the Minister of Finance and Personnel for her assessment of the additional expenditure that may be incurred by local small and medium-sized enterprises as a result of the proposed increase in the non-domestic regional rate.

(AQW 3187/11)

Minister of Finance and Personnel: I announced as part of the draft budget that the non-domestic regional rate will be kept at the rate of inflation (using the GDP deflator). For the purpose of the budget document this equates to 2%, 2.25%, 2.5% and 2.5% over the four year budget period. These figures will be kept under review to reflect any changes to inflation in the interim.

Under the rating system businesses are not classified according to their size. However, for those businesses with an NAV of £5,000 (which is the upper NAV threshold for the small business rate relief scheme), a 2% increase in the non-domestic regional rate would increase that element of a rate bill by around £23, in 2011/12, to £2101 on average (after relief).

Using recent trend data would provide an increase in the non-domestic district rate, of 4.6% between 2010-11 and 2011-12. The increase for the district rate aspect of the same rate bill, using that assumption, would on average be around £41 for a property with an NAV of £5,000.

For illustration, on the same basis, the overall average bill for business rates (properties with an NAV of around £18,000) would increase next year by a little over £300, of which around £110 would be associated with the regional rate. Using inflation as the basis of the non-domestic regional rate increase means that while there will be an increase to that aspect in monetary terms, it represents a freeze in real terms.

Plastic Bag Levy

Mr J Craig asked the Minister of Finance and Personnel (i) how much he estimates the carrier bag levy will raise in revenue; (ii) whether the levy will also apply to paper bags; (iii) when it will come into force; (iv) which Department will collect and distribute the revenue; (v) and how will the levy be enforced.

(AQW 3199/11)

Minister of Finance and Personnel: The introduction of a carrier bag levy is a matter for the Environment Minister to now progress. There were an estimated 189 million 'single use' plastic bags used in Northern Ireland in 2009-10. Allowing for changes in consumer behaviour and costs in administering and enforcement of the new scheme should allow for some £4million per annum to be generated. The draft Budget paper assumed that the levy will begin generating the additional revenue in 2011-12. The revenue raised will accrue to the Department of the Environment. In terms of enforcement and collection of revenue this will be for the Environment Minister to consider and advise on.

Draft Savings Delivery Plans

Mr S Neeson asked the Minister of Finance and Personnel whether his Department will publish its draft Savings Delivery Plans within one week of the publication of the draft Budget 2011 -2015; and whether it will include details of departmental savings measures and their anticipated impact.

(AQW 3204/11)

Minister of Finance and Personnel: My Department is planning to publish its draft spending and savings proposals before Christmas. This will include its draft savings delivery plan, details of departmental savings measures and their anticipated impact.

Non-Domestic Regional Rates

Mr G Savage asked the Minister of Finance and Personnel for his assessment of the impact that an increase in non-domestic regional rates will have on the economy.

(AQW 3211/11)

Minister of Finance and Personnel: I announced, as part of the draft budget, that the non-domestic regional rate will be kept at the rate of inflation over the next four years. The GDP deflator will be used as the measure of this. For the purpose of the budget document this equates to 2%, 2.25%, 2.5% and 2.5% over the four year budget period. These figures will be kept under review, to reflect any changes to the deflator. For the 2011-12 rating year this compares favourably to England where the inflationary increase in the non-domestic rate is based on the September 2010 retail price index figure of 4.6%. Similar increases are proposed for Scotland and Wales.

Using inflation as the basis of the increase means that while there will be an increase to the regional rate in monetary terms, there will be no change to the regional rate aspect of rate bills in real terms and thus represents a freeze in real terms. In light of this I consider that Northern Ireland's competitive position will not be adversely affected given the modest increase in the regional rate, which is lower than comparable figures elsewhere for 2011-12.

In addition, the Executive is providing a range of additional assistance to businesses through the rating system. The small business rate relief scheme is providing help of around £8million per annum to more than 16,000 of our smaller businesses in Northern Ireland. The level of rates for manufacturing will also continue to be held at 30% for the next four years, currently saving businesses around £50m per year. This will help businesses of all sizes, large and small. These highlight the range of work undertaken by the Executive to support business.

The position on both the regional rate and manufacturing rates is subject to consultation, as part of the budget, and Assembly approval in due course.

Department of Health, Social Services and Public Safety

Cardiac Units

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety how many times, in the past 12 months, cardiac units in each Health and Social Care Trust have had to use a taxi to respond to an urgent call because an ambulance was not available.

(AQW 1924/11)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): In the past 12 months there have been 15 occurrences of a taxi being used by cardiac units to respond to an urgent call because an ambulance was not available. These instances occurred within the Western Health and Social Care Trust and were consistent with the agreed protocols that ensure patients who require emergency out of hospital cardiac care receive the medical attention they require without delay.

In these circumstances taxis were used to transport clinical staff to the patient. Any patient seen by a cardiac team who then required admission to hospital will have been transported by ambulance.

An increase in the DHSSPS budget would allow me to invest in cardiac services going forward.

Carlisle House Substance Misuse Treatment Centre

Mr A Maginness asked the Minister of Health, Social Services and Public Safety whether he will intervene to prevent the Health and Social Care Board from removing its support in March 2011 for three beds in the Carlisle House Substance Misuse Treatment Centre.

(AQW 2304/11)

Minister of Health, Social Services and Public Safety: The commissioning of local addiction services is the responsibility of the Health and Social Care system, based on an assessment of local clinical need. The Northern Health and Social Care Trust (NHSCT) undertook a review of Tier 4 (inpatient) treatment services as part of the Trust's Modernisation and Reform Plan. As an outcome of this review, the decision to reduce the contract with Carlisle House from six beds to three beds was taken to balance the complement of the full range of service provision in the area.

The Trust is working with local partner agencies to improve working arrangements with organisations, such as Carlisle House, in the development of an integrated care pathway and the establishment of more robust governance arrangements that will improve information sharing, patient safety and quality of care. I understand that the Trust has been working closely over a number of months with Carlisle House in the process of contract renegotiation to achieve a successful outcome for all parties.

Carlisle House Substance Misuse Treatment Centre

Mr A Maginness asked the Minister of Health, Social Services and Public Safety, in light of the Health and Social Care Board's decision to withdraw its support from March 2011 for three beds in the Carlisle House Substance Misuse Treatment Centre, what action he is taking to ensure that the beds are supported by another organisation so that Carlisle House maintains full occupancy.

(AQW 2305/11)

Minister of Health, Social Services and Public Safety: The commissioning of local addiction services is the responsibility of the Health and Social Care system, based on an assessment of local clinical need. The Northern Health and Social Care Trust (NHSCT) undertook a review of Tier 4 (inpatient) treatment services as part of the Trust's Modernisation and Reform Plan. As an outcome of this review, the decision to reduce the contract with Carlisle House from six beds to three beds was taken to balance the compliment of the full range of service provision in the area.

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Student and Volunteer Workers

Mr J Craig asked the Minister of Health, Social Services and Public Safety how many hospitals are currently recruiting students or volunteers to help out in medical departments; and what specific roles do these volunteers or students fulfil.

(AQW 2663/11)

Minister of Health, Social Services and Public Safety: Most Trusts report that they do not actively recruit students or volunteers to help out in medical departments. However, Trusts try to facilitate a large number of requests from students for volunteer placements. Volunteers are involved in 23 hospital sites across the five Trusts. Volunteer roles vary across Trusts and include: wheelchair pushers, meet and greet, befriending roles, buddies on children's wards, patient visiting and ward support.

BMF Business Services

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety how much his Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2674/11)

Minister of Health, Social Services and Public Safety: Since May 2007 £16,170 has been spent on BMF Business Services by the Department and arm's-length bodies.

Lip-Reading Classes

Mr P Weir asked the Minister of Health, Social Services and Public Safety what plans his Department has to provide financial support for lip-reading classes.

(AQW 2675/11)

Minister of Health, Social Services and Public Safety: It is for the Health and Social Care Board to commission services to meet the needs of the population of Northern Ireland. However, my Department is currently developing a new Disability Strategy for Northern Ireland, which will aim to improve

outcomes and support for those with a physical disability, communication and/or sensory impairment, including those with hearing loss.

The draft strategy includes an action to review existing sensory rehabilitation services from a user perspective with a view to promoting provision of cost effective and timely services.

Induction Loops

Mr P Weir asked the Minister of Health, Social Services and Public Safety what action he is taking to increase the provision of fully functioning and maintained induction loop systems by his Department's service providers.

(AQW 2676/11)

Minister of Health, Social Services and Public Safety: Individuals with a sensory impairment are individually assessed by Sensory Support Services in Health and Social Care Trusts to determine their needs. Sensory equipment, including induction loop systems in private dwellings, is provided on the basis of this assessed need and available resources. Sensory support staff facilitate the provision of equipment and review the ongoing maintenance needs of the equipment with individual clients.

Furthermore, the Regional Sensory Services Group, chaired by the Health and Social Care Board and which includes RNID representation, is currently considering the development of a standardised equipment policy and access criteria for across NI.

Acquired Hearing Loss

Mr P Weir asked the Minister of Health, Social Services and Public Safety what plans are in place to create a strategy for the rehabilitation of people with acquired hearing loss.

(AQW 2678/11)

Minister of Health, Social Services and Public Safety: My Department is currently developing a new Disability Strategy for Northern Ireland, which is expected to be issued for consultation by the end of 2010. The strategy will aim to improve outcomes and support for those with a physical disability, communication and/or sensory impairment, including those with acquired hearing loss.

The draft strategy includes an action to review existing sensory rehabilitation services with a view to promoting provision of cost-effective and timely services

Closure of Hospital Wards

Mr J Craig asked the Minister of Health, Social Services and Public Safety to provide details of all hospitals which currently have wards, units or areas which (i) are permanently closed; or (ii) have been closed temporarily or have not been in use for a period of more than six months broken down by ward, unit or area of each hospital.

(AQW 2690/11)

Minister of Health, Social Services and Public Safety:

- (i) Details of all hospitals which currently have wards, units or areas which are permanently closed are shown in the following table:

Hospital	Unit/Ward Name
Altnagelvin	Ward 2
Altnagelvin	Stroke Unit/Ward 22
Gransha	Dementia/Functional Unit
Braid Valley	Day Hospital
Downe	Ward 3

Hospital	Unit/Ward Name
Holywell	Tardree II
Holywell	Lissan II
Lagan Valley	Ward 2 Surgical
Mid Ulster	Surgical Ward 1
Mid Ulster	HDU
St Luke's	Ward 2
St Luke's	Ward 5
Tyrone & Fermanagh	Pine A&B
Tyrone & Fermanagh	Larch Villa
Tyrone & Fermanagh	Sperrin Ward
Waterside	X-Ray Room
Whiteabbey	Surgical Ward 4
Whiteabbey	Ward 8

- (ii) Details of all hospitals which currently have wards, units or areas which have been closed temporarily for a period of more than six months are shown in the following table:

Hospital	Unit/Ward Name
Erne	Ward 8
Muckamore	Conicar
Muckamore	Fintona North
Muckamore	Fintona South
Muckamore	Movilla A
Muckamore	Movilla B
Muckamore	Moyle
Royal Victoria	Ward 6F
Whiteabbey	Ward 2

This information has been supplied by Health and Social Care Trusts in Northern Ireland and has not been validated by the Department.

Fracture Patients

Mr J Craig asked the Minister of Health, Social Services and Public Safety how many patients with fractures have been admitted to, and remained in hospital for at least 24 hours since 22 November 2010.

(AQW 2691/11)

Minister of Health, Social Services and Public Safety: It is not yet possible to give an accurate assessment of the number of people with fractures who have been admitted to, and remained in hospital for at least 24 hours since 22nd November 2010.

Social Workers

Ms A Lo asked the Minister of Health, Social Services and Public Safety if he can offer an assurance that he will ring-fence funding for social workers who are also front line Health Service staff.

(AQW 2718/11)

Minister of Health, Social Services and Public Safety: Firstly, I would like to acknowledge the dedication of social workers who provide a key front line service.

Whilst I will do everything I can to limit any impact the expected budget cuts will have on the front line, I am not able to ring-fence resources to particular staff groups. To do so would be to deny Trusts the flexibility to meet demand pressures where they arise and to adopt new and more effective methods of working across settings

As Health and Social Care are fully integrated in Northern Ireland, I am fighting for full protection of my budget.

Social Workers

Ms A Lo asked the Minister of Health, Social Services and Public Safety to detail the number of newly qualified social workers who have obtained a post as a social worker in each of the last two years.

(AQW 2720/11)

Minister of Health, Social Services and Public Safety: The information below is in relation to the last 2 financial years 08/09 and 09/10.

	Belfast Trust 08/09 09/10		Western Trust 08/09 09/10		Southern Trust 08/09 09/10		South Eastern Trust 08/09 09/10		Northern Trust 08/09 09/10	
	(30)	(35)	n/av*	8			32			
AYE (Band 5)										
Perm Contracts (Band 6)	24	23	12	7	15	14	5	27	n/av*	16
Temp Contracts (Band 6)	3	3	4	16	20	16			n/av*	13
Agency Staff	3	9	40 agency staff used over this 2 year period			11	4	n/av*		
Total	30	35	16	31	35	30	48	31	n/av*	29

* The head count information in the above table was provided by the HSCTs.

* indicates where data could not be provided within the timescale

Social Workers

Ms A Lo asked the Minister of Health, Social Services and Public Safety for his assessment of the risk to families as a result of the recruitment freeze on social workers.

(AQW 2721/11)

Minister of Health, Social Services and Public Safety: There is no recruitment freeze on social workers.

Family Group Conferencing

Ms A Lo asked the Minister of Health, Social Services and Public Safety for his assessment of the decision made by two Health and Social Care Trusts to no longer provide facilitated family group conferencing.

(AQW 2722/11)

Minister of Health, Social Services and Public Safety: Information provided by the HSC Board indicates that each of the five Health and social Care Trusts remain committed to providing Family Group Conferencing services as part of their family support services.

Generic Drugs

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety what steps are being taken to increase the percentage of generic drugs dispensed.

(AQW 2730/11)

Minister of Health, Social Services and Public Safety: My Department has been running a “Go Generic” campaign to increase the amount of generic prescribing in Northern Ireland for a number of years now. As a result there has been a marked increase in the amount of generic dispensing in Northern Ireland. My aim is to achieve a generic dispensing rate of 64% by March 2011, which is comparable to the current UK rate. This will equate to a 50% increase in generic dispensing in Northern Ireland since 2005.

The use of generic medicines in favour of branded equivalents continues to be a central strand in my Department’s overall strategy to improve quality in medicines management for all patients through cost effective prescribing.

However, it is a matter for the clinician or GP, in consultation with their patient, to decide on the most appropriate course of treatment for the patient and to prescribe the medication to support that treatment. There have been clear instructions provided to prescribers that there will remain situations where it is appropriate for branded drugs to be prescribed and dispensed.

Prescription of Drugs

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety what initiatives are in place to reduce the prescription of drugs where alternative treatment pathways are available.

(AQW 2731/11)

Minister of Health, Social Services and Public Safety: The Public Health Agency (PHA) has taken the lead in the promotion marketing of the physical activity referral programme which includes a range of schemes which take referrals from health professionals for previously sedentary individuals with the intention of treating a range of health conditions known to be associated with physical inactivity such as the prevention of coronary heart disease, stroke and some forms of cancer. They can also reduce the risk of developing hypertension, diabetes and obesity. In 2008 the PHA (then the Health Promotion Agency) commissioned research into the schemes and one of the benefits noted was a reduction in medication.

There are also a number of initiatives for people with mental health problems including a Directed Enhanced Service (DES) Specification provided to GP practice patients with mild to moderate

depression. The DES encourages the provision of non-drug therapies in the treatment of mild-moderate depression. In 2009 “Beating the Blues”, a computer based Cognitive Behavioural Therapy programme, was introduced into GP practices to be used in the treatment of mild or moderate depression. The importance of talking therapies in early intervention and the management of conditions was also a key element in the document “A Strategy for the Development of Psychological Therapy Services” published by my Department in June 2010.

Beechcroft Child and Adolescent Mental Health Unit

Mr P Weir asked the Minister of Health, Social Services and Public Safety (i) for a breakdown of the schools attended by young people who have been admitted to Beechcroft Child and Adolescent Mental Health Unit as the result of attempted suicide; (ii) whether these schools are co-operating on this issue with the relevant statutory agencies; and (iii) whether the Department of Education has been informed of any non-compliance.

(AQW 2733/11)

Minister of Health, Social Services and Public Safety: The information requested is not available to the Health and Social Care sector.

Responsibility for the Intensive Support and Learning Unit at Beechcroft falls to the South Eastern Education and Library Board. Any enquiries regarding liaison with schools should be directed to the Minister for Education.

Beechcroft Child and Adolescent Mental Health Unit

Mr P Weir asked the Minister of Health, Social Services and Public Safety, for each night of the last six weeks, how many young people have been referred to Beechcroft Child and Adolescent Mental Health Unit as a result of attempted suicide.

(AQW 2734/11)

Minister of Health, Social Services and Public Safety: During each night of the last six weeks up to Monday 6 December 2010, nine young people were referred to Beechcroft Child and Adolescent Mental Health Unit as a result of attempted suicide.

Palliative Care Strategy for Children

Ms A Lo asked the Minister of Health, Social Services and Public Safety whether he will consider bringing forward a palliative care strategy specifically for children.

(AQW 2740/11)

Minister of Health, Social Services and Public Safety: My Department published a Palliative and End of Life Care Strategy for Adults in Northern Ireland in March 2010. Although children are not included within the scope of the Strategy, it does include reference to the Department’s Integrated Care Pathway for Children and Young People with Complex Physical Healthcare Needs, which maps out their journey from diagnosis to end of life care.

I remain committed to ensuring that a full range of high-quality services are available to children and young people with palliative and end of life care needs, in the setting that is most appropriate to meet their needs. I have therefore asked the HSC Board to provide me with a report which determines how the Integrated Care Pathway is meeting the palliative and end of life care needs of children and young people and to identify any possible gaps which need to be addressed.

Nursing and Residential Homes

Mr D Hilditch asked the Minister of Health, Social Services and Public Safety what is the current average weekly cost per resident in a (i) nursing home; and (ii) residential home.

(AQW 2749/11)

Minister of Health, Social Services and Public Safety: The 2008-09 average weekly cost of Residential Care and Nursing Care is £694 and £561 respectively.

The above costs cover the Family & Child Care, Care of the Elderly, Mental Health, Learning Disability and Physical & Sensory Disability Programmes of Care and take no account of individual case complexities.

0844 and 08445 Telephone Numbers

Mr J Wells asked the Minister of Health, Social Services and Public Safety why GP surgeries are permitted to use 0844 and 08445 telephone numbers when the use of these numbers has been stopped in England and Wales.

(AQW 2754/11)

Minister of Health, Social Services and Public Safety: I am advised that the use of 0844 and 08445 numbers by GP surgeries has not been stopped in England and Wales.

A small minority of GP practices in Northern Ireland use 084 numbers. However, 0844 and 08445 numbers are not classified as premium rate numbers and I am advised that, in many cases, if called from a BT landline, they cost less than a call to an 028 number.

Autistic Spectrum Disorders

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety how many (i) children; and (ii) adults in each Health and Social Care Trust area are currently diagnosed with autistic spectrum disorders.

(AQW 2781/11)

Minister of Health, Social Services and Public Safety: The information requested is not available.

Autism

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety how many children have been born with autism in each of the last three years, broken down by hospital or other place of birth.

(AQW 2782/11)

Minister of Health, Social Services and Public Safety: The information requested is not available.

Autistic Spectrum Disorders

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety how many new cases of autistic spectrum disorder have presented to each Health and Social Care Trust in each of the last three years.

(AQW 2783/11)

Minister of Health, Social Services and Public Safety: The information requested is not available.

Engagement with European Political Institutions

Mr B McElduff asked the Minister of Health, Social Services and Public Safety to detail (i) the number of officials within his Department who are currently directly involved in engagement with European political institutions; and (ii) the success rate of his Department in accessing European funding in each of the last three years.

(AQW 2795/11)

Minister of Health, Social Services and Public Safety:

- (i) There are currently no DHSSPS officials who are directly engaged with European political institutions. Any engagement on health or social care-related issues would normally be by way of Westminster.
- (ii) My Department has been successful in two funding applications to the EU INTERREG IVA Programme, one in 2008, the other in 2009.

The first, made in conjunction with the Department of Health and Children in the Republic of Ireland, secured £24 million of funding to undertake a range of cross-border health and social care activity. These activities are currently ongoing.

The second, made in conjunction with the Department of Environment, Heritage and Local Government, in the Republic of Ireland, secured almost £1.3 million to undertake a three-year collaborative project between the Northern Ireland Fire and Rescue Service and the Fire Service's in the six border counties of Ireland. This project has started to roll out recently.

Locum Doctors

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to outline the cost to each Health and Social Care Trust of hiring locum doctors in each of the last four years.
(AQW 2801/11)

Minister of Health, Social Services and Public Safety: The cost of locum doctors is set out in the table below. Information prior to 1 April 2007 relates to legacy Trusts and could only be provided at disproportionate cost.

HSC Trust	2009-10 £m	2008-09 £m	2007-08 £m
Belfast HSC Trust	8.1	7.4	6.5
Northern HSC Trust	8.1	7.6	4.7
South Eastern HSC Trust	2.2	2.4	1.4
Western HSC Trust	7.0	5.2	4.7
Southern HSC Trust	4.9	4.7	2.9

Locum doctors are professionally qualified, medical practitioners used in each Health and Social Care Trust on a temporary basis to ensure continuity of care for the patient.

Neonatal Abstinence Syndrome

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety how many babies diagnosed with Neonatal Abstinence Syndrome have been born in each Health and Social Care Trust area in each of the last five years.
(AQW 2803/11)

Minister of Health, Social Services and Public Safety: Information on the number of babies that have been born with Neonatal Abstinence Syndrome during each of the last five years is not available as these babies present with a wide spectrum of symptoms from mild irritability to seizures and occasionally death, and therefore these statistics are not routinely and consistently collected across all of the Health and Social Care Trusts.

Northern Ireland Executive Office in Brussels

Mr A Ross asked the Minister of Health, Social Services and Public Safety to detail any communication his Department has had with the Northern Ireland Executive Office in Brussels in each of the last 24 months.

(AQW 2818/11)

Minister of Health, Social Services and Public Safety: It is not possible to detail all communications with the Northern Ireland Executive Office in Brussels as these are not usually retained. Most of the communications are in the form of e-mails from the Office to the Department and are “for information”.

Legislative Proposals in the European Commission

Mr A Ross asked the Minister of Health, Social Services and Public Safety whether there is a specific individual or section within his Department to identify, at an early stage, legislative proposals in the European Commission and the potential impact on Northern Ireland.

(AQW 2819/11)

Minister of Health, Social Services and Public Safety: Through liaison with the Department of Health and the other Devolved Administrations there is a procedure in place across my Department by which appropriate officials in relevant business areas are aware at an early stage of EU Commission proposals for legislation. However, there is no specific individual or section dedicated to this task.

Junior Doctors

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety whether he will undertake a review of the management of medical provision by junior doctors in hospitals; and if he will make a statement on this issue.

(AQW 2822/11)

Minister of Health, Social Services and Public Safety: I have no plans to review the management of medical provision by junior doctors in hospitals, and will not therefore be making a statement on the issue.

Ambulance Service Protocols

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety whether he will undertake a review of the Ambulance Service protocols which govern the transportation of patients from rural areas to hospitals, particularly the transportation of patients between 10pm and 8am; and if he will make a statement on this issue.

(AQW 2823/11)

Minister of Health, Social Services and Public Safety: I have no plans to undertake a review of Ambulance Service protocols governing the transportation of patients to hospitals.

Ambulance policy is to take emergency patients to the nearest appropriate hospital unless directed to a specific hospital by a physician. Not every hospital can deal with every emergency so bypass protocols have been developed for certain types of emergency to ensure patients are taken directly to a hospital with the right facilities to treat them. The protocols are based on professional clinical advice and were developed in partnership by the Northern Ireland Ambulance Service (NIAS), the Health and Social Care Board and Health and Social Care Trusts.

In addition, NIAS's patient care service provides non-emergency transport for patients with a medical need to access hospital outpatient and other services. It generally operates from 8.00 am to 5.00 pm although in some areas these hours are extended.

Sleep Apnoea

Mr F Molloy asked the Minister of Health, Social Services and Public Safety to detail (i) the funding allocated to each Health and Social Care Trust for sleep apnoea; and (ii) the number of patients treated for this condition in (a) 2007-08; (b) 2008-09; (c) 2009-10; and (d) 2010-11.

(AQW 2825/11)

Minister of Health, Social Services and Public Safety: Patients reporting sleep apnoea can be treated in an inpatient, daycase, outpatient, daycase or primary care setting. As such the information requested is not readily available and could only be provided at disproportionate cost.

Staff Salaries in the Belfast Trust

Mr J Craig asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2281-11, to detail the positions held by staff within the Belfast Health and Social Care Trust who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 2839/11)

Minister of Health, Social Services and Public Safety: This information could only be provided at disproportionate costs.

Staff Salaries in the Northern Trust

Mr J Craig asked the Minister of Health, Social Services and Public Safety pursuant to AQW 2281-11, to detail the positions held by staff within the Northern Health and Social Care Trust who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 2841/11)

Minister of Health, Social Services and Public Safety: This information could only be provided at disproportionate costs.

Staff Salaries in the South Eastern Trust

Mr J Craig asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2281/11, to detail the positions held by staff within the South Eastern Health and Social Care Trust who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 2842/11)

Minister of Health, Social Services and Public Safety: This information could only be provided at disproportionate costs.

Staff Salaries in the Southern Trust

Mr J Craig asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2281/11, to detail the positions held by staff within the Southern Health and Social Care Trust who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 2843/11)

Minister of Health, Social Services and Public Safety: This information could only be provided at disproportionate costs.

Fire Hydrants

Mr T Burns asked the Minister of Health, Social Services and Public Safety to detail (i) the number of fire hydrants which are in active use by the Fire and Rescue Service; (ii) the number of recorded incidents of vandalism which have been recorded on these fire hydrants in each of the last five years; and (iii) the cost of the repairs and the estimated amount of water lost as a result of these incidents.

(AQW 2846/11)

Minister of Health, Social Services and Public Safety: The Northern Ireland Fire and Rescue Service (NIFRS) holds location details for 87,571 Hydrant Fittings and 3,094 Strategic Hydrants across Northern Ireland.

Information on hydrants which have been vandalized is not routinely collected by NIFRS.

The installation and maintenance of fire hydrants is a matter for Northern Ireland Water. Neither my Department nor NIFRS holds any information on repairs or water lost through vandalism to fire hydrants.

Hospital Waiting Times

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to detail the current waiting times for each type of surgical procedure in the Accident and Emergency Units of each Belfast hospital, compared to the waiting times in the (i) 2001-02; and (ii) 2005-06 financial years; and if he will make a statement on this issue.

(AQW 2860/11)

Minister of Health, Social Services and Public Safety: Information on waiting times for surgical procedures in A&E units is not available.

In Priorities for Action 2010/2011 I set a target that from April 2010, the HSC Board and Trusts should ensure 95% of patients attending any A&E department are either treated and discharged home, or admitted, within four hours of their arrival in the department. No patient should wait longer than 12 hours.

Hospital Waiting Times

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to detail the current waiting times for an appointment with each type of medical professional, such as physiotherapists, occupational therapists and speech and language therapists, in each Belfast hospital compared to the waiting times in the (i) 2001-02; and (ii) 2005-06 financial years; and if he will make a statement on this issue.

(AQW 2861/11)

Minister of Health, Social Services and Public Safety: The waiting times for people referred for treatment by each type of allied health professional in each Belfast hospital, as at 3rd December 2010, are provided in the tables below. Information for the Ulster Hospital was not available as the South Eastern HSC Trust did not have sufficient time to collate the data. Comparable information for 2001-02 and 2005-06 is also not available as it was not collected at that time.

BELFAST CITY HOSPITAL

Number of patients waiting	Waiting time from referral to treatment for Allied Health Professions (by weeks waiting)					
	0 to 3	> 3 to 6	> 6 to 9	> 9 to 13	> 13	Total
Dietetics	4	5	6	0	0	15
Occupational Therapy	12	3	2	5	0	22
Physiotherapy	133	66	28	25	44	296
Podiatry	19	11	0	0	0	30
Speech & Language Therapy	21	4	3	0	0	28

ROYAL VICTORIA HOSPITAL

Number of patients waiting	Waiting time from referral to treatment for Allied Health Professions (by weeks waiting) ¹					
	0 to 3	> 3 to 6	> 6 to 9	> 9 to 13	> 13	Total
Dietetics	27	17	5	0	0	49
Orthoptics	81	44	5	0	0	130
Physiotherapy	167	128	47	1	0	343
Podiatry	3	1	0	0	0	4
Speech & Language Therapy	24	8	2	0	0	34

MATER HOSPITAL

Number of patients waiting	Waiting time from referral to treatment for Allied Health Professions (by weeks waiting) ¹					
	0 to 3	> 3 to 6	> 6 to 9	> 9 to 13	> 13	Total
Dietetics	15	13	2	0	0	30
Occupational Therapy	14	12	14	20	2	62
Orthoptics	9	7	1	0	0	17
Physiotherapy	98	64	29	0	0	191
Podiatry	2	0	0	0	0	2
Speech & Language Therapy	3	0	0	0	0	3

MUSGRAVE PARK HOSPITAL

Number of patients waiting	Waiting time from referral to treatment for Allied Health Professions (by weeks waiting) ¹					
	0 to 3	> 3 to 6	> 6 to 9	> 9 to 13	> 13	Total
Occupational Therapy	12	13	5	2	0	32
Physiotherapy	140	132	35	1	8	316

FORSTER GREEN HOSPITAL

Number of patients waiting	Waiting time from referral to treatment for Allied Health Professions (by weeks waiting) ¹					
	0 to 3	> 3 to 6	> 6 to 9	> 9 to 13	> 13	Total
Dietetics	97	119	87	24	2	329

While waiting times for services have been transformed in recent years, the increases in waiting times for allied health professionals are disappointing and are a direct result of my budget being cut. If it is

cut further then we will see more increases in waiting times as we simply cannot match the demand in services without funding to match.

I apologise to those patients waiting longer to be seen and wish to assure you that I am making every effort to get people treated as quickly as possible.

Male Victims of Domestic Violence

Ms D Purvis asked the Minister of Health, Social Services and Public Safety to outline the programmes and services his Department funds to provide support for male victims of domestic violence.

(AQW 2866/11)

Minister of Health, Social Services and Public Safety: Domestic violence is a cross-departmental issue which DHSSPS and DOJ jointly lead on. My Department currently funds the Men's Advisory Project to deliver counselling services and anger management programmes to male victims of domestic violence. Male victims can access services including counselling within Health and Social Care through a range of mechanisms including:

- Accident and Emergency Services;
- Hospital and Community Mental Health Teams;
- Child and Family Services;
- General Practitioners and other primary care professionals;
- Child and adolescent mental health services (CAMHS);
- Therapeutic work with fathers of children experiencing domestic violence; and
- Multi-Agency Risk Assessment Conferencing (MARAC) safety planning for high-risk victims of domestic violence.

Domestic Violence

Ms D Purvis asked the Minister of Health, Social Services and Public Safety (i) what training is provided to General Practitioners and staff in Accident and Emergency Units to deal with disclosures of domestic violence and; (ii) whether medical professionals are trained to deal with, and recognise, the issues faced by both male and female victims so that they can properly assess risk.

(AQW 2867/11)

Minister of Health, Social Services and Public Safety: Domestic violence is a cross-departmental issue which DHSSPS and DOJ jointly lead on through the "Tackling Violence at Home" Strategy published in October 2005. As an integral part of this routine enquiry on domestic violence was introduced into ante and post natal care and this has since been extended to several Accident and Emergency Units. A key action in the 2010/12 Domestic Violence Action Plan is to extend the routine enquiry to all Accident and Emergency Units and to the Primary Care sector including General Practitioners. Continued Training for Health and Social Care Professionals is provided by Trusts covering all victims of domestic violence, both male and female. Training is currently available to General Practitioners through the Trust Area learning teams. Training is also provided to Health and Social Care professionals on the Multi Agency Risk Assessment Conference (MARAC) process which was rolled out across Northern Ireland during 2010 and which helps identify and protect high risk victims of domestic violence.

Staff Salaries in the Western Trust

Mr J Craig asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2281/11, to detail the positions held by staff within the Western Health and Social Care Trust who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 2869/11)

Minister of Health, Social Services and Public Safety: This information could only be provided at disproportionate costs.

Minor Ailments Scheme

Mr T Clarke asked the Minister of Health, Social Services and Public Safety for his assessment of how the reduction in the minor ailments scheme will impact on GP surgeries.

(AQW 2907/11)

Minister of Health, Social Services and Public Safety: The Minor Ailments Scheme will now focus on conditions which require treatment and not those from which people will mainly recover from in a matter of days, with or without medication. These adjustments were made to achieve a more effective use of the limited resources available and to ensure the scheme continues to provide the greatest benefit to people in Northern Ireland.

There is no evidence that these changes will impact on GP surgeries. Indeed patients suffering from conditions such as colds and hayfever should really be considering if they need to visit their GP at all.

Patients who feel the need for symptomatic relief for a wide range of minor illnesses like colds and coughs can still purchase over-the-counter remedies at pharmacies and other retail outlets.

Genito Urinary Medicine Clinic at the Royal Victoria Hospital

Ms D Purvis asked the Minister of Health, Social Services and Public Safety, given that patients have been turned away and phone lines left unstaffed because of insufficient resources, what action he is taking to improve the appointments system at the Genito Urinary Medicine Clinic at the Royal Victoria Hospital.

(AQW 2935/11)

Minister of Health, Social Services and Public Safety: Most people attending the Genito Urinary Medicine (GUM) clinic at the Royal Victoria Hospital are seen on a walk-in basis and almost three quarters are able to access the service within 48 hours. Those attending HIV clinics, erectile dysfunction (ED) clinics and GUM follow up cases normally have a pre-arranged appointment.

It is recognised that there may be times when demand can exceed capacity; however, it should be noted that all patients who are not able to be seen at the clinic on a particular day, are triaged by a nurse and given information and advice on the appropriate place for treatment, which may be at the clinic on a subsequent day.

Work is currently ongoing to explore the potential to develop HIV services outside the Belfast Trust. This, coupled with recently opened GUM clinics in other parts of the Province, should improve local access and reduce the demands on the Belfast service.

In addition, it should also be noted that funding has been secured to upgrade the current telephone system; it is anticipated that work will commence early in the New Year.

Genito Urinary Medicine Clinic at the Royal Victoria Hospital

Ms D Purvis asked the Minister of Health, Social Services and Public Safety what action he is taking to improve service provision and capacity for HIV appointments at the Genito Urinary Medicine Clinic at the Royal Victoria Hospital.

(AQW 2936/11)

Minister of Health, Social Services and Public Safety: Most people attending the Genito Urinary Medicine (GUM) clinic at the Royal Victoria Hospital are seen on a walk-in basis and almost three quarters are able to access the service within 48 hours. Those attending HIV clinics, erectile dysfunction (ED) clinics and GUM follow up cases normally have a pre-arranged appointment.

It is recognised that there may be times when demand can exceed capacity; however, it should be noted that all patients who are not able to be seen at the clinic on a particular day, are triaged by a nurse and given information and advice on the appropriate place for treatment, which may be at the clinic on a subsequent day.

Work is currently ongoing to explore the potential to develop HIV services outside the Belfast Trust. This, coupled with recently opened GUM clinics in other parts of the Province, should improve local access and reduce the demands on the Belfast service.

In addition, it should also be noted that funding has been secured to upgrade the current telephone system; it is anticipated that work will commence early in the New Year.

Imported Meats

Mr G Savage asked the Minister of Health, Social Services and Public Safety how much (i) red meat; and (ii) white meat has been imported and then labelled as 'processed in Northern Ireland' in each of the last three years.

(AQW 2943/11)

Minister of Health, Social Services and Public Safety: DARD is the Competent Authority with responsibility for importation of red meat and white meat from Third Countries. DARD has advised that it does not collect information on the quantity of red meat, or white meat, imported into Northern Ireland.

The Food Standards Agency does not collate details of the quantities of red meat and white meat imported from Third Countries nor quantities of such meat incorporated into various processed meat products.

The Food Standards Agency is the Competent Authority for food safety and, in Northern Ireland, certain food labelling and composition responsibilities.

The Food Labelling Regulations (Northern Ireland) 1996 (as amended) which are enforced by Environmental Health Officers of District Councils require that food business operators must not mislead the consumer regarding particulars of the place of origin or provenance of the food. The Agency has issued guidance to help the food industry comply with this labelling requirement.

The subject of food labelling is currently under review in the European Union and the Commission is currently working on a draft Food Information for Consumers regulation.

Northern Ireland Family Fund

Mr A Easton asked the Minister of Health, Social Services and Public Safety how much funding his Department has provided for the Northern Ireland Family Fund in each of the last three years.

(AQW 2953/11)

Minister of Health, Social Services and Public Safety: The table provided below shows the funding provided by my Department to support the Family Fund's work in Northern Ireland in each of the last three years:

Year	Amount
2008-09	£1,691,450
2009-10	£1,732,890
2010-11	£1,776,212

Northern Ireland Family Fund

Mr A Easton asked the Minister of Health, Social Services and Public Safety how many families currently receive support from the Northern Ireland Family Fund.

(AQW 2954/11)

Minister of Health, Social Services and Public Safety: In 2009-10, The Family Fund supported 2,773 families in Northern Ireland. In addition, the most recent information available from The Family Fund at 30 September 2010 indicates that the Fund has supported 1,427 families in Northern Ireland.

Northern Ireland Family Fund

Mr A Easton asked the Minister of Health, Social Services and Public Safety what plans he has to ensure the continuation of funding for the Northern Ireland Family Fund.

(AQW 2955/11)

Minister of Health, Social Services and Public Safety: My Department continues to provide funding support to The Family Fund and there are currently no plans to reduce this commitment.

Health and Social Care Trusts: Bonus Payments

Mr A Easton asked the Minister of Health, Social Services and Public Safety whether senior or middle managers in any of the Health and Social Care Trusts have received bonus payments in each of the last three financial years; and, if so, what was the cost of these bonuses to the Health Service.

(AQW 2957/11)

Minister of Health, Social Services and Public Safety: There were no bonus payments made to the Senior Executives in the Health and Social Care in the current financial year, or in 2009-10 year. Details of Superior Performance Bonus payments made to the Senior Executives in 2008-09 year were recorded in the annual accounts and published in Trust's Annual Reports. Bonus payments are not available to middle managers on Agenda for Change pay arrangements.

Average Spend on Health per Head of Population

Mr A Easton asked the Minister of Health, Social Services and Public Safety what is the average spend on health per head of population.

(AQW 2958/11)

Minister of Health, Social Services and Public Safety: The most up to date information available, from the HM Treasury Public Expenditure Statistical Analyses, shows that in 2009-10 Northern Ireland had the lowest spend per head (including capital and revenue) of all UK Administrations.

In 2009-10, £1,881 was planned to be spent on Health per head of population. This is 2% lower than the average spend on Health across the UK

SPEND PER HEAD ACROSS UK ADMINISTRATIONS ON HEALTH

	Scotland £ per head	Wales £ per head	England £ per head	N Ireland £ per head
Health	2,066	1,956	1,896	1,881

Source: HM Treasury, PESA 2010, Chapter 10

Following the Appleby Review it has been demonstrated that the population in Northern Ireland have additional requirements for health services that are 10% greater than England. It also showed the need for social services is 35% greater here. When an analysis is undertaken of this additional need, it is found that the health and social care of the population here was underfunded by some £640m in 2010-11.

Sexually Transmitted Diseases

Mr T Burns asked the Minister of Health, Social Services and Public Safety how many people under the age of 16 have been diagnosed with a sexually transmitted disease in each of the last three years, broken down by (i) age; and (ii) type of infection.

(AQW 2969/11)

Minister of Health, Social Services and Public Safety: Information on the number of people under the age of 16 diagnosed with a sexually transmitted disease in each of the last three years, broken down by age is not available.

Information on people under the age of 16 diagnosed with a sexually transmitted disease is available for the following infections only: Uncomplicated Genital Chlamydia, Uncomplicated Gonorrhoea, Infectious Syphilis, Anogenital Herpes (first attack), and Anogenital Warts (first attack). It is important to note that information does not equate to the number of people diagnosed with a sexually transmitted disease as a person may be diagnosed with more than one infection or more than one episode of the same condition.

The number of new episodes of selected infections for people under the age of 16, in each of the last three years, broken down by type of infection is detailed in the following table:

Type of Infection	Year		
	2007	2008	2009
Uncomplicated Chlamydia	11	13	8
Uncomplicated Gonorrhoea	0	0	0
Infectious Syphilis	0	0	0
Anogenital Herpes (first attack)	*	*	*
Anogenital Warts (first attack)	5	10	18

Source: Public Health Agency (PHA)

In order to avoid personal disclosure an '*' represents a cell count of less than 4.

Alternative Medicine Schemes

Mr T Burns asked the Minister of Health, Social Services and Public Safety whether any 'alternative medicine' schemes are currently operating and being funded by his Department; and the Health and Social Care Trusts in which these schemes are offered.

(AQW 2970/11)

Minister of Health, Social Services and Public Safety: I am advised that the Belfast HSC Trust provides a range of complementary therapies in several areas including mental health, oncology and haematology, and maternity services.

In the Northern HSC Trust, the Chemotherapy unit at Antrim Hospital employs a part-time complementary therapist, funded from endowment and gift monies, to provide treatment such as aromatherapy, massage, reflexology etc to patients undergoing chemotherapy treatment.

The Southern Health and Social Care Trust do not directly provide any 'alternative medicine' although as part of the Big Lottery funded Children's Hospice at Home scheme within the SHSCT some relaxation sessions are provided for families to help them manage the ongoing stress of coping with life threatening or life limiting illness.

The Western HSC Trust provide and fund physiotherapists within Integrated Clinical Assessment and Treatment Services and the Pain Clinic who use Acupuncture.

Health Budget

Mr A Easton asked the Minister of Health, Social Services and Public Safety to list the sources of money put into the health budget from sources other than Government; and to detail the amount of income from these sources in each of the last three financial years.

(AQW 2984/11)

Minister of Health, Social Services and Public Safety: In 2007-08 HSC organisations obtained estimated revenue income from sources other than Government of £174m and in 2008-09 of £190m. A breakdown is provided in the attached document. Further information could only be obtained at disproportionate cost.

The HSC is also donated capital items such as buildings and equipment from time to time, which are not “income”, but are nonetheless vital in delivering services.

Downe Hospital, Downpatrick

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety what steps will he take to enhance existing services and provide additional services at the new Downe Hospital.

(AQW 2997/11)

Minister of Health, Social Services and Public Safety: The development of existing and new services at the Downe Hospital is a matter for the South Eastern Trust, and where appropriate the Health and Social Care Board, taking into account issues such as need, effectiveness and affordability of the proposed developments. Since the new Downe Hospital opened, the Trust has introduced several new services – cataract surgery, fracture surgery, a Midwifery Led Unit, bowel screening, consultant led sexual health services and new diagnostic procedures.

The Trust has advised that it is currently considering a number of further service development opportunities for the Downe Hospital including further development of the Midwifery Led Unit with the aim of increasing the number of births in the unit; increasing gynaecology activity; additional ENT ICATS outpatient clinics (including audiology diagnostic service); recruitment of a Community Consultant Paediatrician in the new year based in the Downe Hospital and offering a weekly out-patient clinic with links to inpatient acute paediatric service in the Ulster Hospital; expansion of cataract surgery; commencement of a Cardiac CT service; and commencement of a dermatology UVB (ultraviolet light) service.

Fire and Rescue Service

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to detail (i) the number of people currently employed in the Fire and Rescue Service; (ii) the number of employees who are (a) full-time fire-fighters; and (b) retained fire-fighters; (iii) how these figures compare to 2005; 2007; and 2009.

(AQW 2999/11)

Minister of Health, Social Services and Public Safety: The table below details the number of people employed within Northern Ireland Fire and Rescue Service (NIFRS) in the years requested and the breakdown between staff groups.

	2005	2007	2009	Current staff
Wholetime Staff	869 (FTE)	875.5 (FTE)	903 (FTE)	884.5 (FTE)
Retained Staff	970	954	1,026	1,004
Regional Control Centre Staff	55 (FTE)	54.5 (FTE)	58 (FTE)	55 (FTE)
Support Staff	206 (FTE)	204 (FTE)	246 (FTE)	218 (FTE)

The establishment for Wholetime Firefighters, Controls and Support Staff is based on full-time equivalent (FTE) as NIFRS has a number of staff working part-time or job sharing.

Retained Firefighter establishment is based on actual people in post.

Fire and Rescue Service

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to detail (i) the number of people who have retired from the Fire and Rescue Service in each of the last 10 years; and (ii) how many of these people went to work for other agencies and were then re-employed by the Fire and Rescue Service (a) as full-time fire-fighters; (b) as retained fire fighters; (c) as managers; (d) as administrators; or (e) in other technical grades.

(AQW 3000/11)

Minister of Health, Social Services and Public Safety:

- (i) The table below details the number of people who have retired from Northern Ireland Fire and Rescue Service (NIFRS) in each of the last 10 years.

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
No of retirements	52	73	69	43	66	48	43	23	16	14

- (ii) NIFRS does not keep records of staff retiring, going to work for other agencies and then being re-employed by NIFRS.

Swine Flu Cases

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety to detail the number of confirmed Swine Flu cases in each month since January 2010; and the figures for the same period in the previous year.

(AQW 3001/11)

Minister of Health, Social Services and Public Safety: The number of laboratory confirmed Swine Flu cases in Northern Ireland during each month since January 2010, and the same period in 2009 are detailed in the table below:

Month	laboratory confirmed swine flu cases 2009	laboratory confirmed swine flu cases 2010
January	0	9
February	0	8
March	0	0
April	0	0
May	2	0
June	32	0
July	45	0
August	83	0
September	201	0
October	746	3
November	214	4

Month	laboratory confirmed swine flu cases 2009	laboratory confirmed swine flu cases 2010
December	29	21*

Source: Public Health Agency (PHA)

* Information for December 2010 refers to the number of laboratory confirmed cases between 1st and 13th December 2010 inclusive.

Reported fractures

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety how many people have reported at hospitals since 1 December 2010 with fractures; and to provide the figures for the same period last year.

(AQW 3002/11)

Minister of Health, Social Services and Public Safety: Information provided by HSC Trusts indicates that between 1st December and 13th December 2010, 2,069 people reported to hospitals in Northern Ireland with fractures. This compares to 1,407 people during the same period in 2009.

Note that information provided by the South Eastern HSC Trust for the Ulster Hospital has been estimated based on the assumption that 60% of patients are referred to Outpatient Clinics from A&E with fractures.

Human Papillomavirus Vaccination Programme

Dr K Deeny asked the Minister of Health, Social Services and Public Safety what vaccine is used in the current Human Papillomavirus Vaccination Programme.

(AQW 3020/11)

Minister of Health, Social Services and Public Safety: Cervarix is currently used in the HPV vaccination programme. The UK contract was awarded to GlaxoSmithKline following a rigorous process which followed EU procurement regulations. The Department of Health, England, currently intends to begin a procurement exercise for HPV vaccine in early 2011 which is expected to conclude during the summer 2011.

The analysis used to determine the cost-effectiveness of HPV vaccination was published in the British Medical Journal in July 2008. The Department of Health, England, has commissioned an update to the cost-effective modelling for the HPV vaccine. This model is taking into account new data on the potential protection provided by HPV vaccine against cancer and non-cancer diseases. This model will support the next procurement exercise for the HPV vaccination programme.

My Department is kept informed throughout the procurement processes for childhood vaccines purchased by the Department of Health, England, on behalf of the four UK Health Departments. My Department will provide an input to Department of Health, England, officials, as required and in line with procurement regulations, to the forthcoming tender process for the HPV vaccine.

Human Papillomavirus Vaccination Programme

Dr K Deeny asked the Minister of Health, Social Services and Public Safety when the next UK-wide tender process for a vaccine for the Human Papillomavirus Vaccination Programme will begin and conclude.

(AQW 3021/11)

Minister of Health, Social Services and Public Safety: Cervarix is currently used in the HPV vaccination programme. The UK contract was awarded to GlaxoSmithKline following a rigorous process which followed EU procurement regulations. The Department of Health, England, currently intends to begin a

procurement exercise for HPV vaccine in early 2011 which is expected to conclude during the summer 2011.

The analysis used to determine the cost-effectiveness of HPV vaccination was published in the British Medical Journal in July 2008. The Department of Health, England, has commissioned an update to the cost-effective modelling for the HPV vaccine. This model is taking into account new data on the potential protection provided by HPV vaccine against cancer and non-cancer diseases. This model will support the next procurement exercise for the HPV vaccination programme.

My Department is kept informed throughout the procurement processes for childhood vaccines purchased by the Department of Health, England, on behalf of the four UK Health Departments. My Department will provide an input to Department of Health, England, officials, as required and in line with procurement regulations, to the forthcoming tender process for the HPV vaccine.

Human Papillomavirus Vaccination Programme

Dr K Deeny asked the Minister of Health, Social Services and Public Safety whether his Department has carried out a cost benefit analysis on the use of a quadrivalent vaccine in the Human Papillomavirus Vaccination Programme.

(AQW 3022/11)

Minister of Health, Social Services and Public Safety: Cervarix is currently used in the HPV vaccination programme. The UK contract was awarded to GlaxoSmithKline following a rigorous process which followed EU procurement regulations. The Department of Health, England, currently intends to begin a procurement exercise for HPV vaccine in early 2011 which is expected to conclude during the summer 2011.

The analysis used to determine the cost-effectiveness of HPV vaccination was published in the British Medical Journal in July 2008. The Department of Health, England, has commissioned an update to the cost-effective modelling for the HPV vaccine. This model is taking into account new data on the potential protection provided by HPV vaccine against cancer and non-cancer diseases. This model will support the next procurement exercise for the HPV vaccination programme.

My Department is kept informed throughout the procurement processes for childhood vaccines purchased by the Department of Health, England, on behalf of the four UK Health Departments. My Department will provide an input to Department of Health, England, officials, as required and in line with procurement regulations, to the forthcoming tender process for the HPV vaccine.

Human Papillomavirus Vaccination Programme

Dr K Deeny asked the Minister of Health, Social Services and Public Safety whether his Department will be consulted by the UK authorities, as part of the next tender process on the choice of vaccine for the Human Papillomavirus Vaccination Programme.

(AQW 3023/11)

Minister of Health, Social Services and Public Safety: Cervarix is currently used in the HPV vaccination programme. The UK contract was awarded to GlaxoSmithKline following a rigorous process which followed EU procurement regulations. The Department of Health, England, currently intends to begin a procurement exercise for HPV vaccine in early 2011 which is expected to conclude during the summer 2011.

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My Department is kept informed throughout the procurement processes for childhood vaccines purchased by the Department of Health, England, on behalf of the four UK Health Departments. My

Department will provide an input to Department of Health, England, officials, as required and in line with procurement regulations, to the forthcoming tender process for the HPV vaccine.

Human Papillomavirus Vaccination Programme

Dr K Deeny asked the Minister of Health, Social Services and Public Safety whether his Department will express its opinion, as part of the forthcoming tender process, on the choice of vaccine for the Human Papillomavirus Vaccination Programme; and if so, how and to whom will it be expressed.

(AQW 3024/11)

Minister of Health, Social Services and Public Safety: Cervarix is currently used in the HPV vaccination programme. The UK contract was awarded to GlaxoSmithKline following a rigorous process which followed EU procurement regulations. The Department of Health, England, currently intends to begin a procurement exercise for HPV vaccine in early 2011 which is expected to conclude during the summer 2011.

The analysis used to determine the cost-effectiveness of HPV vaccination was published in the British Medical Journal in July 2008. The Department of Health, England, has commissioned an update to the cost-effective modelling for the HPV vaccine. This model is taking into account new data on the potential protection provided by HPV vaccine against cancer and non-cancer diseases. This model will support the next procurement exercise for the HPV vaccination programme.

My Department is kept informed throughout the procurement processes for childhood vaccines purchased by the Department of Health, England, on behalf of the four UK Health Departments. My Department will provide an input to Department of Health, England, officials, as required and in line with procurement regulations, to the forthcoming tender process for the HPV vaccine.

Consumption of Cigarettes

Mr J Craig asked the Minister of Health, Social Services and Public Safety to outline the changes in the consumption of cigarettes since the ban on workplace smoking was introduced; and what statistical evidence is now available on health improvements since the ban.

(AQW 3028/11)

Minister of Health, Social Services and Public Safety: Data is not available on the numbers of cigarettes consumed in Northern Ireland; consequently there are no figures to show any changes in consumption since the introduction of smoke-free legislation in April 2007. However, data is available on adult smoking prevalence rates for the year prior to the ban 2006-07 and up until 2009-10 year. It shows that the prevalence rate prior to the smoking ban was 25% of the adult population while in 2009-10 it was 24%.

As smoking related illnesses take many years to manifest in an individual, the overall impact of smoke-free legislation on health improvement cannot be meaningfully measured within the short timeframe since introduction of the ban. A Regulatory Impact Assessment was prepared to assess the benefits and costs associated with introduction of the smoke-free legislation. This advised that benefits to the health service are expected to accumulate over a 20 year period with the estimated savings being based on a reduction in mortality from less exposure to second hand smoke and a further 2% reduction in smoking prevalence among active smokers.

Southern Health and Social Care Trust

Mr C Boylan asked the Minister of Health, Social Services and Public Safety whether he has had any discussions with the Southern Health and Social Care Trust in relation to its proposals to scale back funding for projects which promote independent living and working for people with physical or mental disabilities.

(AQW 3045/11)

Minister of Health, Social Services and Public Safety: I have had no discussions with the Southern Health and Social Care Trust in this regard. The Trust reserves the right to realign contracts to better meet the needs of the client group and ensure good value for money and cost effectiveness. Furthermore, the Trust has been open with the public, users, carers, the media and public representatives in relation to the financial pressures it is under to remain within budget and to continue to deliver the services that are essential to people's independence and well being.

Funding for Homestart Projects

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety what steps he will take to ensure the continuation of funding for Homestart projects and offices in Downpatrick, Newcastle, Ballynahinch and Kilkeel.

(AQW 3046/11)

Minister of Health, Social Services and Public Safety: You will understand that, until my Departmental Budget has been finalised, I am unable to guarantee any new funding beyond the current arrangement, which runs to March 2011.

My Department has a particular focus on Families Matter, the family and parenting strategy. Through that strategy, I am investing £2.5 million a year, on a recurrent basis, to support families through a range of family support initiatives.

My officials are currently engaged with the Health and Social Care Board to ensure that this funding is used to best effect to support early intervention services for hard-to-reach families and provide, not only practical assistance, but also help in building their parenting resilience and skill. As existing providers, I would think that the Home Start schemes in question would be well positioned to enter into dialogue with their local Health and Social Care Trusts about how they might further contribute to delivering on this agenda, and I would urge them to do so.

Pain Management Treatment

Mr P Girvan asked the Minister of Health, Social Services and Public Safety what recourse is available to patients who feel their pain management treatment is not effective; and whether the health budget is designed to opt for cheaper medication.

(AQW 3047/11)

Minister of Health, Social Services and Public Safety: It is for the clinician or GP, in consultation with their patient, to decide on the most appropriate course of treatment for the patient. While it is my Department's policy that drugs should be prescribed generically, it also allows for occasions where, in the clinical opinion of the prescriber, branded drugs should be prescribed and dispensed.

If a patient feels that their pain management treatment is not proving effective, they should discuss the position with their GP who can refer the patient to a specialist pain management clinic. These hospital-based clinics can provide a broader range of pain management solutions.

Medical Practitioners and Consultants

Mr P Girvan asked the Minister of Health, Social Services and Public Safety why medical practitioners and consultants are allowed to work between the Health Service and private clinics, given that people on a lower income cannot afford to attend these private clinics.

(AQW 3049/11)

Minister of Health, Social Services and Public Safety: All medical practitioners and consultants are permitted to work privately under the terms and conditions of nationally agreed employment contracts.

Full-time doctors and consultants are contracted to work 40 hours, or more, each week for the HSC. Thereafter they may undertake private work for other organisations provided that it does not result in detriment to HSC patients or services, or diminish the public resources that are available for the HSC.

Children in Care

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety, further to his statement of 14 December 2010 on the 11th Sectoral North/South Ministerial Council meeting, to detail the “particular concerns” which would trigger the use of arrangements under a joint protocol on Children in Care and on the Child Protection Register.

(AQW 3054/11)

Minister of Health, Social Services and Public Safety: Particular concerns that would trigger the use of arrangements under a joint protocol will include:

- Children whose names are on the child protection register/child protection notification system and who move between the jurisdictions;
- Children who are subject of legal orders in one jurisdiction who move to reside in another; and
- Children for whom there are significant concerns in relation to their welfare or who are assessed as particularly vulnerable who move between jurisdictions.

This list is not intended to be exhaustive and the joint protocol will assist staff to make decisions about sharing information in a timely manner to ensure the safety and wellbeing of vulnerable children.

Accident and Emergency Facility at the Causeway Hospital

Mr G Campbell asked the Minister of Health, Social Services and Public Safety whether there are any changes planned for the New Year to the existing accident and emergency facility at the Causeway Hospital.

(AQW 3057/11)

Minister of Health, Social Services and Public Safety: I refer the Member to the answer given to AQW 3100/11.

Cost of Healthcare Provision in Prisons

Mr G Campbell asked the Minister of Health, Social Services and Public Safety to detail the approximate annual cost to his Department of healthcare provision in prisons since April 2008.

(AQW 3058/11)

Minister of Health, Social Services and Public Safety: I refer my colleague to the information provided in AQW 7714/10.

Prostate Specific Antigen Test

Mr G Campbell asked the Minister of Health, Social Services and Public Safety how many men have undergone the prostate specific antigen test in each of the last three years.

(AQW 3059/11)

Minister of Health, Social Services and Public Safety: Information on the number of men who have undergone the prostate specific antigen test in each of the last three years is not available.

Herceptin Treatment

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety (i) to detail the cost per cycle of Herceptin treatment; (ii) how many cycles of the drug were approved for treatment last year; and (iii) to define the criteria for qualification to receive this drug.

(AQW 3060/11)

Minister of Health, Social Services and Public Safety:

- (i) The cost of the drug is dependent on the patient's weight. The cost of one cycle of Herceptin for a 70kg patient is £1166.66; to treat one patient (70Kg) with adjuvant Herceptin (which is 18 cycles

in total-one cycle every three weeks for one year) the cost for the drug alone is approximately £21000.00. The cost increases as the patient's weight increases.

(ii) The number of cycles approved for treatment in the year 2009/2010 are given in the table below;

Trust	No. of cycles approved
Belfast	689
Northern	362
South Eastern	358
Southern	350
Western	104
Total	1863

(iii) The criterion for qualification to receive Herceptin is HER2 positive breast cancer.

Downpatrick Fire Station

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety whether Downpatrick Fire Station will retain its two fire tenders.

(AQW 3061/11)

Minister of Health, Social Services and Public Safety: The Northern Ireland Fire and Rescue Service has no plans to change the emergency operational response arrangements provided by Downpatrick Fire Station.

Direct Payments

Mr D Bradley asked the Minister of Health, Social Services and Public Safety to detail (i) the amount of moneys paid out in Direct Payments by each Health and Social Care Trust during (a) 2008/ 2009; and (b) 2009/2010; and (ii) any cap on Direct Payments in each Trust during those periods.

(AQW 3063/11)

Minister of Health, Social Services and Public Safety: Information on Direct Payments expenditure by HSC Trust is published on the Departments website at www.dhsspsni.gov.uk/index/stats_research/stats-cib-3/statistics_and_research-cib-guide/statistics_and_research-cib-direct-payment.htm

My Department's current policy is to encourage the use of Direct Payments as they offer greater flexibility, independence and choice in how and when services are provided to individuals who are assessed as eligible for social care support. Therefore, during the periods requested, there were no caps on Direct Payments in Trusts.

Direct Payments

Mr D O'Loan asked the Minister of Health, Social Services and Public Safety whether there is a specific budget for Direct Payments in each Health and Social Care Trust; and to detail the Direct Payment budget in each Trust for 2009-10.

(AQW 3066/11)

Minister of Health, Social Services and Public Safety: Direct Payments are made across a number of programmes of care to meet differing client needs across a range of social care services. Direct Payments are one of a number of alternative means of meeting the social care needs of the population. They are funded out of overall social care budgets and as such there are no Trust budgets specifically in respect of Direct Payments.

Direct Payments

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety whether Direct Payments can be used to purchase Day Time Activity Services such as (i) befriending services; (ii) supported employment opportunities; (iii) training places; (iv) advocacy services; and (v) driving lessons.

(AQW 3067/11)

Minister of Health, Social Services and Public Safety: Direct Payments are cash payments, made in lieu of traditional social service provisions, to individuals who have been assessed as needing personal social services and for whom a Trust has decided to provide those services. If, following an assessment, a client need is identified and the Trust proposes to provide a service to meet this need, the client can request to receive a Direct Payment with which to purchase services personally. Such services may include those listed in the question.

When arranging a Direct Payment, the Trust will discuss how the potential recipient intends to secure the services he or she has been assessed as requiring. Trusts are encouraged to explore innovative and creative options to meeting a client's needs; however, the Trust must be satisfied that the person's assessed needs will indeed be met, and that the money is being spent appropriately.

Direct Payments

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety to detail any campaigns undertaken by his Department or the Health and Social Care Trusts since 2007 to encourage the uptake of Direct Payments; and how successful these campaigns have been.

(AQW 3068/11)

Minister of Health, Social Services and Public Safety: No campaigns have been launched by my Department to encourage the uptake of Direct Payments. Instead I introduced a new target under Priorities for Action which states that by March 2011, the Health and Social Care Board and Trusts should increase the number of Direct Payment cases to 1,750. Due to the strong performance of the Board and Trusts, this target number has been reached, and is on track to be well exceeded.

Urological Cancer

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety how many patients suspected of having urological cancer are currently awaiting a review appointment in each Health and Social Care Trust.

(AQW 3081/11)

Minister of Health, Social Services and Public Safety: Waiting times for (a) a first assessment with a breast cancer specialist; (b) treatment following a decision to treat being taken; and (c) treatment following an urgent GP referral for suspect cancer, during the months of April, May and June 2010, the most recent months for which information is available, can be found at the following link:

http://www.dhsspsni.gov.uk/index/stats_research/stats-activity_stats_2/waiting_times_main/waiting_times-4.htm

Specialist Neurological Beds at the Royal Victoria Hospital

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety for his assessment of the impact on patient waiting times across Northern Ireland of the recent closure resulting from specialist neurological beds at the Royal Victoria Hospital.

(AQW 3082/11)

Minister of Health, Social Services and Public Safety: I have been assured by the Belfast Trust that the recent reduction in the number of neurology inpatient beds will not have an impact on waiting times for elective admission to the ward.

The Trust can utilise beds in a flexible manner and if there is a need for more inpatient neurology beds these will be provided.

I have visited the neurology ward in the RVH and met with the Belfast Trust and the neurologists providing the specialist service across Northern Ireland. I am absolutely assured of their commitment to providing ongoing care for neurology patients and to ensuring that such care is of high quality, effective and timely.

Red Flag Referral Cancer Patients

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety how many red flag referral cancer patients are currently awaiting a review appointment; and what is the average waiting time for cancer patients to receive a review appointment following diagnosis.

(AQW 3083/11)

Minister of Health, Social Services and Public Safety: Waiting times for (a) a first assessment with a breast cancer specialist; (b) treatment following a decision to treat being taken; and (c) treatment following an urgent GP referral for suspect cancer, during the months of April, May and June 2010, the most recent months for which information is available, can be found at the following link:

http://www.dhsspsni.gov.uk/index/stats_research/stats-activity_stats_2/waiting_times_main/waiting_times-4.htm

Direct Payments

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety to detail (i) the eligibility criteria for Direct Payments; and (ii) any sub-eligibility criteria for Learning Disability Services in relation to Direct Payments.

(AQW 3084/11)

Minister of Health, Social Services and Public Safety: Direct Payments are cash payments, made in lieu of traditional social service provisions, to individuals who have been assessed as needing personal social services and for whom a Trust has decided to provide those services. They are available to:

- Disabled people over 16;
- Older people who receive services from the Trust;
- Disabled parents;
- Parents of disabled children;
- Carers over 16 for services to meet their own needs; and
- People affected by mental illness.

There are no specific sub-eligibility criteria for Learning Disability Services, but a Trust can only offer Direct Payments if it is satisfied that the recipient is willing and able to manage Direct Payments, with help if required.

Waterways Rescue and Recovery Training

Mr J O'Dowd asked the Minister of Health, Social Services and Public Safety what waterways rescue and recovery training Fire and Rescue Service personnel in the Craigavon area stations have received; and what equipment is available for those personnel to conduct water-based rescues and recovery.

(AQW 3085/11)

Minister of Health, Social Services and Public Safety: All Fire and Rescue Service firefighters, including those based in the Craigavon area, have received a water awareness course covering working in the vicinity of and in and around water.

All NIFRS front line fire appliances carry water rescue kits with four life jackets and two throw lines; in addition, the lead appliance carries a hose inflation kit.

Agenda for Change Payments

Mr J O'Dowd asked the Minister of Health, Social Services and Public Safety how many Agenda for Change payments are outstanding for staff of the former Craigavon and Banbridge Health and Social Services Trust; and what is the estimated timeframe for the payment of all the outstanding claims.

(AQW 3086/11)

Minister of Health, Social Services and Public Safety: The Southern Health and Social Care Trust, which covers the former Craigavon and Banbridge Health and Social Services Trust, has paid Agenda for Change arrears to all its current staff.

Care Matters Strategy

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety for an update on the implementation of the Care Matters Strategy.

(AQW 3090/11)

Minister of Health, Social Services and Public Safety: Care Matters in Northern Ireland was developed in conjunction with other Government Departments and voluntary sector partners. My Department is currently progressing a number of initiatives under Care Matters in Northern Ireland that fall within the remit of my Department in order to improve the lives of children and young people on the edge of care, in care and leaving care.

Child Protection Internet Safety Initiatives and Projects

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety to detail the child protection internet safety initiatives and projects that have been developed by his Department.

(AQW 3092/11)

Minister of Health, Social Services and Public Safety: My officials liaise closely with UK counterparts as part of the UK Council on Child Internet Safety. During February 2010, to coincide with Safer Internet Day, my Department funded a media and press awareness raising campaign within Northern Ireland to highlight the issue of internet safety and the benefits of the 'Click Clever Click Safe' campaign which promotes a 'One-Stop-Shop' where parents/carers/children can obtain advice and report instances of concerns in relation to internet safety.

Responsibilities for Internet safety issues fall to a number of NI Departments. My Department works with relevant Departments and other Agencies as part of the Safeguarding sub-group of the Ministerial Sub-Committee on Children and Young People to promote issues around Internet safety etc. In addition, under the auspices of the North South Ministerial Council my Department is involved in a cross-border group of officials which oversee areas for co-operation on child protection, including internet safety. This group continues to keep each other apprised of ongoing developments within respective jurisdictions.

My Department is also currently bringing forward legislation to establish a Safeguarding Board for Northern Ireland (SBNi) next year. This Board will play a key role in addressing issues relating to internet safety.

The UK Government is currently considering how best to proceed in the area of internet safety. When decisions have been taken on the way ahead we, along with other relevant NI Departments, will consider what the implications are for Northern Ireland.

Accident and Emergency Department at the Causeway Hospital

Mr J Dallat asked the Minister of Health, Social Services and Public Safety how many times the accident and emergency unit in the Causeway Hospital has failed to provide complete emergency cover in the last three months; and what changes to this facility are planned for the future.

(AQW 3099/11)

Minister of Health, Social Services and Public Safety: The delivery of services at the Causeway Hospital remains a matter for the Northern Health and Social Care Trust as the service provider. However, I am advised by the Trust that at no time in the last three months has the accident and emergency department at Causeway Hospital failed to provide complete emergency cover and, as responded to previously, there are currently no plans to make changes to this department

accident and emergency department at the Causeway Hospital

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety whether there are any plans to close the accident and emergency unit at the Causeway Hospital.

(AQW 3100/11)

Minister of Health, Social Services and Public Safety: While the delivery of services at the Causeway Hospital is a matter for the Northern Health and Social Care Trust as the service provider, I can advise that the Trust has no plans to change accident and emergency services at Causeway Hospital and has recently implemented a number of initiatives in order to sustain services on a 24 hour 7 day week basis.

Desertcreat College Development

Mr P McGlone asked the Minister of Health, Social Services and Public Safety, in light of the budget announcement of 15 December 2010, what financial commitment his Department has made to the Desertcreat college development; and to outline the expected timescale for the project.

(AQW 3101/11)

Minister of Health, Social Services and Public Safety: To date, my Department's expenditure in respect of this project is nil.

The draft budget announcement on 15 December indicated that the Executive has committed the full funding for the project through the Department of Justice budget. Timescales for the project will be confirmed by the Department of Justice once business case approval is obtained and the draft budget is finalised.

Attempted Suicide

Mr P Weir asked the Minister of Health, Social Services and Public Safety how many people presented to the Ulster Hospital in the last six months as a result of attempted suicide.

(AQW 3111/11)

Minister of Health, Social Services and Public Safety: The information is not readily available and could only be provided at disproportionate cost.

Social Care Workers

Mr A Easton asked the Minister of Health, Social Services and Public Safety whether existing social care workers are required to be registered as such or will the introduction of compulsory registration of social care workers only apply to newly appointed staff.

(AQW 3128/11)

Minister of Health, Social Services and Public Safety: Existing social care workers, including all newly appointed staff, within specified groups will be required to register with the Northern Ireland Social Care Council.

Fire and Ambulance Unit in Downpatrick

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety for his assessment of the recent proposals by the NI Ambulance Service about a Fire and Ambulance Unit in Downpatrick.
(AQW 3137/11)

Minister of Health, Social Services and Public Safety: To date, no formal proposals for a Fire & Ambulance Unit in Downpatrick have been submitted to my Department.

All proposals for the provision of fire and ambulance services in the Downpatrick area will be assessed with a view to ensuring updated fire and ambulance provision in Downpatrick as quickly as funding constraints permit.

Draft Savings Delivery Plans

Ms A Lo asked the Minister of Health, Social Services and Public Safety whether his Department will publish its draft Savings Delivery Plans within one week of the publication of the draft Budget 2011-2015; and whether it will include details of departmental savings measures and their anticipated impact.

(AQW 3142/11)

Minister of Health, Social Services and Public Safety: I will not be in a position to publish draft savings delivery plans for my Department within one week of publication of the draft budget. The proposed allocation for my Department is some £800 million (15%) below the funding required to maintain services in line with increased demand by 2014-15.

The priority of my Department must be to deliver services that are safe, sustainable and meet people's needs. We must meet the increased demand arising from a growing elderly population and from having the youngest population in the UK. People will also rightly expect that as new technology, new treatment solutions and innovative models of service delivery become available throughout the UK that patients here can avail of them to prolong their lives and improve their health.

I will therefore not be able to publish Savings Delivery Plans until I have had time to fully consider the implications of the proposed allocations

Reduction in Cancer Beds in the South Eastern and Belfast Trust area

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety for his assessment of the impact that the reduction in cancer beds in the South Eastern and Belfast Trust areas has had on waiting lists for treatment or surgery.

(AQW 3144/11)

Minister of Health, Social Services and Public Safety: There are no dedicated cancer beds in the South Eastern Trust and therefore no beds have been closed.

The Belfast Health and Social Care Trust has advised me that a recent LEAN project has enabled the Trust to improve services and increase efficiency within Oncology in the Cancer Centre, while reducing the number of beds by three.

This project has resulted in better access times for day case chemotherapy treatment and has avoided patients having to stay overnight.

Regional Fertility Clinic

Mr P McGlone asked the Minister of Health, Social Services and Public Safety what is the (i) target time; and (ii) actual time for appointments at the Regional Fertility Clinic, from the date when a referral is made by a GP

(AQW 3162/11)

Minister of Health, Social Services and Public Safety: A target has been set that by March 2011, no one should wait longer than nine weeks for a first outpatient appointment.

Currently, the average length of wait for a first appointment is 17-21 weeks from receipt of referral; however, the Belfast Health and Social Care Trust is working towards achieving the nine week target by the end of March 2011.

IVF Treatment

Mr P McGlone asked the Minister of Health, Social Services and Public Safety what is the (i) target time; and (ii) actual time for the commencement of IVF treatment, from the date when a referral is made by a GP

(AQW 3164/11)

Minister of Health, Social Services and Public Safety: In 2009, I announced additional recurrent funding of £1.5m to ensure that no-one who qualifies for publically funded fertility treatment will have a waiting time of longer than a year. It should be noted that this is measured from the time patients are added to the waiting list to receive treatment, not from the time that they are referred; this is in line with how other access targets are managed.

Current waiting time for treatment at the Regional Fertility Centre is 12-13 months; however, the Belfast Health and Social Care Trust is working towards reducing this to 12 months by the end of March 2011.

Child Residential Care

Mr T Burns asked the Minister of Health, Social Services and Public Safety (i) how many children have absconded or run away from residential care in each Health and Social Care Trust area, in each of the last 10 years; (ii) how many of these children were returned to care; and (iii) how many remain unaccounted.

(AQW 3166/11)

Minister of Health, Social Services and Public Safety: The information requested is not available centrally.

Abortions

Mr W Irwin asked the Minister of Health, Social Services and Public Safety how many women have travelled to Great Britain for abortions in 2010.

(AQW 3179/11)

Minister of Health, Social Services and Public Safety: Information is not currently available on the number of women who travelled to Great Britain for abortions in 2010.

Job Losses in the Health Service

Mr A Easton asked the Minister of Health, Social Services and Public Safety for his assessment of the statement made by the Regional Health and Social Care Board chief executive that 4,000 jobs could be lost in the Health Service as a result of the recent budget announcement.

(AQW 3190/11)

Minister of Health, Social Services and Public Safety: The proposed budget settlement for Health means a real terms cut of 2% (almost £90 million) to the whole of the Health and Social Care current budget. As a consequence, there is insufficient funding to continue to deliver services at their current level. The proposed budget does not take account of meeting the ever increasing demand for services. Taking into account the increase in demand expected over the next four years, the budget shortfall by the end of that period is 15%. Of this, more than 6% is to be met in the next financial year; just over three months from now. If this budget is ratified it will mean longer waiting times for patients and

clients for HSC services and it will have major implications for thousands of jobs; the current estimate is between 3,000 and 4,000 jobs in the 2011-12 year.

Our Health and Social Care budget needs investment – not cuts.

Stationery

Mr T Clarke asked the Minister of Health, Social Services and Public Safety how much his Department and its arm's-length bodies have spent on stationery in each of the last five years.

(AQW 3191/11)

Minister of Health, Social Services and Public Safety: The information requested could only be provided at disproportionate cost.

Social Care Workers

Mr A Easton asked the Minister of Health, Social Services and Public Safety whether any Health Service organisation insisted upon its social care workers being registered prior to his announcement to introduce compulsory registration for social care workers; and whether they were within their rights to do so.

(AQW 3213/11)

Minister of Health, Social Services and Public Safety: This information is not available centrally.

It is for Individual Health Service organisations to advise whether they insisted upon social care workers being registered prior to the announcement of the introduction of compulsory registration of specified groups of social care workers on 14 December 2010.

Department of Justice

CCTV Cameras

Mr M Storey asked the Minister of Justice to detail (i) the number of CCTV cameras in each local council area; and (ii) who is responsible for the running costs of each system.

(AQW 2652/11)

Minister of Justice (Mr D Ford): This response deals only with town centre CCTV cameras which the NIO installed under the 'Looking out for You' CCTV Challenge Fund Competition and which are now DOJ's responsibility. It does not take account of the many other privately operated schemes which may be operating across Northern Ireland and for which DoJ has no responsibility.

CCTV cameras funded under the DoJ 'Looking Out for You' Challenge Fund Competition

Council Area	Responsibility for running costs	No. of Cameras
Ards Borough Council	Ards Borough Council	6
Ballymena Borough Council	Ballymena Borough Council	7
Belfast City Council	North Belfast District Command Unit PSNI	2
Coleraine Borough Council	Safer Coleraine Ltd	12
Craigavon Borough Council	Craigavon Borough Council	4
Down District Council	Down District Council	12
Fermanagh District Council	Fermanagh District Council	7

Council Area	Responsibility for running costs	No. of Cameras
Lisburn City Council	Lisburn Commerce Against Crime Ltd	3
Newtownabbey Borough Council	Newtownabbey Borough Council	3
Newry and Mourne District Council	Newry City Centre Management	20
North Down Borough Council	North Down Borough Council	4
*Omagh District Council	Omagh Safer Streets	7
		87

* Installation works nearing completion

Gang Culture

Mr S Gardiner asked the Minister of Justice what steps he intends to take to curb the gang culture.
(AQW 2667/11)

Minister of Justice: Northern Ireland does not have a gang culture comparable with other areas of the British Isles. Where it may manifest itself is in the form of paramilitary activity and serious organised crime.

I chair the Organised Crime Task Force (OCTF), which acts as a forum to allow Government, law enforcement agencies and the business community to develop strategies for dealing with organised crime in Northern Ireland. One of the OCTF's key objectives is to disrupt gangs and take the profit out of organised crime and remove their criminal assets through criminal and civil proceedings.

Prisoners

Miss M McIlveen asked the Minister of Justice, for each of the last five years, what proportion of adults in the prison system entered prison for the first time.
(AQW 2680/11)

Minister of Justice: The information requested is not collated by the Northern Ireland Prison Service and could only be obtained at disproportionate cost.

Courses for Prisoners

Miss M McIlveen asked the Minister of Justice how many prisoners are currently enrolled in courses for (i) GCSEs; (ii) A-levels; (iii) degrees; and (iv) other higher education qualifications; and what proportion of the prison population these figures represent.
(AQW 2681/11)

Minister of Justice: The current education enrolment figures for prisoners within NIPS establishments, at December 2010 are set out in the table below:

TABLE A: EDUCATION STATISTICS

Courses	Maghaberry	Magilligan	Hydebank Wood	Total
GCSE's or	16	14	10	40
*Equivalent Qualifications	71	11	0	82

Courses	Maghaberry	Magilligan	Hydebank Wood	Total
A levels or	4	0	0	4
*Equivalent Qualifications	28	7	0	35
Degrees or	7	16	4	27
*Equivalent Qualifications	1	0	0	1
Other Higher Ed.	0	18	0	18

The total number of prisoners enrolled in these courses is 207, which equates to 14% of the overall prison population.

*Equivalent qualifications include for example:

- **GCSES** Essential skills level 2: Level 2 award/cert/dip for IT users:
- **ECDL** (level 2).
- **A-levels** AutoCAD: Openings: Undergraduates.
- **Degrees** Bible Study: Post graduate.

Arrests at Sport Stadiums

Mr K Robinson asked the Minister of Justice to detail (i) the number of arrests made by the PSNI for offences committed within a sports stadium in each of the past three years; (ii) the number of these arrests which resulted in a conviction; and (iii) the sentences that resulted from these convictions.

(AQW 2703/11)

Minister of Justice: The information requested is not available in the format requested, however the following table details incidents at and related to sporting events in recent years.

SPORTS INCIDENTS FOOTBALL

Date	Location	Incident	Type Of Offence
06/11/2010	Coleraine Showgrounds (Coleraine v Cliftonville)	Cliftonville supporters causing disturbance in local bar. PSNI officers attacked. After match stones thrown at police car and Cliftonville supporters bus.	5 arrests public order and assault on police.
16/10/2010	Solitude (Cliftonville v Glentoran)	Alcohol removed from Glentoran supporters as they arrived on bus.	Alcohol on buses
09/10/2010	Coleraine Showgrounds (Coleraine v Linfield)	Male shouting obscenities at Linfield team bus following game.	Chanting abuse

Date	Location	Incident	Type Of Offence
25/9/2010	Coleraine Showgrounds (Coleraine v Ballymena)	Youths ('Coleraine casuals') gathered after second half of match. Banger thrown at police car. Youths continued to cause annoyance, throwing bangers at each other and passers by.	
28/08/2010	Donegal Celtic Suffolk Road (Donegal Celtic v Glentoran)	Glentoran supporters entered sterile zone, failed to leave when requested.	Pitch incursion
May 2010	Windsor Park	Sectarian chanting at Irish Cup Final	Chanting abuse
31/10/2010	Donegal Celtic Suffolk Road (Donegal Celtic v Cliftonville)	Altercation between a DC supporter and a Cliftonville supporter	
15/09/2010	Strangmore Park, Dungannon FC	Racial abuse towards Dungannon FC player	Chanting abuse
15/08/2009	Shamrock Park, Portadown FC (Portadown v Glentoran)	Supporter ran onto pitch and attacked Glentoran player.	Pitch incursion
28/03/2009	Windsor Park (NI v Poland)	Violence inside and outside ground before, during and after match. Assistant referee struck by coin. Fans attack police with fireworks	Fireworks
13/01/2009	Windsor Park (Linfield v Cliftonville)	Cliftonville official hit by plastic bottle	Missiles
26/12/2008	Windsor Park (Linfield v Glentoran)	Trouble causing play to be suspended	
04/11/2008	Windsor Park	Linfield players hit by a firework	Fireworks
Oct 2008	The Brandywell (Derry City FC)	Sectarian language towards stewards	Chanting/abuse
22/03/2008	Ballymena Showgrounds (Ballymena v Lisburn Distillery)	Missiles thrown onto pitch during match	Missiles
Oct 2007	Windsor Park	Baseball thrown onto pitch and flag burned in the wooden stand	Missile
11/08/2007	Ballymena Showgrounds (Ballymena v Linfield)	Sectarian chanting	Chanting/abuse

Date	Location	Incident	Type Of Offence
May 2006	Mourneview Park, Glenavon FC	Crowd trouble after Irish Cup semi final	
23/04/05	The Oval, (Linfield v Glentoran)	Major trouble at match. Hundreds of fans on pitch fighting and throwing missiles	Pitch incursion, missiles
22/02/2005	Brandywell, Derry City FC	Buses attacked as they leave the Brandywell	
02/05/2004	Windsor Park	2 men stabbed at Irish Cup Final	
May 1998	Windsor Park	Crowd trouble at end of Irish Cup Final. Stewards attacked.	
GAA			
18/10/2009	Healy Park, Omagh	Referee assaulted at Tyrone County Football Final	Pitch incursion
23/03/2008	Edendork GAC, Tyrone	Crowd congestion causes match to be delayed	
20/11/2004	Casement Park	Referee attacked at Ulster Cup semi final	Pitch incursion
Rugby			
Ongoing	Ravenhill	Isolated incidents of urinating in private gardens when returning to vehicles, complaints received in relation to parking	Being drunk
Safety incidents			
17/01/2009	Ravenhill	Stand evacuated due to adverse weather conditions	
17/01/2009	The Oval, Glentoran	Match abandoned due to floodlights becoming loose due to adverse weather conditions	

Offences Related to Sport

Mr K Robinson asked the Minister of Justice whether his Department holds any information on any person, currently living in Northern Ireland but originally from outside the UK, who has been convicted, in another part of the European Union, of an offence related to sport.

(AQW 2704/11)

Minister of Justice: The information requested is not available in the format requested; however, the following table details incidents at and related to sporting events in recent years.

SPORTS INCIDENTS**FOOTBALL**

Date	Location	Incident	Type of Offence
06/11/2010	Coleraine Showgrounds (Coleraine v Cliftonville)	Cliftonville supporters causing disturbance in local bar. PSNI officers attacked. After match stones thrown at police car and Cliftonville supporters bus.	5 arrests public order and assault on police.
16/10/2010	Solitude (Cliftonville v Glentoran)	Alcohol removed from Glentoran supporters as they arrived on bus.	Alcohol on buses
09/10/2010	Coleraine Showgrounds (Coleraine v Linfield)	Male shouting obscenities at Linfield team bus following game.	Chanting abuse
25/9/2010	Coleraine Showgrounds (Coleraine v Ballymena)	Youths ('Coleraine casuals') gathered after second half of match. Banger thrown at police car. Youths continued to cause annoyance, throwing bangers at each other and passers by.	
28/08/2010	Donegal Celtic Suffolk Road (Donegal Celtic v Glentoran)	Glentoran supporters entered sterile zone, failed to leave when requested.	Pitch incursion
May 2010	Windsor Park	Sectarian chanting at Irish Cup Final	Chanting abuse
31/10/2010	Donegal Celtic Suffolk Road (Donegal Celtic v Cliftonville)	Altercation between a DC supporter and a Cliftonville supporter	
15/09/2010	Strangmore Park, Dungannon FC	Racial abuse towards Dungannon FC player	Chanting abuse
15/08/2009	Shamrock Park, Portadown FC (Portadown v Glentoran)	Supporter ran onto pitch and attacked Glentoran player.	Pitch incursion
28/03/2009	Windsor Park (NI v Poland)	Violence inside and outside ground before, during and after match. Assistant referee struck by coin. Fans attack police with fireworks	Fireworks
13/01/2009	Windsor Park (Linfield v Cliftonville)	Cliftonville official hit by plastic bottle	Missiles
26/12/2008	Windsor Park (Linfield v Glentoran)	Trouble causing play to be suspended	
04/11/2008	Windsor Park	Linfield players hit by a firework	Fireworks

Date	Location	Incident	Type of Offence
Oct 2008	The Brandywell (Derry City FC)	Sectarian language towards stewards	Chanting/abuse
22/03/2008	Ballymena Showgrounds (Ballymena v Lisburn Distillery)	Missiles thrown onto pitch during match	Missiles
Oct 2007	Windsor Park	Baseball thrown onto pitch and flag burned in the wooden stand	Missile
11/08/2007	Ballymena Showgrounds (Ballymena v Linfield)	Sectarian chanting	Chanting/abuse
May 2006	Mourneview Park, Glenavon FC	Crowd trouble after Irish Cup semi final	
23/04/05	The Oval, (Linfield v Glentoran)	Major trouble at match. Hundreds of fans on pitch fighting and throwing missiles	Pitch incursion, missiles
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02/05/2004	Windsor Park	2 men stabbed at Irish Cup Final	
May 1998	Windsor Park	Crowd trouble at end of Irish Cup Final. Stewards attacked.	

GAA

Date	Location	Incident	Type of Offence
18/10/2009	Healy Park, Omagh	Referee assaulted at Tyrone County Football Final	Pitch incursion
23/03/2008	Edendork GAC, Tyrone	Crowd congestion causes match to be delayed	
20/11/2004	Casement Park	Referee attacked at Ulster Cup semi final	Pitch incursion

RUGBY

Date	Location	Incident	Type of Offence
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Ongoing	Ravenhill	Isolated incidents of urinating in private gardens when returning to vehicles, complaints received in relation to parking	Being drunk
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SAFETY INCIDENTS

Date	Location	Incident	Type of Offence
17/01/2009	Ravenhill	Stand evacuated due to adverse weather conditions	
17/01/2009	The Oval, Glentoran	Match abandoned due to floodlights becoming loose due to adverse weather conditions	

Offences Related to Sport

Mr K Robinson asked the Minister of Justice how many people have been convicted of offences committed (i) before; (ii) during; and (iii) after the Northern Ireland vs Poland football international on 28 March 2009; and to outline the sentences handed down as a result of these convictions.

(AQW 2707/11)

Minister of Justice: The information requested is not available in the format requested; however, the following table details incidents at and related to sporting events in recent years.

SPORTS INCIDENTS**FOOTBALL**

Date	Location	Incident	Type of Offence
06/11/2010	Coleraine Showgrounds (Coleraine v Cliftonville)	Cliftonville supporters causing disturbance in local bar. PSNI officers attacked. After match stones thrown at police car and Cliftonville supporters bus.	5 arrests public order and assault on police.
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May 2006	Mourneview Park, Glenavon FC	Crowd trouble after Irish Cup semi final	
23/04/05	The Oval, (Linfield v Glentoran)	Major trouble at match. Hundreds of fans on pitch fighting and throwing missiles	Pitch incursion, missiles
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Date	Location	Incident	Type of Offence
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GAA

Date	Location	Incident	Type of Offence
18/10/2009	Healy Park, Omagh	Referee assaulted at Tyrone County Football Final	Pitch incursion
23/03/2008	Edendork GAC, Tyrone	Crowd congestion causes match to be delayed	
20/11/2004	Casement Park	Referee attacked at Ulster Cup semi final	Pitch incursion

RUGBY

Date	Location	Incident	Type of Offence
Ongoing	Ravenhill	Isolated incidents of urinating in private gardens when returning to vehicles, complaints received in relation to parking	Being drunk

Safety incidents

Date	Location	Incident	Type of Offence
17/01/2009	Ravenhill	Stand evacuated due to adverse weather conditions	
17/01/2009	The Oval, Glentoran	Match abandoned due to floodlights becoming loose due to adverse weather conditions	

BMF Business Services

Mr S Hamilton asked the Minister of Justice how much his Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2727/11)

Minister of Justice: The Department of Justice came into existence on 12th April 2010. Details of expenditure relating to BMF Business Services before that date are a matter for the previous department.

Expenditure incurred by the Department of Justice and its arm's-length bodies is shown in the table below:

Body	Amount
DoJ Core	£888

Body	Amount
Northern Ireland Prison Service	£74
Forensic Science Northern Ireland	£39
Youth Justice Agency	£654
Northern Ireland Courts and Tribunals Service	£1,116
Police Service Northern Ireland	£4,438
Northern Ireland Legal Services Commission	£1,146
Probation Board Northern Ireland	£2,744
Prisoner Ombudsman	£350
Criminal Justice Inspection Northern Ireland	£411
Northern Ireland Law Commission	£195
Office of the Police Ombudsman Northern Ireland	£1,948
Northern Ireland Policing Board	£6,303
Policing Rehabilitation and Retraining Trust	£928
Total	£21,234

The expenditure shown above is from 1 April 2010 to 30th November 2010 as, under Machinery of Government rules, the DOJ will account for expenditure from 1st April 2010.

Convictions for Carrying a Weapon

Ms M Ritchie asked the Minister of Justice how many people under the age of 18 have been convicted for carrying a weapon in each of the last five years.

(AQW 2737/11)

Minister of Justice: The table below gives the number under 18 years old convicted for an offence related to the illegal possession of a weapon.

Data cover the calendar years 2002 to 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

NUMBER UNDER THE AGE OF 18 CONVICTED FOR AN OFFENCE RELATED TO THE ILLEGAL POSSESSION OF A WEAPON 2002-2006

Year	2002	2003	2004	2005	2006
Number convicted	32	30	36	18	34

- Includes the offences 'armed with offensive weapon with intent to commit offence', 'possessing offensive weapon in a public place', 'possessing article with blade or point in a public place', 'possessing article with blade or point on school premises', 'possessing offensive weapon on school premises', 'possessing handgun without certificate', 'possessing firearm with intent', 'possession of firearms by a minor', 'possession of firearm or imitation firearm with intent to cause fear of violence'.

Proceeds of Crime Legislation

Ms M Ritchie asked the Minister of Justice how much money has been recouped under proceeds of crime legislation in each of the last five years.

(AQW 2741/11)

Minister of Justice: I am unable to advise how much money was recouped before 2008-09, because prior to this period the Home Office, which administered the recovery scheme across the UK, did not keep a separate record of the net value of criminal assets recovered in Northern Ireland.

This practice changed following the publication of a Home Office assets recovery action plan in May 2007, which set a target for the recovery of criminal assets across the UK. Stemming from this a Northern Ireland Assets Recovery Action Plan was published in July 2008 setting targets for Northern Ireland in 2008-09 and 2009-10.

From 2008-09 to the end of November 2010 the net value of criminal assets recovered in Northern Ireland is as follows:

Year	Amount
2008-09	£7,315,629 (criminal and civil)
2009-10	£4,207,852 (criminal and civil).
2010-11 from 1 April to 30 November	£2,305,357 (criminal only).

Reoffending Rates

Mr A Ross asked the Minister of Justice to detail the reoffending rates of prisoners compared with the rest of the UK and the Republic of Ireland, in each of the last five years.

(AQW 2775/11)

Minister of Justice: Figures for Northern Ireland are only available for the years 2004 – 2007. The following table details the proportion of those adults discharged from custody who were convicted within 18 months:

Year	2004	2005	2006	2007
% Reoffending	32.0%	37.1%	37.7%	36.6%

I have commissioned important work to develop a new, comprehensive Reducing Offending Strategy. The strategy aims to reshape fundamentally our approach to tackling the factors leading people into the criminal justice system and the obstacles which hinder them from getting back out of it.

Crime statistics for England and Wales are available on the Ministry of Justice and Home Office websites (www.justice.gov.uk, www.homeoffice.gov.uk), for Scotland on the Scottish Government Statistics website (<http://www.scotland.gov.uk/Topics/Statistics>) and for the Republic of Ireland on the Central Statistics Office Ireland website (<http://www.cso.ie>).

Prison Population

Mr A Ross asked the Minister of Justice to detail the prison population in each of the last 10 years.

(AQW 2776/11)

Minister of Justice: The figures are shown in the table below:

Financial Year	Average population
2000/01	1010

Financial Year	Average population
2001-02	926
2002-03	1050
2003-04	1176
2004-05	1277
2005-06	1328
2006-07	1495
2007-08	1473
2008-09	1492
2009-10	1449

Engagement with European Political Institutions

Mr B McElduff asked the Minister of Justice to detail (i) the number of officials within his Department who are currently directly involved in engagement with European political institutions; and (ii) the success rate of his Department in accessing European funding in each of the last three years.

(AQW 2814/11)

Minister of Justice: There are no officials within my Department who are currently directly involved in engagement with European political institutions.

One official currently works within the Department's European Unit, which was established in April 2010 to manage the implications of EU policy, legislation and structural initiatives for the criminal justice system.

To date, the Department of Justice has not accessed European funding. The European Unit is currently examining EU funding programmes for Criminal and Civil Justice to identify areas where the Department could apply for funds in 2011.

Erroneous Release of Sean Gerard Cahill from Maghaberry Prison

Lord Morrow asked the Minister of Justice for his assessment of the level of risk posed to the public as a result of the erroneous release of Sean Gerard Cahill from Maghaberry Prison.

(AQW 2816/11)

Minister of Justice: I am advised by PSNI that Sean Gerard Cahill is not considered to be a high-risk individual and that he poses no particular risk to the public. PSNI is mounting an operational effort to re-apprehend Mr Cahill.

Causeway IT System

Lord Morrow asked the Minister of Justice (i) whether a recent IT system error contributed to the erroneous release of prisoners; (ii) if this IT system error involved the recently installed Causeway IT System; and (iii) whether this system is linked with the Prison Service system, and if not, whether he intends to establish a link as a matter of urgency.

(AQW 2820/11)

Minister of Justice:

- (i) There is no evidence to suggest that an IT system error contributed to the erroneous release of either Devidas Paliutis or Connelly James Cummins.

An inquiry to establish the circumstances which led to the erroneous release of Sean Gerard Cahill is still ongoing. However at this stage it is clear that the incident almost certainly involved an element of IT system error.

- (ii) The nature of the IT system error involved has not yet been fully established but there is no reason to believe that Causeway is involved.
- (iii) The Causeway IT system is already linked with the Prison Service IT system, PRISM.

28-Day Charge Sheets in Domestic Violence Cases

Lord Morrow asked the Minister of Justice whether he intends to review the practice of 28-day charge sheets in domestic violence cases and instead, when there is sufficient evidence, to introduce an overnight remand and appearance at the first available Magistrates Court.

(AQW 2821/11)

Minister of Justice: The practice of using 28-day charge sheets in cases involving domestic violence is a prosecutorial policy matter for the Police Service of Northern Ireland and the Public Prosecution Service.

The Chief Constable is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable. As my Department is not responsible for the PPS you may therefore wish to direct your question to the PPS and PSNI.

Legislative Proposals in the European Commission

Mr A Ross asked the Minister of Justice whether there is a specific individual or section within his Department to identify, at an early stage, legislative proposals in the European Commission and the potential impact on Northern Ireland.

(AQW 2834/11)

Minister of Justice: In April 2010, the Department established a European Unit to manage the implications of EU policy, legislation and structural initiatives for the criminal justice system within Northern Ireland.

Executive Office in Brussels

Mr A Ross asked the Minister of Justice to detail any communication his Department has had with the Northern Ireland Executive Office in Brussels in each of the last 24 months.

(AQW 2835/11)

Minister of Justice: Details of communication between the Department of Justice and the Northern Ireland Executive Office in Brussels since the Department's inception are set out in Table A below.

Table A

Month	Purpose of Contact
June 2010	Exchange of e-mails providing details of respective roles and responsibilities
Sept 2010	Email from NI Executive office alerting officials about seminar on role of European Court of Human Rights in area of Criminal Law
Sept 2010	E-mail from NI Executive office alerting officials to possible EU operating grants within area of Civil Justice
Sept 2010	Exchange of correspondence exploring possible Ministerial visit to Brussels for attendance at Justice Home Affairs Council meeting.
Oct 2010	Request from NI Executive office for advice on property fraud within EU.

Month	Purpose of Contact
Nov 2010	Exchange of correspondence confirming programme for visit by DOJ officials to Brussels office
Nov 2010	Meeting to:- Agree arrangements for NI Executive office to promote DOJ interests in Brussels; Explore how NI Executive office will support justice related applications for EU funds: and Explore how NI Executive office will support Ministerial attendance at Justice Home Affairs Council meetings.

Attacks Against Orange Halls

Mr W Humphrey asked the Minister of Justice how many of the convictions for attacks against Orange Halls in each of the last five years were subject to the enhanced sentencing criteria for hate crime.
(AQW 2848/11)

Minister of Justice: It is not possible to provide figures for the period requested. However, I can advise that the Northern Ireland Court Service carried out a manual trawl of enhanced sentencing records for the 2007 to 2009 period and none of these related to attacks on Orange Halls. This may be due to the fact that the criteria relating to enhanced sentencing for hate crime is aimed at protecting individuals as opposed to buildings.

Attacks Against Orange Halls

Mr W Humphrey asked the Minister of Justice to detail (i) the number of recorded attacks against Orange Halls in each of the last five years; and (ii) of these how many (a) have been cleared; (b) resulted in prosecutions; and (c) resulted in convictions.
(AQW 2850/11)

Minister of Justice: The PSNI is unable to provide statistics for the time period specified; however, they have provided the following figures in relation to recorded attacks against Orange Halls and subsequent clearances:-

Year	Offences recorded	Offences cleared
2007-08	59	4
2008-09	59	2
2009-10	68	0

Source: PSNI Central Statistics Unit

Over the last three years, three cases have been referred to the Public Prosecution Service and proceedings have been taken against four persons, all of whom have been convicted for offences relating to criminal damage.

Jury Service

Mr T Burns asked the Minister of Justice, for each of the last five years, to detail (i) the number of people called for jury service; (ii) the number of people who took up a place on a jury; (iii) a breakdown of the total amount of expenses paid out; and (iv) any expense claims for items of £100 or more.
(AQW 2857/11)

Minister of Justice: Information on jurors was not centrally collated prior to the introduction of a new IT system in October 2006. Consequently, it is not possible to provide the requested information prior

to 2007 without incurring disproportionate cost. Nor is it possible to answer part (iv) without incurring disproportionate cost.

Table 1 below sets out the number of jurors summoned to attend for jury service and the number who were sworn on to a jury. Jurors are usually summoned to attend court between September and June each year.

TABLE 1

Year (Sept-June)	Number Summoned	Number Sworn*
2007-8	12009	3432
2008-9	12644	3546
2009-10	15271	4121

Table 2 below details the expenses paid to jurors at this stage.

TABLE 2

Year (Sept-June)	2007-8 £	2008-9 £	2009-10 £
Loss of Earnings	603,631	577,491	594,029
Travel	203,551	193,116	213,182
Subsistence	73,910	68,871	68,595
Other	21,678	20,272	18,158
Total	902,770	859,750	893,964

Male Victims of Domestic Violence

Ms D Purvis asked the Minister of Justice to detail, for the last full year for which figures are available, how many applications for (i) contact orders; (ii) non-molestation orders; and (iii) occupation orders were granted to male victims of domestic violence.

(AQW 2876/11)

Minister of Justice: In 2009, 9,627 interim and final contact orders were made. However, information on the gender of applicants is not collected and not all contact orders applications relate to domestic violence.

Information on the gender of applicants and respondents in non-molestation and occupation orders is not routinely collected and complete information is not available. However, figures on applications granted against female respondents, where gender information has been recorded, are available. These figures may include some interim and final orders where both the applicant and the respondent were female.

The table below details the number of orders made where information on gender has been recorded and where the respondent was female.

TABLE: INTERIM AND FINAL NON-MOLESTATION AND OCCUPATION ORDERS MADE IN 2009 AGAINST FEMALE RESPONDENTS

Non-Molestation	Occupation
530	151

Foreign Nationals Serving Prison Sentences

Mr T Burns asked the Minister of Justice to detail the number of foreign nationals who have been jailed in each of the last five years broken down by (i) nationality; and (ii) type of offence.

(AQW 2885/11)

Minister of Justice: The Northern Ireland Prison Service started to collate statistics on the committal and discharge of foreign national prisoners in July 2006 and as a result of this it is only possible to give complete year figures from 2007.

These figures and those in the attached report are based on committals. Some will have been as a result of fine warrants. Where this is the case not all of the charges laid will have resulted in a continuing custodial sentence.

The figures quoted are correct at 16 December 2010.

- (i) The breakdown of foreign national prisoners who have been committed in the last four years by nationality is:

TABLE A: BREAKDOWN BY NATIONALITY

	2007	2008	2009	2010	Total
Afghanistan	1	0	0	0	1
Albania	2	2	1	1	6
Algeria	5	3	3	2	13
Angola	0	1	0	0	1
Argentina	1	0	0	0	1
Armenia	0	0	0	1	1
Australia	4	1	1	1	7
Azerbaijan	0	0	2	0	2
Bangladesh	2	2	1	4	9
Belarus	1	0	0	0	1
Belgium	0	0	0	1	1
Benin	0	1	0	0	1
Bolivia	0	1	1	0	2
Brazil	4	4	4	2	14
Bulgaria	1	3	0	6	10
Cameroon	0	1	1	1	3
Canada	2	1	1	0	4
Cape Verde	0	0	0	1	1
China	7	102	27	21	157
Congo	1	3	1	0	5
Czech Republic	2	3	4	2	11
Denmark	1	0	0	0	1

	2007	2008	2009	2010	Total
Djibouti	0	0	0	1	1
East Timor	0	3	0	2	5
Egypt	1	1	2	1	5
Estonia	0	0	1	1	2
France	0	1	0	0	1
Georgia	1	0	2	1	4
Germany	3	1	0	2	6
Ghana	0	2	0	0	2
Grenada	0	0	1	0	1
Guinea-Bissau	0	1	2	0	3
Guyana	1	0	0	0	1
Hong Kong	0	0	0	1	1
Hungary	1	3	2	1	7
India	1	1	2	0	4
Iran	2	2	0	1	5
Iraq	0	1	5	3	9
Italy	0	1	2	1	4
Ivory Coast	0	1	1	0	2
Korea	0	1	0	0	1
Kyrgyzstan	0	1	0	0	1
Latvia	22	16	22	22	82
Liberia	1	0	0	0	1
Lithuania	49	63	112	114	338
Malaysia	0	2	0	1	3
Mali	0	0	1	0	1
Moldova	3	2	0	0	5
Netherlands	1	8	0	1	10
Nigeria	13	21	13	17	64
North Korea	0	1	0	0	1
Other	2	5	6	0	13
Pakistan	0	2	2	2	6
Palestine	1	1	2	0	4
Philippines	0	0	1	0	1
Poland	24	70	72	67	233

	2007	2008	2009	2010	Total
Portugal	19	18	30	30	97
Romania	6	9	12	19	46
Russia	3	1	3	2	9
Rwanda	1	0	0	0	1
Sierra Leone	1	1	1	0	3
Slovakia	1	4	8	5	18
Slovenia	0	1	0	0	1
Somalia	0	2	4	1	7
South Africa	5	4	1	3	13
Spain	1	1	0	2	4
Sri Lanka	0	0	0	1	1
Sudan	1	5	4	0	10
Surinam	1	0	0	0	1
Syria	1	0	0	0	1
Thailand	0	1	0	0	1
Tunisia	0	0	2	1	3
Turkey	1	0	2	0	3
Uganda	1	0	2	0	3
Ukraine	1	2	2	3	8
USA	1	1	3	2	7
Vietnam	0	3	0	1	4
Zimbabwe	4	4	2	3	13
Total	208	396	374	355	1333

- (ii) A detailed report for each year which sets out the types of offences and the numbers charged with each offence is at Annex A

ANNEX A

ANALYSIS OF FOREIGN NATIONALS BY OFFENCE

2007

No. of Individuals	Offence Description
1	Abandoning Child Under 16
1	Affray
2	Aggravated Assault on a Female or Boy Under 14 Years
1	Armed Robbery

No. of Individuals	Offence Description
1	Armed with Offensive Weapon with Intent to Commit Offence
8	Assault Occasioning Actual Bodily Harm
8	Assault on Police (Offences Prior to 9 February 1999 Only)
1	Assault With Intent To Rape
1	Attempted Burglary With Intent to Steal - Non-Dwelling
1	Attempted Forgery
2	Attempted Fraud by False Representation
1	Attempted Harassment
2	Attempted Murder
1	Attempted Tampering with Motor Vehicle
2	Attempted Theft
1	Attempted Theft from Dwelling
2	Attempting to take a Motor Vehicle without Authority
1	Attempt to Commit Grievous Bodily Harm
1	Behaving in a Disorderly Manner on Board an Aircraft
5	Breach of Bail
1	Breach of Conditional Discharge
4	Breach of Non-Molestation Order
2	Breach of Recognizance Entered into as a Surety
1	Breach of Suspended Sentence
1	Breach of Traffic Sign
2	Burglary
1	Burglary and Theft - Dwelling
1	Burglary And Theft - Non Dwelling
1	Burglary With Intent To Steal - Non Dwelling
2	Careless Driving
1	Causing Death by Dangerous Driving
1	Causing Grievous Bodily Injury by Dangerous Driving
10	Common Assault
2	Common Assault On Child Or Young Person
1	Concealing Criminal Property
1	Conspiracy To Rob
2	Consume Liquor In Public Place - Lga

No. of Individuals	Offence Description
1	Consuming Intoxicating Liquor Outside Hours
1	Counterfeiting With Intent To Use
16	Criminal Damage
1	Cultivating Cannabis
6	Dangerous Driving
4	Deception
1	Dishonestly Causing Electricity To Be Diverted
8	Disorderly Behaviour
21	Driving When Unfit Through Drink Or Drug
14	Driving While Disqualified (Offence Prior To 1 October 1997)
4	Driving With Excess Alcohol In Blood
12	Driving With Excess Alcohol In Breath
4	Driving Without Due Care And Attention
1	Endangering Aircraft
1	Entering Aircraft When Drunk
1	Escaping From Lawful Custody
2	Excess Speed
4	Extradition
3	Failing To Answer To Bail
2	Failing To Give Correct Name And Address
1	Failing To Give Particulars - Injury Accident
9	Failing To Provide Specimen When Driving
5	Failing To Remain Where Accident Occurred Causing Damage
1	Failing To Remain Where Accident Occurred Causing Injury
2	Failing To Report An Accident Whereby Injury Was Caused
4	Failing To Report Where Accident Occurred Causing Damage
5	Failing To Stop For Police
1	Failing To Stop - Injury Accident (Article 176)
3	Failing To Stop Where Accident Occurred Causing Damage
1	Failing To Wear Seat Belt
1	False Imprisonment
1	Fixed Penalty Notice
1	Forgery

No. of Individuals	Offence Description
1	Forging A Licence
3	Forging A Registration Document
1	Found On Premises For Unlawful Purpose
2	Fraud By False Representation
2	Fraudulently Importing Class-A Controlled Drug
3	Going Equipped For Burglary
6	Going Equipped For Theft
2	Grievous Bodily Harm
1	Grievous Bodily Harm With Intent
1	Harassment
1	Illegal Entry To United Kingdom
2	Importing A Controlled Drug
4	Inciting Assault Occasioning Actual Bodily Harm
8	Indecent Assault On Female
1	Indecent Assault On Female Child
1	Indecent Exposure
1	Jaywalking
1	Keeper Of An Unlicensed Vehicle
2	Kidnapping
1	Making False Statement In Connection With Identity Documents
1	Making Indecent Photographs Or Pseudo Photographs Of Children
1	Malicious Wounding
1	Manslaughter
2	Murder
27	No Driving Licence
3	No Goods Vehicle Test Certificate
2	No L Plates Displayed (For Offences Committed After 15 Nov 2007)
4	No TV Licence
1	No Vehicle Excise Disc
16	No Vehicle Test Certificate
1	Obstructing Immigration Officer
1	Obstructing Police
6	Obstructing Police (For Offences Prior To 9 February 1999 Only)

No. of Individuals	Offence Description
1	Obstructing An Authorised Person (P.O.T. 2005)
1	Obtaining A Money Transfer By Deception
7	Possessing Altered Documents Under The Immigration Act
4	Possessing Class-A Controlled Drug
7	Possessing Class-A Controlled Drug With Intent To Supply
8	Possessing Class-C Controlled Drug
8	Possessing Class-C Controlled Drug With Intent To Supply
1	Possessing Criminal Property
1	Possessing Firearm In Suspicious Circumstances
1	Possessing Forging Equipment
1	Possessing Listed False Instrument
1	Possessing Listed False Instrument With Intent To Use
7	Possessing Offensive Weapon In Public Place
4	Possession Etc Of Articles For Use In Frauds
4	Possession Of A False Identity Document With Intent
1	Possession Of Anything For Purpose Of Dishonestly Obtaining Service
1	Possession Of Documents With Intent To Commit Personation
12	Possession Of False Identity Document
1	Possess Of Firearm/Imitation Firearm With Intent To Cause Fear Of Viol
1	Possess Of Firearm With Intent
1	Poss Firearm Or Imitation F/A With Intent To Cause Fear Of Violence
2	Preventing Meter From Registering Electricity Supplied
8	Rape (Common Law)
14	Receiving Stolen Goods
1	Resisting Police
9	Resisting Police (For Offences Prior To 9 February 1999 ONLY)
1	Rider Of Motor Cycle Failing To Wear Protective Headgear (1999 Regs)
1	Robbery
1	Supplying Class-A Controlled Drug
2	Taking A Motor Vehicle Without Authority
17	Theft
11	Theft - Shoplifting
1	Threats To Damage Property

No. of Individuals	Offence Description
1	Threats To Harm
11	Threats To Kill
4	Trespassing
1	Unaccompanied L Driver (For Offences Committed After 15 Nov 2007)
2	Using A False Instrument With Intent To
49	Using A Motor Vehicle Without Insurance
1	Using False Instrument With Intent

2008

No. of Individuals	Offence Description
1	Affray
3	Aggravated Assault On A Female Or Boy Under 14 Years
1	Allowing Self To Be Carried On Conveyance Taken Without Authority
1	Armed With Offensive Weapon With Intent To Commit Offence
6	Assault Occasioning Actual Bodily Harm
14	Assault On Police (Offences Prior To 9 February 1999 Only)
1	Attempted Assault On Police (Offences Prior To 9 February 1999 Only)
1	Attempted Burglary And Theft - Non Dwelling
1	Attempted Burglary With Intent To Steal - Non-Dwelling
1	Attempted Criminal Damage
1	Attempted Grievous Bodily Harm With Intent
2	Attempted Murder
2	Attempted Rape
1	Attempted Robbery
5	Attempted Theft
1	Attempted Theft Of Mail In Transmission
1	Attempt To Produce Controlled Drug
1	Bail Revocation
1	Begging
12	Being Concerned In Production Of Class-C Controlled Drug
1	Being Concerned In Supply Of Class-A Controlled Drug
1	Being Concerned In Supply Of Class-B Controlled Drug
4	Blackmail

No. of Individuals	Offence Description
2	Breach Of Bail
1	Breach Of Probation Order
3	Breach Of Suspended Sentence
3	Breach Of The Immigration Act
2	Brothel Keeping
4	Burglary
1	Burglary And Attempted Theft - Dwelling
1	Burglary And Attempted Theft - Non Dwelling
3	Burglary And Theft - Dwelling
1	Burglary And Theft - Non Dwelling
1	Burglary With Intent To Commit Rape
1	Burglary With Intent To Steal - Dwelling
2	Burglary With Intent To Steal - Non Dwelling
3	Careless Driving
1	Carrying Child Under 14 Years Without Se
1	Carrying Imitation Firearm With Intent
1	Causing Death By Dangerous Driving
2	Causing Grievous Bodily Injury By Dangerous Driving
1	Causing Or Inciting Prostitution For Gain
13	Common Assault
1	Common Assault (Indictable)
2	Concealing Criminal Property
1	Conspiracy To Commit Forgery
7	Conspiracy To Produce Class-C Drugs
1	Consume Liquor In Public Place - Lga
1	Consuming Intoxicating Liquor In Public
1	Counterfeiting With Intent To Use
14	Criminal Damage
47	Cultivating Cannabis
7	Dangerous Driving
6	Deception
2	Defective Tyre - General
4	Dishonestly Causing Electricity To Be Diverted

No. of Individuals	Offence Description
3	Dishonestly Using Electricity
9	Disorderly Behaviour
29	Driving When Unfit Through Drink Or Drug
18	Driving While Disqualified (Offence Prior To 1 October 1997)
1	Driving With Excess Alcohol In Blood
13	Driving With Excess Alcohol In Breath
6	Driving Without Due Care And Attention
1	Endangering Aircraft
1	Entering United Kingdom Without Passport Etc.
4	Excess Speed
4	Extradition
1	Extradition Category 1
3	Failing To Answer To Bail
2	Failing To Give Correct Name And Address
2	Failing To Produce Documents As Required By Immigration Act
2	Failing To Produce Driving Licence
7	Failing To Provide Specimen When Driving
4	Failing To Remain Where Accident Occurred Causing Damage
1	Failing To Remain Where Accident Occurred Causing Injury
1	Failing To Report Where Accident Occurred Causing Damage
1	Failing To Stop For Police
1	Failing To Stop Where Accident Occurred Causing Damage
1	False Accounting
1	False Declaration To Obtain Licence
1	False Imprisonment
1	False Representation To Creditors
3	Fixed Penalty Notice
2	Forgery
2	Forging A Licence
4	Fraud By False Representation
2	Fraudulent Evasion Of Customs Prohibition On Importation Of Goods
1	Fraudulently Claiming Tax Credit
4	Fraudulently Importing Class A Controlled Drug

No. of Individuals	Offence Description
1	Fraudulently Using A Certificate Of Insurance
1	Fraudulently Using A Licence
4	Going Equipped For Burglary
6	Going Equipped For Theft
1	Going Equipped To Cheat
5	Grievous Bodily Harm
6	Grievous Bodily Harm With Intent
1	Gross Indecency With Child
2	Handling Stolen Goods (By Dealing)
1	Harassment
15	Illegal Entry To United Kingdom
7	Importing A Controlled Drug
2	Inciting Assault Occasioning Actual Bodily Harm
3	Indecent Assault On Female
1	Indecent Assault On Female Child
3	Indecent Behaviour
2	Indecent Exposure
1	Interference With Vehicles
1	Interfering With A Motor Vehicle Causing Danger
1	Jaywalking
1	Making False Statement In Connection With Identity Documents
1	Making False Statement To Procure Passport
2	Malicious Wounding
1	Manslaughter
3	Murder
35	No Driving Licence
2	No L Plates Displayed (For Offences Committed After 15 Nov 2007)
4	No TV Licence
1	No Vehicle Excise Disc
23	No Vehicle Test Certificate
1	Obstructing Police
14	Obstructing Police (For Offences Prior To 9 February 1999 Only)
1	Obtaining Property By Deception

No. of Individuals	Offence Description
2	Obtaining Services By Deception
1	Passenger Being Drunk On Board An Aircraft
2	Perverting The Course Of Justice
12	Possessing Altered Documents Under The Immigration Act
1	Possessing Article With Blade Or Point In Public Place
9	Possessing Class-A Controlled Drug
4	Possessing Class-A Controlled Drug With Intent To Supply
1	Possessing Class-B Controlled Drug With Intent To Supply
41	Possessing Class-C Controlled Drug
41	Possessing Class-C Controlled Drug With Intent To Supply
1	Possessing Counterfeit Currency
11	Possessing Criminal Property
1	Possessing Firearm In Suspicious Circumstances
9	Possessing Offensive Weapon In Public Place
8	Possession Etc Of Articles For Use In Frauds
1	Possession Of A Class-B Controlled Drug
10	Possession Of A False Identity Document With Intent
3	Possession Of Counterfeit Goods
38	Possession Of False Identity Document
1	Preventing Meter From Registering Electricity Supplied
26	Producing Class-C Controlled Drug
1	Producing Controlled Drug
9	Rape (Common Law)
5	Receiving Stolen Goods
13	Resisting Police (For Offences Prior To 9 February 1999 ONLY)
1	Supplying Class-A Controlled Drug
1	Supplying Class-B Controlled Drug
1	Supplying Class-C Controlled Drug
4	Taking A Motor Vehicle Without Authority
29	Theft
15	Theft - Shoplifting
17	Threats To Kill
4	Trespassing

No. of Individuals	Offence Description
2	Unaccompanied L Driver (For Offences Committed After 15 Nov 2007)
1	Unlawful Charitable Collection
5	Using A False Instrument With Intent To
75	Using A Motor Vehicle Without Insurance
1	Using Criminal Property
3	Using False Instrument With Intent

2009

No. Of Individuals	Offence Description
8	Affray
14	Aggravated Assault On A Female Or Boy Under 14 Years
1	Aggravated Burglary
2	Aggravated Burglary And Attempt To Inflict Gbh(Scheduled)
3	Aggravated Burglary And Inflicting Grievous Bodily Harm
1	Aggravated Burglary And Stealing
1	Aggravated Burglary With Intent To Commit Grievous Bodily Harm
1	Aggravated Vehicle Taking Causing Damage
2	Aggravated Vehicle Taking In Which Vehicle
1	Aiding And Abetting Indecent Assault On Female Child
1	Alcohol Related Offences
2	Allowing Self To Be Carried
2	Altering Documents Under The Immigration Act
1	Altering Tachograph Entry
1	Angled For Fish In Prohibited Area
15	Assault Occasioning Actual Bodily Harm
4	Assault On Police
10	Assault On Police (Offences Prior To 9 February 1999 Only)
1	Assisting Offenders
1	Assisting Unlawful Immigration To Member State (Facilitation)
2	Attempted Burglary And Theft - Dwelling
2	Attempted Burglary With Intent To Steal - Dwelling
3	Attempted Criminal Damage
1	Attempted Forgery

No. Of Individuals	Offence Description
1	Attempted Fraud By False Representation
1	Attempted Going Equipped For Theft
1	Attempted Grievous Bodily Harm With Intent
1	Attempted Incitement To Murder
2	Attempted Murder
3	Attempted Rape
9	Attempted Theft
1	Attempted Theft - Shoplifting
1	Attempting To Obtain A Money Transfer By Deception
1	Attempting To Procure Girl Under 21 Years To Become Prostitute
1	Attempt To Pervert The Course Of Justice
1	Attempt To Produce Controlled Drug
3	Being Concerned In Production Of Class-C Controlled Drug
2	Being Concerned In Supply Of Class-A Controlled Drug
6	Blackmail
9	Breach Of Bail
1	Breach Of Bail Art 6(3)
1	Breach Of Bye-laws
1	Breach Of Combination Order
1	Breach Of Community Based Order - Adult
4	Breach Of Community Service Order
1	Breach Of Conditional Discharge
1	Breach Of Custody Probation Order
8	Breach Of Non-Molestation Order
1	Breach Of Occupation Order
2	Breach Of Recognizance Entered Into As A Surety
2	Breach Of Suspended Sentence
2	Breach Of Suspended Sentence- In Ct Comp
1	Breach Of Temporary Traffic Regulation (Speeding)
1	Breach Of The Immigration Act
3	Burglary
4	Burglary And Attempted Theft - Dwelling
7	Burglary And Theft - Dwelling

No. Of Individuals	Offence Description
2	Burglary And Theft - Non Dwelling
1	Burglary With Intent To Commit Rape
5	Burglary With Intent To Steal - Dwelling
1	Burglary With Intent To Steal - Non Dwelling
1	Carrying A Firearm In A Public Place (An Imitation Firearm)
1	Carrying Firearm In A Public Place
1	Carrying Firearm With Criminal Intent
3	Causing Death By Dangerous Driving
1	Causing Death By Driving Carelessly With Excess Alcohol
3	Causing Grievous Bodily Injury By Dangerous Driving
3	Causing Grievous Bodily Injury By Drivin
1	Causing Grievous Bodily Injury By Incons
1	Causing Or Inciting Prostitution For Gain
1	Causing Or Procuring Cruelty To Children
1	Child Abduction (By Other Person)
32	Common Assault
9	Common Assault (Indictable)
1	Concealing Criminal Property
1	Conspiracy To Murder
1	Conspiracy To Pervert The Course Of Justice
1	Conspiracy To Produce Class-C Drugs
2	Consume Liquor In Public Place - Lga
1	Contempt Of Court
1	Contravened A Traffic Sign
1	Contravention Of Traffic Sign
1	Controlling Prostitution For Gain
32	Criminal Damage
1	Cruelty To Children
10	Cultivating Cannabis
9	Dangerous Driving
2	Deception
1	Defective Light
1	Defective Lighting Device

No. Of Individuals	Offence Description
2	Defective Tyre - General
1	Dishonestly Using Electricity
1	Dishonestly Using Telecommunications System
13	Disorderly Behaviour
2	Doing An Act With Intent To Pervert The Course Of Justice
2	Driving Etc While Disqualified (Offences Between 15 November 2007 And
5	Driving Unfit Vehicle
20	Driving When Unfit Through Drink Or Drug
1	Driving While Disqualified
7	Driving While Disqualified (Offence Between 1 October 1997 And 15 Nove
26	Driving While Disqualified (Offence Prior To 1 October 1997)
8	Driving While Disqualified (Offences On Or After 16 July 2008)
1	Driving With Excess Alcohol In Blood
23	Driving With Excess Alcohol In Breath
3	Driving Without Due Care And Attention
1	Entering Into An Arrangement To Acquire
2	Entering United Kingdom Without Passport Etc.
1	Estreat Bail - Principal Party
3	Excess Speed
3	Extradition
9	Failing To Answer To Bail
7	Failing To Answer To Bail As Soon As Reasonably Practicable
1	Failing To Carry Psv Driving Licence
1	Failing To Display Taxi Plates
1	Failing To Notify Doe Of Ownership Of Vehicle (New Owner)
2	Failing To Produce Documents As Required By Immigration Act
2	Failing To Produce Driving Licence
6	Failing To Provide Specimen When Driving
2	Failing To Provide Specimen When In Charge Unfit
1	Failing To Remain Where Accident Occurred Causing Damage
1	Failing To Remain Where Accident Occurred Causing Injury
1	Failing To Report An Accident Whereby Injury Was Caused
1	Failing To Report Where Accident Occurred Causing Damage

No. Of Individuals	Offence Description
3	Failing To Stop For Police
1	Failing To Stop - Injury Accident (Article 176)
1	Failing To Stop Where Accident Occurred Causing Damage
1	Failing To Surrender To Bail (Application To Estreat Recognizance)
1	Failing To Take Daily Rest Period From Driving
6	Failing To Wear Seat Belt
4	Failing To Wear Seat Belt (Driver)
1	Fail To Comply With Requirement By Authorised Examiner
1	Fail To Ensure Safety Of Passenger On Psv
1	Fail To Surrender To Police Bail (Application To Estreat Recognizance)
1	Fail To Use Recording Equipment (Dvta)
1	False Application Under Financial Services Act
1	False Declaration When Registering Vehicle
8	False Imprisonment
1	Fixed Penalty Notice
3	Forgery
1	Forging A Licence
1	Forging A Registration Document
9	Fraud By False Representation
2	Fraudulently Importing Class-A Controlled Drug
1	Fraudulently Using A Licence
1	Fraudulently Using Trade Mark When Exposing Goods For Sale
7	Going Equipped For Burglary
16	Going Equipped For Theft
3	Grievous Bodily Harm
5	Grievous Bodily Harm With Intent
1	Gross Indecency
2	Gross Indecency With Child
2	Handling Property Stolen In The Republic Of Ireland
1	Handling Stolen Goods (By Dealing)
3	Harassment
2	Illegal Entry To United Kingdom
1	Importing A Controlled Drug

No. Of Individuals	Offence Description
1	Improper Use Of Public Communications Network
3	In Charge When Unfit Through Drink Or Drug
1	In Charge With Excess Alcohol In Breath
1	Incitement To Murder
1	Incite To Assault
1	Inciting Assault Occasioning Actual Bodily Harm
2	Indecent Assault On Female
3	Indecent Assault On Female Child
1	Indecent Assault On Male Child
1	Indecent Behaviour
1	Indecent Exposure
1	Interference With Vehicles
1	Interfering With A Motor Vehicle Causing Danger
1	Intimidating A Witness
2	Intimidation - Witness
1	Keeper Of An Unlicensed Vehicle
4	Kidnapping
1	Make False Statement To Induce Deposit
2	Making A False Declaration To Obtain Certificate Of Insurance
1	Making False Represent. To Obtain Benefit From Nat Ins Fund
1	Making Indecent Photographs Or Pseudo Photographs Of Children
1	Malicious Damage
1	Malicious Wounding
1	Manslaughter
1	Meeting A Child Following Sexual Grooming
2	Motoring Offences
2	Murder
1	No Category-B Driving Licence (Dva)
37	No Driving Licence
2	No Goods Vehicle Test Certificate
11	No Insurance (Dvta)
2	No L Plates Displayed (For Offences Committed After 15 Nov 2007)
1	No Psv Licence (Dvta)

No. Of Individuals	Offence Description
2	No Taxi Driver's Licence
1	No Taxi Roof Sign
4	No TV Licence
5	No Vehicle Excise Disc
1	No Vehicle Test Certificate
23	No Vehicle Test Certificate
2	Obstructing A Constable - Road Traffic Order
10	Obstructing Police
12	Obstructing Police (For Offences Prior To 9 February 1999 Only)
1	Obtaining Services By Deception
1	Obtaining Services Dishonestly
1	Pedestrian On Motorway
1	Permitting Using A Motor Vehicle Without Insurance
1	Persistent Improper Use Of Electronic Communications To Cause Anxiety
1	Perverting The Course Of Justice
1	Possessing A Document Or Mark With Intent To Deceive
7	Possessing Altered Documents Under The Immigration Act
1	Possessing Ammunition Without Certificate
1	Possessing An Indecent Photograph Or Pse
5	Possessing Article With Blade Or Point In Public Place
9	Possessing Class-A Controlled Drug
4	Possessing Class-A Controlled Drug With Intent To Supply
7	Possessing Class-B Controlled Drug With Intent To Supply
13	Possessing Class-C Controlled Drug
6	Possessing Class-C Controlled Drug With Intent To Supply
2	Possessing Criminal Property
2	Possessing Firearm In Suspicious Circumstances
1	Possessing Firearm With Intent
18	Possessing Offensive Weapon In Public Place
1	Possession Etc Of A Prohibited Weapon (Discharge Of Electricity Or Noxi
6	Possession Etc Of Articles For Use In Frauds
11	Possession Of A Class-B Controlled Drug
14	Possession Of A False Identity Document With Intent

No. Of Individuals	Offence Description
2	Possession Of A Firearm Or Ammunition In Suspicious Circumstances
1	Possession Of Counterfeit Goods
22	Possession Of False Identity Document
1	Possession Of Firearm Or Ammunition With Intent To Endanger Life Or P
6	Possession Of Identity Document Relating To Another
2	Possession Of Improperly Obtained Identity Documents With Intent
1	Possession Of Improperly Obtained Identity Documents Without Reasonabl
1	Possession Of Loaded Firearm Whilst Drunk Or Under Influence Of Drugs
1	Possession Of Photograph Or Pseudo-Photograph(S) Of A Child (From 1.2
1	Possession Of Weapon Designed To Discharge Noxious Liquid Etc
2	Possess Of Firearm/Imitation Firearm With Intent To Cause Fear Of Viol
1	Producing Class-A Controlled Drug
1	Producing Class-C Controlled Drug
1	Rape (Child)
6	Rape (Common Law)
5	Receiving Stolen Goods
5	Resisting Police
9	Resisting Police (For Offences Prior To 9 February 1999 ONLY)
3	Robbery
1	Sending A Message By Public Telecommunication System To Cause Annoyance
1	Soliciting Bribe
1	Supplying Class C Controlled Drug
6	Taking A Motor Vehicle Without Authority
1	Taking, Permitting To Be Taken Or Making An Indecent Photograph Or Pse
39	Theft
1	Theft From Dwelling
1	Theft From Person
27	Theft - Shoplifting
1	Threatening To Harm A Witness
5	Threats To Damage Property
1	Threats To Damage Property And So Endanger Life
28	Threats To Kill
2	Trading In Counterfeit Products

No. Of Individuals	Offence Description
1	Trading In Prostitution
1	Trafficking Within The UK For Purposes O
1	Transferring Criminal Property
1	Trespassing
1	Unaccompanied L Driver (For Offences Committed After 15 Nov 2007)
1	Unlicensed Angling (Othwise Lawful)
1	Use/Keep Vehicle Without Road Tax (1994)
4	Using A False Instrument With Intent To
4	Using A Mobile Phone Whilst Driving (Pre 27 June 07)
82	Using A Motor Vehicle Without Insurance
4	Using False Instrument With Intent
1	Using Vehicle Without Vehicle Excise Licence
1	Wounding
1	Wounding With Intent To Do Grievous Bodily Harm

2010

No. Of Individuals	Offence Description
1	Acquiring Criminal Property
1	Acquiring Possession Of Prohibited Goods
51	Aggravated Assault On A Female Or Boy Under 14 Years
1	Aggravated Burglary And Attempting To Inflict Gbh
1	Aggravated Burglary And Inflicting Grievous Bodily Harm
2	Aggravated Burglary And Stealing
2	Aggravated Burglary With Intent To Commit Grievous Bodily Harm
1	Aggravated Burglary With Intent To Steal
4	Aggravated Vehicle Taking Causing Damage
2	Aggravated Vehicle Taking In Which Vehic
2	Aiding And Abetting Fraud By False Representation
1	Aiding And Abetting Rape (Offences After 1.2.2009)
1	Aiding And Abetting Using False Instrument With Intent
4	Armed With Offensive Weapon With Intent To Commit Offence
3	Assault At Common Law And S47 Of The Offences Against The Person Act 1
24	Assault Occasioning Actual Bodily Harm

No. Of Individuals	Offence Description
16	Assault On Police
1	Assisting Illegal Entry Into Uk
2	Assisting Unlawful Immigration To Member State (Facilitation)
2	Attempted Burglary With Intent To Steal - Dwelling
2	Attempted Criminal Damage
6	Attempted Fraud By False Representation
2	Attempted Murder
1	Attempted Rape (Offences After 01/02/09)
6	Attempted Theft
5	Attempted Theft - Shoplifting
1	Attempted Wounding
1	Attempt To Pervert The Course Of Justice
9	Being Concerned In Production Of Class-B Controlled Drug
1	Being Concerned In Supply Of Class-A Controlled Drug
9	Being Concerned In Supply Of Class-B Controlled Drug
5	Blackmail
1	Bound Over Person In Court
1	Breach Custody Probation Order
12	Breach Of Bail
1	Breach Of Bail Art 6(3)
2	Breach Of Community Based Order - Adult
9	Breach Of Non-Molestation Order
1	Breach Of Occupation Order
1	Breach Of Sexual Offences Prevention Order
25	Breach Of Suspended Sentence- In Ct Comp
1	Breach Of Traffic Sign (Specified By Traffic Sign Regs Sr1997/386)
1	Burglary And Attempted Theft - Dwelling
11	Burglary And Theft - Dwelling
8	Burglary And Theft - Non Dwelling
4	Burglary With Intent To Steal - Dwelling
3	Burglary With Intent To Steal - Non Dwelling
1	Carrying A Firearm In A Public Place (An Imitation Firearm)
2	Cheating The Public Revenue

No. Of Individuals	Offence Description
1	Child Abduction (By Other Person)
1	Child Stealing
16	Common Assault
4	Common Assault (Indictable)
1	Common Assault On Child Or Young Person
3	Concealing Criminal Property
2	Conspiracy To Conceal Criminal Property
1	Conspiracy To Cultivate Cannabis
1	Conspiracy To Supply Class-A Controlled Drug
1	Conspiring To Supply Class-B Controlled Drug
1	Contempt Of Court
3	Converting Criminal Property
40	Criminal Damage
17	Cultivating Cannabis
6	Dangerous Driving
1	Deception
2	Defective Light
1	Defective Lighting Device
2	Defective Tyre - General
1	Dishonestly Causing Electricity To Be Diverted
10	Dishonestly Using Electricity
15	Disorderly Behaviour
1	Doing An Act With Intent To Pervert The Course Of Justice
1	Driving Etc While Disqualified (Offences Between 15 November 2007 And
17	Driving When Unfit Through Drink Or Drug
2	Driving While Disqualified
8	Driving While Disqualified (Offence Between 1 October 1997 And 15 Nove
1	Driving While Disqualified (Offence Prior To 1 October 1997)
37	Driving While Disqualified (Offences On Or After 16 July 2008)
4	Driving Whilst Disqualified Until Tested (Only Offences Before 15 Nov
4	Driving With Excess Alcohol In Blood
37	Driving With Excess Alcohol In Breath
6	Driving Without Due Care And Attention

No. Of Individuals	Offence Description
1	Drunk-In-Charge Of A Child Under 7 Years In A Public Place
2	Entering Into An Arrangement To Acquire
1	Entry Into United Kingdom In Breach Of Deportation Order
1	Estreat Bail - Principal Party
8	Excess Speed
1	Exposure (Offences After 01/02/09)
10	Extradition
1	Extradition Category 1
14	Failing To Answer To Bail As Soon As Reasonably Practicable
1	Failing To Comply With Notification Requirements Re: Changes
1	Failing To Give Information Regarding Owner
1	Failing To Leave Public Building - Public Order
5	Failing To Produce Driving Licence
1	Failing To Produce Driving Licence To Court
5	Failing To Produce Insurance
1	Failing To Produce Vehicle Registration Book To Police
2	Failing To Provide Specimen Of Breath For Preliminary Test
4	Failing To Provide Specimen When Driving
1	Failing To Provide Specimen When In Charge Unfit
4	Failing To Remain Where Accident Occurred Causing Damage
1	Failing To Remain Where Accident Occurred Causing Injury
1	Failing To Report An Accident Whereby Injury Was Caused
1	Failing To Report - Injury Accident (Article 176)
4	Failing To Report Where Accident Occurred Causing Damage
4	Failing To Stop For Police
2	Failing To Stop - Injury Accident (Article 176)
4	Failing To Stop Where Accident Occurred Causing Damage
3	Failing To Wear Seat Belt (Driver)
3	Fail To Provide Specimen When Driving Wi
1	Fail To Provide Specimen When In Charge With Excess Alcohol
1	Failure To Illuminate Rear Number Plate
9	False Imprisonment
41	Fraud By False Representation

No. Of Individuals	Offence Description
1	Fraudulent Evasion Of Customs Duty Chargeable On Goods
1	Fraudulently Importing Class A Controlled Drug
2	Fraudulently Using A Certificate Of Insurance
2	Going Equipped For Burglary
24	Going Equipped For Theft
1	Going Equipped To Cheat
4	Grievous Bodily Harm
5	Grievous Bodily Harm With Intent
3	Handling Property Stolen In The Republic Of Ireland
3	Handling Stolen Goods (By Dealing)
4	Harassment
1	Illegal Entry To United Kingdom
1	In Charge When Unfit Through Drink Or Drug
4	In Charge With Excess Alcohol In Breath
3	Indecent Assault On Female
4	Indecent Behaviour
1	Indecent Exposure With Intent To Insult A Female
1	Interference With Vehicles
1	Jaywalking
1	Kidnapping/False Imprisonment With Intent To Commit A Sexual Offence (
1	Knowingly Concerned In, Carrying, Removing, Keeping, Concealing Or Deal
4	Making A False Declaration To Obtain Certificate Of Insurance
1	Making False Statement On Matter Required By Statute
2	Making False Statement To Procure Passport
2	Making Off Without Paying
3	Making Or Supplying Articles For Use In
1	Murder
41	No Driving Licence
1	No L Plates Displayed (For Offences Committed After 15 Nov 2007)
3	No L Plates Displayed (For Offences Committed After 15 Nov 2007)
1	No L Plates (Large Goods/Passenger-Carrying Vehicle)
1	Non-Patrial Failing To Comply With Residential Instructions
6	No Tv Licence

No. Of Individuals	Offence Description
1	No Vehicle Excise Disc
21	No Vehicle Test Certificate
3	Obstructing A Constable - Road Traffic Order
17	Obstructing Police
1	Obtaining A Money Transfer By Deception
1	Obtaining Leave To Enter/Remain By Deception In The United Kingdom
2	Obtaining Property By Deception
1	Obtaining Services By Deception
5	Obtaining Services Dishonestly
1	Permitting Premises To Be Used For Supply Of Class-A Drugs
1	Permitting Premises To Be Used For Supply Of Class-B Drugs
2	Permitting Using A Motor Vehicle Without Insurance
2	Possessing Altered Documents Under The Immigration Act
1	Possessing Ammunition In Suspicious Circumstances
1	Possessing Ammunition Without Certificate
6	Possessing Article With Blade Or Point In Public Place
6	Possessing Class-A Controlled Drug
2	Possessing Class-A Controlled Drug With Intent To Supply
18	Possessing Class-B Controlled Drug With Intent To Supply
3	Possessing Class-C Controlled Drug
2	Possessing Counterfeit Currency
5	Possessing Criminal Property
1	Possessing Firearm In Suspicious Circumstances
1	Possessing Firearm Other Than Handgun Without Certificate
1	Possessing Handgun Without Certificate
1	Possessing Listed False Instrument
1	Possessing Listed False Instrument With Intent To Use
13	Possessing Offensive Weapon In Public Place
1	Possession Etc Of A Prohibited Ammunition
3	Possession Etc Of A Prohibited Weapon (Discharge Of Electricity Or Noxi
29	Possession Etc Of Articles For Use In Frauds
24	Possession Of A Class-B Controlled Drug
20	Possession Of A False Identity Document With Intent

No. Of Individuals	Offence Description
20	Possession Of False Identity Document
1	Possession Of Firearm Or Ammunition With Intent To Endanger Life Or P
1	Possession Of Firearm Or Imitation Firearm With Intent To Cause Fear O
1	Possession Of Improperly Obtained Identity Documents With Intent
1	Possession Of Improperly Obtained Identity Documents Without Reasonabl
2	Possess Of Firearm/Imitation Firearm With Intent To Cause Fear Of Viol
1	Possess Of Firearm With Intent
1	Producing Class-B Controlled Drug
4	Rape (Common Law)
1	Rape (Common Law Prior To 28 July 2003)
7	Rape (Offences After 01/02/09)
8	Receiving Stolen Goods
1	Removing Criminal Property
17	Resisting Police
1	Riot
1	Robbery
1	Securing Avoidance Of Enforcement Action By Deceptive Means - Immigrat
3	Seeking Or Obtaining Leave To Enter Or Remain In Uk By Deceptive Means
1	Sending Indecent Matter By Post
2	Sex Offender Failing To Notify Police Of Change Of Address In Time
1	Sex Offender Failing To Notify Police Of Intention To Travel
1	Sex Offender Failing To Register With Police
3	Sexual Assault By Penetration (Offences After 01/02/09)
1	Sexual Assault Of Child Under 13 By Penetration (Offences After 01/02/
2	Sexual Assault (Offences After 01/02/09)
2	Simple Drunk
1	Supplying Class-A Controlled Drug
1	Supplying Class-B Controlled Drug
12	Taking A Motor Vehicle Without Authority
29	Theft
1	Theft From Dwelling
1	Theft Of Mail In Transmission
34	Theft - Shoplifting

No. Of Individuals	Offence Description
5	Threats To Damage Property
1	Threats To Damage Property And So Endanger Life
24	Threats To Kill
1	Trading In Counterfeit Products
3	Transferring Criminal Property
1	Trespass With Intent To Commit Rape Or Assault By Penetration (Offence
4	Unaccompanied L Driver (For Offences Committed After 15 Nov 2007)
1	Unaccompanied L Driver Large Goods/Passenger Vehicle
5	Use/Keep Vehicle Without Road Tax (1994)
5	Using A False Instrument With Intent To
4	Using A Mobile Phone Whilst Driving
96	Using A Motor Vehicle Without Insurance
1	Using Criminal Property
4	Using False Instrument With Intent
1	Using Public Telecommunication System To Send Menacing Message
2	Using Vehicle Without Vehicle Excise Licence
1	Withholding Information To Obtain Certificate Of Insurance
2	Wrongfully Entering Premises

Illegal Importation of Drugs

Mr T Burns asked the Minister of Justice how many reported crimes for the illegal importation of drugs have been recorded in the last 10 years.

(AQW 2886/11)

Minister of Justice: The number of drug offences recorded is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board.

You may therefore wish to direct your question to the PSNI.

Illegal Supply of Drugs

Mr T Burns asked the Minister of Justice how many reported crimes for the (i) supply; and (ii) possession with intent to supply of drugs have been recorded in the last 10 years.

(AQW 2887/11)

Minister of Justice: The number of drug offences recorded is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board.

You may therefore wish to direct your question to the PSNI.

Possession of Drugs

Mr T Burns asked the Minister of Justice how many reported crimes for the possession of drugs have been recorded in the last 10 years.

(AQW 2889/11)

Minister of Justice: The number of drug offences recorded is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board.

You may therefore wish to direct your question to the PSNI.

Convictions for Not Wearing a Seatbelt

Mr S Anderson asked the Minister of Justice how many people have been convicted more than once in the last three years for not wearing a seatbelt.

(AQW 2902/11)

Minister of Justice: The information is not available in the format requested. Court conviction data are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included. If an offender is therefore convicted for failing to wear a seat belt, but it is not the principal offence, it will not be reported as such in the conviction statistics.

It is possible only to give the number convicted for not wearing a seat belt as their principal offence in each of the calendar years 2004 to 2006 (the latest year for which figures are currently available).

TABLE 1: NUMBER CONVICTED FOR FAILING TO WEAR A SEAT BELT 2004-2006

Year	Number convicted
2004	71
2005	60
2006	56

1 Includes the offences 'failing to wear a seat belt', 'carrying child under 14 years without seat belt (front / rear)' and 'no driver's seat belt fitted'.

Composite Legal Aid Fees

Lord Morrow asked the Minister of Justice what is the composite legal aid fee paid per defendant for a preliminary enquiry in a magistrates' court.

(AQW 2911/11)

Minister of Justice: The composite legal aid fee for a solicitor representing a defendant in a preliminary inquiry in the Magistrates' Court is £820.

Where a defendant is also represented by counsel in a preliminary inquiry - the composite fee for counsel is £800.

An analysis of legal aid claims indicates that counsel is assigned in just under 20% of proceedings of this nature

Football Banning Orders

Mr K Robinson asked the Minister of Justice how many people resident in Northern Ireland are currently subject to football banning orders issued elsewhere in the United Kingdom.

(AQW 2934/11)

Minister of Justice: I understand that only one person resident in Northern Ireland is currently subject to a football banning order issued in Great Britain.

Wrongful Release of Prisoners

Mr S Moutray asked the Minister of Justice what new measures he has introduced since taking up office to prevent the wrongful release of (i) convicted prisoners; and (ii) remand prisoners.

(AQW 2940/11)

Minister of Justice: Since taking up office three (3) prisoners have been erroneously released. I commissioned investigations into each of these cases. Following the investigation report on the first two cases a number of measures were introduced and applied as appropriate to both convicted and remand prisoners; these include:

- Where charges are dropped at Magistrates' Court but referred to Crown Court, the Northern Ireland Courts Service (NICTS) already issue a Statement of Complaint or Bill of Indictment. Either of these documents will now be regarded by NIPS as a holding document.
- Documentation between videolink and the General Office has been improved. The format has been changed to make the recording of court results stand out more clearly.
- The videolink clerk in the General Office has been replaced by an officer with more experience in that specific role.
- Videolink forms are now retained on the custody file.
- The "expected warrants list" is checked against the videolink forms received to ensure that none are missing. Any missing forms can be tracked or the court result verified by other means thus reducing the risk of error.
- The officer responsible for the second level check has access to the NICTS Computer System (ICOS) and can phone the courts to resolve any anomalies that arise. (ICOS is available and is used in all three NI prisons). All checks including the third and final check are now done using live screens and the most up to date information.
- All Prisoner Custody Officers have been instructed to return prisoners due for release to the court holding area to allow final checks to be completed in consultation with prison General Offices.
- For convicted prisoners sentence calculation checks are done on initial calculation, at the halfway point and immediately prior to final discharge.

The Investigation report into the third erroneous release confirmed that none of these measures would have prevented that incident which was primarily due to technical systems issues. However, the following additional measures have been introduced:

- The ICOS checks are no longer limited to resolving anomalies but are now undertaken in all cases; and
- The PRISM system has been modified to indicate an error message where cases do not load fully on to the system.

Selling Alcohol to People who are Underage

Mr S Moutray asked the Minister of Justice what analysis his Department has carried out on the prevalence of hotels, nightclubs or discos selling alcohol to people who are underage.

(AQW 2941/11)

Minister of Justice: The Department of Justice has not conducted any formal analysis on the prevalence of hotels, nightclubs or discos selling alcohol to people who are underage.

However, there are a range of independently produced Surveys that ask questions of young people about the issue raised. The most recent Survey was conducted on behalf of DHSSPS by NISRA and is entitled Young Persons' Behaviour and Attitudes Survey 2007.

Full details can be found at www.csu.nisra.gov.uk/survey.

Hot Pursuits

Mr C McDevitt asked the Minister of Justice what steps he is taking to ensure that the An Garda Síochána and PSNI are able to conduct hot pursuits in border areas.

(AQW 3037/11)

Minister of Justice: Article 41 of the Schengen Convention provides for cross border hot pursuit by police from one state into another. This is an excepted matter and remains the responsibility of the Secretary of State for Northern Ireland. There are no plans to adopt Schengen by either the UK or Irish Governments

Both Dermot Ahern and I have stated previously that we are committed to doing all we can to enhance the already excellent cooperation between the PSNI and An Garda Síochána. This includes considering any proposal from both police services which would further increase their ability to prevent and detect crime.

Victims of Domestic Violence

Mr P Weir asked the Minister of Justice what consideration he has given to providing victims of domestic violence with greater protection through the reform of the legal aid process and the allocation of funding for legal aid.

(AQW 3056/11)

Minister of Justice: As part of its programme to reform civil legal aid, the Northern Ireland Legal Services Commission will consider the introduction of a waiver on the financial eligibility limits for those suffering from domestic violence. A waiver was introduced in England and Wales in 2005, the effect of which is that applicants have access to funded legal services subject to varying levels of contribution toward the cost of their case, depending on their financial position at the time of application.

In advance of these reforms I have been considering what interim assistance can be provided, and I have recently announced changes which will make it easier for victims of domestic violence to obtain access to legal aid.

People applying for legal aid for non-molestation orders in the magistrates' court are required to pass a means test before funding can be considered. The change I have announced removes the upper income and capital limit for these orders, above which legal aid would normally have been refused. This means that those who would have previously not been entitled to funding because of their financial status can now access legal aid to obtain these orders.

A contribution towards costs will be required, but this will be a fixed amount, dependant on an individual's financial circumstances at the time of the application. The waiver will only apply to persons applying for non-molestation orders (including any subsequent application to vary or contest an order) and will not be available for any other proceedings.

Segregation and Ticketing Arrangements at Sporting Events

Mr K Robinson asked the Minister of Justice whether he has had any discussions with councils' health and safety departments in relation to segregation and ticketing arrangements at sporting events.

(AQW 3074/11)

Minister of Justice: Proposals for sports spectator law, which included those around ticket touting, were consulted upon publicly on two separate occasions: from July to November 2009 as a set of policy proposals, and from August to November this year as part of the Justice Bill's equality impact assessment. Every district council was invited to respond to both these consultations. Both of the councils that responded welcomed the package of proposals.

I continue to take views from interested parties so that the provisions will best help organisers to manage events and ensure the safety of spectators.

Justice Bill (NI) 2010

Mr K Robinson asked the Minister of Justice why his Department's equality screening forms for the proposed Justice Bill (NI) 2010 state that 'no substantive equality issues were raised' from the 13 responses to the sports law and spectator controls responses, when a response was submitted which contained a substantial section entitled 'equality issues'.

(AQW 3075/11)

Minister of Justice: My Department's document, "Consultation on proposals for new sports law and spectator controls – Report on responses and way forward" (August 2010), did report on the equality issues raised by respondents. This included reference to two responses which suggested that the proposals unfairly impact on Protestant working-class males. Another stressed the need to embed equality of opportunity and good relations.

Crucially, however, the proposals will only impact on those who offend at or around sporting events. They are designed to prevent, control and tackle bad behaviour by spectators, and they will therefore have a beneficial, rather than a harmful, effect on all section 75 groups. They will also help to promote good relations by tackling certain forms of behaviour which can both arise from and lead to poor community relations, for example racist or sectarian chanting at matches will become a criminal offence.

Desertcreat College Development

Mr P McGlone asked the Minister of Justice, in light of the budget announcement of 15 December 2010, what financial commitment his Department has made to the Desertcreat college development; and to outline the expected timescale for the project.

(AQW 3112/11)

Minister of Justice: Following the publication of the Draft Budget, details of my Department's budget allocations will be published as soon as possible. This will include the financial commitment for the Desertcreat college development.

Subject to DFP approval of the business case, the timeline for construction is as follows:

- Design completion and procurement prequalification - February 2011 to November 2011.
- Detailed procurement process leading to appointment of contractor – November 2011 to April 2012
- Construction of college – May 2012 to June 2014.

Prison Menus

Mr T Burns asked the Minister of Justice to detail the scheduled breakfast, lunch and dinner menu for each prison for (i) 24 December 2010; (ii) 25 December 2010; (iii) 31 December 2010; and (iv) 1 January 2011.

(AQW 3115/11)

Minister of Justice: The scheduled breakfast, lunch and dinner menus for each prison for the periods requested have been placed in the library of the Assembly. The menu at Maghaberry Prison has changed slightly year on year over the period 2006 – 2011. The menus at Magilligan Prison and Hydebank Wood Young Offenders Centre remained relatively consistent over the same period.

Prison Menus

Mr T Burns asked the Minister of Justice to detail the breakfast, lunch and dinner menus for each prison for (i) 24 December; (ii) 25 December; (iii) 31 December in (a) 2006; (b) 2007; (c) 2008; and (d) 2009; and (iv) 1 January in (a) 2007; (b) 2008; (c) 2009; and (d) 2010.

(AQW 3116/11)

Minister of Justice: The scheduled breakfast, lunch and dinner menus for each prison for the periods requested have been placed in the library of the Assembly. The menu at Maghaberry Prison has changed slightly year on year over the period 2006 – 2011. The menus at Magilligan Prison and Hydebank Wood Young Offenders Centre remained relatively consistent over the same period.

Article in the 'Belfast Telegraph' by Nuala McKeever

Mr T Burns asked the Minister of Justice, in relation to the article in the 'Belfast Telegraph' of 14 December 2010 by Nuala McKeever, to detail (i) the prisons in which Nuala McKeever has taught drama and for how long; (ii) how many classes she taught; (iii) whether she received a fee for these services; and if so (iv) how much she was paid per class and in total.

(AQW 3117/11)

Minister of Justice: From mid-November 2009, Nuala McKeever has worked as a self-employed artist in residence with the Prison Arts Foundation (PAF) in Maghaberry prison and is contracted by PAF to provide, when available, two half-day drama sessions each week.

Nuala McKeever is paid by PAF for her services at the standard artist in residence rate of £30.00 per hour. During the period from mid-November 2009 to 14 December 2010, Nuala McKeever provided 85 half-day drama sessions and was paid a total of £5825.97.

She also provided a drama workshop with women prisoners at Hydebank Wood Prison and Young Offenders Centre on 30 July 2010 at no cost.

Human Trafficking Offences

Mr C Lyttle asked the Minister of Justice (i) how many victims of trafficking have been discovered by the PSNI; and (ii) how many people have been convicted for human trafficking offences, in the last 36 months.

(AQW 3147/11)

Minister of Justice: I would refer the Member to AQW 2229/11, which was answered on 3 December 2010 and is available in Hansard.

Justice Bill

Mr K Robinson asked the Minister of Justice, given that the sections of the Justice Bill which deal with football issues and spectators have not been subject to an Equality Impact Assessment and may constitute an infringement of the rights of a Section 75 group, (i) whether he supports the inclusion of these sections in the Bill; (ii) what steps he will take to review the process that has led to this situation; and (iii) whether the decision not to carry out an Equality Impact Assessment was taken by his Department or inherited from the Northern Ireland Office.

(AQW 3149/11)

Minister of Justice: The policies reflected in the Justice Bill's sports provisions were the subject of a Section 75 screening exercise by the Northern Ireland Office, and this was publicly consulted upon in July to November 2009. The screening indicated that a small minority of males who attend sporting events might be impacted differentially by the proposals. Crucially, however, the proposals will only impact on those who offend at or around sporting events. They are designed to prevent, control and tackle bad behaviour by spectators, and they will therefore have a beneficial, rather than a harmful, effect on all section 75 groups. They will also help to promote good relations by tackling certain forms

of behaviour which can both arise from and lead to poor community relations, for example racist or sectarian chanting at matches will become a criminal offence.

Details of the proposals were also published by my Department for consultation in the Impact Assessment of the Justice Bill as a whole which closed on 24 November. I am currently analysing the responses received with a view to publishing a summary of responses shortly. However, while three respondents used the opportunity to comment on the sports law proposals, none raised concerns about equality impact.

I am satisfied that proper regard has been given and is being given to Section 75 issues linked to the Justice Bill.

Court Fines

Mr P McGlone asked the Minister of Justice how much money was raised through court fines in each of the last five years; and for what purposes this money was used.

(AQW 3158/11)

Minister of Justice: The table below sets out the amount received through payment of court imposed fines for each of the last five financial years. All such payments were passed to HM Treasury.

Financial Year	Court Imposed Fines Received
April 2005 - March 2006	£5,970,260
April 2006 - March 2007	£5,748,586
April 2007 - March 2008	£8,551,790
April 2008 - March 2009	£6,091,723
April 2009 - March 2010	£5,387,403

Criminal Justice Budget

Mr T Burns asked the Minister of Justice how much money and what proportion of the criminal justice budget has been spent on (i) victims; and (ii) witnesses in each of the last five years.

(AQW 3167/11)

Minister of Justice: The Department of Justice came into existence on 12th April 2010. Details of expenditure relating to victims and witnesses before that date are a matter for the previous department.

Legal Aid for Lawyers to Represent Asylum Seekers

Mr T Burns asked the Minister of Justice how much has been spent on legal aid for lawyers to represent asylum seekers in each of the last 10 years; and how many asylum seekers have been represented under this scheme.

(AQW 3170/11)

Minister of Justice: The Northern Ireland Legal Services Commission (NILSC) does not record asylum cases as a separate class of case. It has historically recorded immigration and asylum as one class of case. As such it is not possible to answer the question as it was tabled.

However, the NILSC has provided information on the expenditure on advice, assistance and representation for immigration and asylum cases together with the instances of advice, assistance and representation for these cases. The services funded by the NILSC are delivered through independent solicitors and barristers and through a contract with the Law Centre (NI). The contract with the Law Centre (NI) commenced in 2005-06.

Table 1 sets out below the total paid for the provision of immigration and asylum cases over the last 10 years. The figures include disbursements and VAT.

TABLE 1- LEGAL AID EXPENDITURE ON IMMIGRATION AND ASYLUM SEEKERS

Financial Years	Total Expenditure £
2000 - 2001	4,888
2001 - 2002	1,833
2002 - 2003	7,653
2003 - 2004	26,627
2004 - 2005	201,773
2005 - 2006	68,895
2006 - 2007	64,085
2007 - 2008	227,542
2008 - 2009	429,852
2009 - 2010	342,000
April - November 10	334,051

The NILSC records the number of Legal Aid certificates granted rather than the number of people represented. One individual may receive more than one act of advice or representation.

Table 2 below outlines the acts of representation over the last 10 years together with the acts of advice and assistance. Please note that only from 2007-08 onwards do the number of acts of advice, assistance and representation include those from the Law Centre (NI) contract.

TABLE 2 – ACTS OF LEGAL ADVICE, ASSISTANCE AND REPRESENTATION

	Legal Advice and Assistance Received	Number of Representations
2000 - 2001	8	Nil
2001 - 2002	42	Nil
2002 - 2003	30	1
2003 - 2004	78	160
2004 - 2005	83	96
2005 - 2006	104	137
2006 - 2007	145	91
2007 - 2008	2,755	253
2008 - 2009	3,043	516
2009 - 2010	2,602	366
Apr - Nov 10	1,674	243

Marriage Support Services

Mr C Lyttle asked the Minister of Justice what funding he has allocated to organisations providing marriage support services since he came to office; and what funding he plans to allocate in the future.
(AQW 3196/11)

Minister of Justice: Since taking up the office of Minister of Justice no funding has been allocated by my Department to organisations providing marriage support services. Currently there are no plans to allocate any funding to these services in the foreseeable future.

Draft Savings Delivery Plans

Mr C Lyttle asked the Minister of Justice if he can confirm that his Department will publish its draft Savings Delivery Plans within one week of the publication of the draft Budget 2011-2015; and whether it will include details of departmental saving measures and the potential impact of these measures.
(AQW 3215/11)

Minister of Justice: Following the draft Budget announcement on 15 December 2010, the Department is currently considering how it will allocate its budget over the four year period. I plan to publish detailed allocations for each spending area by Thursday 23 December. However, detailed savings delivery plans and equality impact assessments can only now be completed for spending areas and these will be published as soon as possible in January 2011.

Prison Weddings

Lord Morrow asked the Minister of Justice (i) how many weddings have taken place in prisons in each of the last three years; and (ii) how many of these weddings were for spouses who were both in custody.

(AQW 3224/11)

Minister of Justice:

Year	Number of weddings taken place in Northern Ireland prisons	Number of which where both spouses were in custody
2008	2	0
2009	0	0
2010 (to date)	4	1

Department for Regional Development

Dublin to Derry Bus Service

Mr P Callaghan asked the Minister for Regional Development to detail the number of journeys on the Dublin to Derry bus service, in each of the last three years, by (i) Senior SmartPass holders; and (ii) concessionary pass holders residing in the Republic of Ireland.
(AQW 2491/11)

Minister for Regional Development (Mr C Murphy): I have been informed by Translink that the information is not readily available in the format requested.

Gritting of Footpaths

Ms M Ritchie asked the Minister for Regional Development whether he intends to review the winter gritting policy and schedule to include adopted footpaths and roads within housing estates.

(AQW 2752/11)

Minister for Regional Development: As the Member is aware, a review of the winter service policy and procedures, operated by my Department's Roads Service, was carried out in 2001, following severe snow falls. One of the key outcomes of the review, which was fully debated and accepted by the Assembly, was that the practice of targeting the limited resources available for this service on the busier main through routes should continue. Salting of footways was also considered, at that time, but the costs were considered prohibitive, and the basic logistics of introducing such a service, which is largely a manual task, made it impractical. We therefore offered an agreement of joint working with councils and I am pleased that the majority of councils are now working with Roads Service to treat the busiest footways in their areas.

I fully understand and appreciate the concerns of those who use the remaining, more lightly trafficked, roads which are not on the salted network, and footways. However, with the likelihood that there will, in future years, be even greater pressures on the Roads Service budget, it is highly unlikely that additional funding will be made available to salt all roads and footways. There is a fine balance to be drawn between putting even more funds into salting or allocating funds towards the many other worthwhile demands on Roads Service, many of which are also safety related.

Whilst I currently have no plans to review the winter gritting policy and schedule, or to include adopted footpaths and roads within housing estates, it may be necessary to reassess the situation when future budgets are confirmed.

Gritting Roads

Mr J Craig asked the Minister for Regional Development to list the councils which currently have an agreement with the Roads Service in relation to gritting roads which Roads Service do not grit.

(AQW 2784/11)

Minister for Regional Development: My Department's Roads Service has advised that since last winter, Roads Service has been negotiating with the Northern Ireland Local Government Association (NILGA) and an amended model agreement developed to facilitate the salting of busy town centre footways and pedestrian areas by local Councils. However, it has not asked any of the councils in the North to enter into an agreement to enable them to salt roads, which are not included in the Roads Service winter salting schedule.

While no council has yet signed up to the formal agreement referred to above, the majority of councils have either indicated their willingness to enter into an agreement with Roads Service, or are proposing to work with Roads Service to salt the main footpaths in their respective areas. Under the proposals put forward by Roads Service, councils, or groups of traders acting on their behalf, will have the same indemnity benefits as Roads Service.

Roads Service will continue to engage with NILGA, and directly with councils, through its local divisions on the issue of gritting footpaths, to try to encourage as many of the remaining councils, as possible, to come on board, to provide this valuable service to their local ratepayers.

Roads Service Resources

Mr G Campbell asked the Minister for Regional Development to detail the approximate tonnage of salt that was available to the Roads Service for the treatment of the roads network at (i) the beginning of November 2010; and (ii) the 5 December 2010.

(AQW 2787/11)

Minister for Regional Development: My Department's Roads Service has advised that there was approximately 63,000 tonnes of salt available to the Roads Service for the treatment of the roads network, at the beginning of November 2010.

On 5 December 2010, there was approximately 34,000 tonnes available.

Traffic-Calming Schemes

Mr S Hamilton asked the Minister for Regional Development (i) how many traffic calming schemes have been implemented in the (a) Ards Borough Council; (b) Castlereagh Borough Council; and (c) Down District Council areas since May 2007; (ii) to detail the location of each scheme; and (iii) the total cost of these schemes.

(AQW 2798/11)

Minister for Regional Development: The table below shows the location and amount spent on traffic-calming schemes in the Ards Borough Council area between 2007 and 2010.

Year of introduction	Location	Cost
2007 - 2008	Movilla Street, Newtownards	£24,000
	Parsonage Road, Kircubbin	£3,500
	Balloo (Enhanced signage)	£4,000
	Lisbane (Enhanced signage)	£4,000
	Donaghadee	£80,000
	Killinchy	5,000
	Total 2007-08	£120,500
2008 - 2009	Strangford Heights, Newtownards	£12,500
	Old Ballygowan Road, Comber	£3,500
	Ballywalter Village	£11,000
	Lougheries Village	£11,000
	Abbey Road/Moss Road, Millisle	£14,000
	Total 2008-09	£52,000
2009 - 2010	Victoria Avenue, Newtownards	£18,000
	Rubane Village	£8,600
	Westwinds Estate, Newtownards	£17,600
	Total 2009-10	£44,200
2010 - 2011	East Street/West Street, Newtownards (proposed start date January 2011)	£40,000
	Total 2010-11	£40,000

The table below shows the location and amount spent on traffic calming schemes in the Castlereagh Borough Council area between 2007 and 2010.

Year of introduction	Location	Cost
2007 - 2008	Lenaghan area	£10,250
	Stirling Avenue area	£28,500
	Ballyregan Road, Dundonald	£12,600
	Total 2007-08	£51,350
2008 - 2009	Lower Braniel Road	£29,900
	Wynchurch Road	£18,100
	Total 2008-09	£48,000
2009 - 2010	Cairnshill Park / Burnside Park	£21,000
	Beechill Road	£36,000
	Merok Crescent area	£18,000
	Newtownbreda Road (work ongoing)	£16,000
	Total 2009-10	£91,000
2010 - 2011	No schemes carried out.	
	Total 2010-11	

The table below shows the location and amount spent on traffic calming schemes in the Down District Council area between 2007 and 2010.

Year of introduction	Location	Cost
2007 - 2008	Rathkeltair Road, Downpatrick	£16,000
	Crossgar Village	£11,300
	King Street, Newcastle	£16,000
	Castlewellan Road, Newcastle	£7,000
	Main Street, Central Promenade, Newcastle	£25,000
	Total 2007-08	£75,300
2008 - 2009	Loughinisland Village	£17,200
	Clough Village	£7,200
	Seaforde village	£6,700
	Killyleagh Village	£5,000
	Bryansford Road, Newcastle	£5,000
	Total 2008-09	£41,100
2009 - 2010	Saul Street/Saul Road, Downpatrick	£34,000

Year of introduction	Location	Cost
	Drumaness Village	£17,000
	Circular Road/Bunker's Hill, Castlewellan	£12,000
	Cumber Road, Drumaness	£14,000
	Ballynahinch Town	£4,000
	Strangford Road, Downpatrick	£8,000
	South Promenade, Newcastle	£14,200
	Total 2009-10	£103,200
2010 - 2011	No schemes carried out.	
	Total 2010-11	

Road Safety Schemes

Mr S Hamilton asked the Minister for Regional Development (i) how many road safety schemes have been implemented in the (a) Ards Borough Council; (b) Castlereagh Borough Council; and (c) Down District Council areas since May 2007; (ii) to detail the location of each scheme; and (iii) the total cost of these schemes.

(AQW 2799/11)

Minister for Regional Development: There were no road safety schemes implemented in the Ards Borough Council area between 2007 and 2010.

The table below shows the location and amount spent on road safety schemes in the Castlereagh Borough Council area between 2007 and 2010.

Year of introduction	Location	Cost
2007 - 2008	Gransha Road/ Lisleen Road/ Lisleen Road South – enhanced signing	£4,500
	Total 2007-08	£4,500
2008 - 2009	No schemes	£0
	Total 2008-09	£0
2009 - 2010	Ballygowan Road, bend near Ryan Park – provision high friction surfacing and warning signs	£24,000
	Total 2009-10	£24,000
2010 - 2011	No schemes	£0
	Total 2010-11	£0

The table below shows the location and amount spent on road safety schemes in the Down District Council area between 2007 and 2010.

Year of introduction	Location	Cost
2007 - 2008	A25 Dublin Road @ Burrenreagh	£8,000
	A24 Newcastle Road north of Tannaghmore	£7,200
	B177 Hillsborough Road at Magheraknock Road	£2,000
	Total 2007-08	£17,200
2008 - 2009	A50 Castlewellan Road at Church Hill	£2,300
	A25 Ballydugan Road/Ballykilbeg Road	£17,500
	A25 at Moneycarragh Bridge	£7,000
	Total 2008-09	£26,800
2009 - 2010	No schemes carried out.	
	Total 2009-10	
2010 - 2011	No schemes carried out.	
	Total 2010-11	

School Safety Signs

Mr S Hamilton asked the Minister for Regional Development (i) how many school safety signs have been erected in the (a) Ards Borough Council; (b) Castlereagh Borough Council; and (c) Down District Council areas since May 2007; (ii) to detail the location of each sign; and (iii) the total cost of erecting these signs.

(AQW 2802/11)

Minister for Regional Development: The table below shows the location and amount spent on school safety signs in the Ards Borough Council area between 2007 and 2010.

Year of introduction	Location	Cost
2007 - 2008	No schemes	
	Total 2007-08	
2008 - 2009	No schemes	
	Total 2008-09	
2009 - 2010	Victoria Primary School, Ballyhalbert	£7,400
	Greyabbey Primary School	£5,300
	Total 2009-10	£12,700
2010 - 2011	Comber Primary School, Darragh Road	£6,500
	Total 2010-11	£6,500

The table below shows the location and amount spent on school safety signs in the Castlereagh Borough Council area between 2007 and 2010.

Year of introduction	Location	Cost
2007 - 2008	Braniel Primary School, Braniel – Installation of flashing school warning signs	£6,000
	Total 2007-08	£6,000
2008 - 2009	Dundonald High School, Upper Newtownards Road – flashing school signs	£10,000
	Total 2008-09	£10,000
2009 - 2010	No schemes	£0
	Total 2009-10	£0
2010 - 2011	No schemes	£0
	Total 2010-11	£0

The table below shows the location and amount spent on school safety signs in the Down District Council area between 2007 and 2010.

Year of introduction	Location	Cost
2007 - 2008	No schemes	
	Total 2007-08	
2008 - 2009	St Mary's High School, Ardglass Road, Downpatrick	£4,900
	Assumption Grammar School, Ballynahinch	£6,000
	Killyleagh Primary School	£9,500
	Total 2008-09	£20,400
2009 - 2010	St Nicholas Primary School, Ardglass	£5,500
	Newcastle Primary School	£6,200
	Total 2009-10	£11,700
2010 - 2011	Castlewellan Primary School	£6,500
	Total 2010-11	£6,500

Gritting

Mr J Craig asked the Minister for Regional Development (i) if he has any plans to make it mandatory to grit residential areas, and other areas not deemed mandatory, in periods of cold weather; and (ii) whether he has had any discussions with the Roads Service and local councils in relation to this issue. **(AQW 2805/11)**

Minister for Regional Development: One of the key outcomes of the most recent review of my Department's Roads Service's Winter Service policy, which was fully debated and accepted by the Assembly, was that the practice of targeting the limited resources available for this service on the busier main through routes should continue. The application of this policy ensures that 28% of the

total road network, which carries around 80% of traffic, is salted, at an annual cost in a normal year of approximately £5 million. Any extension of the schedule to cover 90% or 100% of traffic volumes would increase the cost to approximately £10 million or £20 million per annum, respectively. Salting of footways was also considered at that time, but the costs were considered prohibitive, and the basic logistics of introducing such a service, which is largely a manual task, made it impractical.

While I can understand and appreciate the concerns of those who use the remaining more lightly trafficked roads which are not on the salted network, it simply is not practical to salt all roads and footways. However, with the likelihood that there will, in future years, be even greater pressures on the Roads Service budget, it is highly unlikely that additional funding will be made available to extend the salting schedule. There is a fine balance to be drawn between putting even more funds into salting or to the many other worthwhile demands on Roads Service, many of which are also safety related.

Therefore, I currently have no plans to review the winter gritting policy to make it mandatory to grit residential areas, and other areas not deemed mandatory, in periods of cold weather.

With regard to discussions between Roads Service and local councils in relation to this issue, I can advise that, in the same review, it was proposed that in periods of prolonged lying snow, the Department for Regional Development would seek to enlist the help of other agencies, such as district councils, to assist in clearing busy town centre footways and pedestrian areas.

In consultation with the Northern Ireland Local Government Association (NILGA), Roads Service drew up a draft legal agreement to try to facilitate this process. However, only a small number of councils signed up to this agreement at that time.

Following last year's spell of wintry weather, I asked the Chief Executive of Roads Service to revisit this issue.

Since that time, Roads Service has been negotiating with NILGA, and an amended model agreement has now been developed. The main change is that the indemnity offered in the original agreement to councils, can now be extended to private sector organisations acting as the councils' sub-contractor, or agent.

I recently met with NILGA representatives to discuss and clarify a number of issues relating to this agreement, and I am pleased that the majority of councils are now working with Roads Service, to treat the busiest footways in their areas.

Roads Service has confirmed that it continues to provide 3,500 salt boxes and 39,000 grit piles at strategic locations. These can be used by the general public on a self help basis to help prevent the formation of snow and ice on footpaths and roads.

Road Safety Standards

Mr T Elliott asked the Minister for Regional Development to outline how his Department monitors road safety standards, particularly in relation to road gritting on the new dual carriageway between Dungannon and Ballygawley.

(AQW 2807/11)

Minister for Regional Development: My Department's Roads Service has advised that the new A4 dual carriageway between Dungannon and Ballygawley was designed and constructed to the most current standards. It is operated and maintained, on behalf of Roads Service, by Amey Lagan Roads Ltd under the Design Build Finance Operate (DBFO) Package 2 Contract. Amey Lagan Roads Ltd has taken responsibility for winter maintenance since the new scheme was made available to traffic on 17 November 2010.

Roads Service ensures that the DBFO Contractor has made satisfactory arrangements in advance of the winter maintenance season and monitors the performance of the DBFO Contractor, through a dedicated unit located at Roads Service Headquarters, to ensure that the contract provisions are delivered.

Whilst Roads Service and the DBFO Contractor take all reasonable measures to keep the road open at all times, like any other road authority, they cannot guarantee that the road remains completely free of ice or snow. The obligation remains with road users to drive with due care and at a speed appropriate to the prevailing conditions.

New Dual Carriageway between Dungannon and Ballygawley

Mr T Elliott asked the Minister for Regional Development (i) who is responsible for the maintenance and gritting of the new dual carriageway between Dungannon and Ballygawley; and (ii) to detail the date and costs of any contracts that have been entered into in relation to the maintenance and gritting of this dual carriageway.

(AQW 2809/11)

Minister for Regional Development: My Department's Roads Service has advised that the new A4 dual carriageway between Dungannon and Ballygawley is operated and maintained, on behalf of Roads Service, by Amey Lagan Roads Ltd under the Design Build Finance Operate (DBFO) Package 2 Contract. Amey Lagan Roads Ltd has taken responsibility for winter maintenance since the new scheme was made available to traffic on 17 November 2010.

The DBFO Package 2 Contract was awarded on 17 December 2007 to Amey Lagan Roads Ltd. Due to the packaged nature of the contract, which includes construction of the A1 Beechill - Cloghogue, the A4 Dungannon - Ballygawley, other capital works and the maintenance (including winter maintenance) of the M1 (Sprucefield–Dungannon), A1, A4 (Dungannon–Ballygawley) and A101, for a 30-year contract period, it is not possible to identify the individual costs for winter maintenance.

Gritting of Roads and Footpaths

Mr P Weir asked the Minister for Regional Development for an update on the co-ordination between his Department and local councils in relation to the gritting of roads and footpaths.

(AQW 2824/11)

Minister for Regional Development: The Member will be aware that one of the outcomes of a previous review of Roads Service's winter service policy and procedures was that it was proposed that in periods of prolonged lying snow, my Department would seek to enlist the help of other agencies, such as district councils, to assist in clearing busy town centre footways and pedestrian areas.

In consultation with the Northern Ireland Local Government Association (NILGA), Roads Service drew up a draft legal agreement to try and facilitate this process. A small number of councils signed up to the agreement at that time.

Following last year's spell of wintry weather, I asked Roads Service's Chief Executive to revisit this issue. Since that time, Roads Service has been negotiating with NILGA and an amended model agreement has been developed. The main change is that the indemnity offered to councils, in the original agreement, can now be extended to private sector organisations acting as the council's sub-contractor or agent.

I met with NILGA representatives on 6 December 2010 to discuss and clarify a number of issues relating to the amended agreement, and I am pleased that the majority of councils are now working with Roads Service, to treat the busiest footways in their areas.

Grittled Roads

Mr P Weir asked the Minister for Regional Development for his assessment of the percentage of roads that are currently gritted by the Roads Service.

(AQW 2829/11)

Minister for Regional Development: The member will be aware that one of the key outcomes of the most recent review of the winter service policy and procedures operated by my Department's Roads

Service, was that the practice of targeting the limited resources available for this service on the busier main through routes should continue.

Roads Service applies established criteria to assess roads for inclusion in the salted network. This ensures that those roads identified for salting are determined by fair and objective based criteria, based largely on traffic volumes. In general terms, this means that Roads Service salts the North's main through routes that carry more than 1,500 vehicles per day and, in exceptional circumstances, roads with difficult topography carrying between 1,000 and 1,500 vehicles per day. In total, some 28% of the total road network, which carries around 80% of all traffic, is salted, at an annual cost of approximately £5 million for a typical winter. I consider the approach currently adopted by Roads Service, which aims to strike an appropriate balance between the needs of road users and the need to optimize the use of finite resources, to be reasonable.

Gritter Lorries and Road Sweeping Vehicles

Mr P Weir asked the Minister for Regional Development to detail the co-ordination between Roads Service gritter lorries and road sweeping vehicles.
(AQW 2832/11)

Minister for Regional Development: My Department's Roads Service has informed me that there is no co-ordination of the work undertaken by its gritters and Road Sweeping Vehicles owned and operated by District Councils.

Gritting Resources

Ms M Ritchie asked the Minister for Regional Development for his assessment of the gritting resources available to each Section Office within Roads Service Southern Division.
(AQW 2879/11)

Minister for Regional Development: My Department's Roads Service allocates all Divisions, including Southern Division, with sufficient resources to ensure that all roads on the salted network are treated in accordance with the Roads Service's Winter Service procedures. Each Section Office within Southern Division maintains a schedule of roads which meet the criteria for inclusion on the salted network and ensures that these roads are treated during the Winter Service operation.

Gritting Resources

Ms M Ritchie asked the Minister for Regional Development whether there are enough gritting resources available within each Section Office of Roads Service Southern Division to cope with the current inclement weather conditions; and where Roads Service will procure the additional grit if needed.
(AQW 2880/11)

Minister for Regional Development: I am satisfied that each Section Office within Southern Division has sufficient resources to deal with the current inclement weather conditions.

Roads Service continues to replenish salt stocks through its supply contract with the locally based salt producer. In addition, Roads Service is actively seeking to procure additional supplies from various other sources outside Britain.

Concessionary Bus Passes

Mr C Lyttle asked the Minister for Regional Development what action he has taken to achieve the recognition of Northern Ireland concessionary bus passes throughout the rest of the UK.
(AQW 2898/11)

Minister for Regional Development: Concessionary travel is a devolved matter for the respective regions, each having separate schemes for their own residents. Although the Concessionary Bus Travel

Act 2007 allows for reciprocal recognition of concessionary passes across Britain in the future, before any such scheme could become operational, there would be operational, technical and financial issues to be addressed by the responsible administrations. A sub-group of the British-Irish Intergovernmental Conference is investigating the potential for mutual recognition of concessionary fares schemes throughout these islands. However, it would likely to be some considerable time before any reciprocal arrangements could be put in place.

Gritting of Roads

Mr S Anderson asked the Minister for Regional Development how many miles of road on average are gritted in (i) Banbridge; (ii) Craigavon; (iii) Lurgan; and (iv) Portadown each year.

(AQW 2899/11)

Minister for Regional Development: My Department's Roads Service has advised that it does not record the salted road length on an individual town basis, but is able to provide this information by District Council area.

Details of the total road length, salted in any single salting operation, for the Banbridge District Council area and the Craigavon Borough Council area, which includes Lurgan and Portadown, are shown below.

- Banbridge Council Area - 200 miles
- Craigavon Council Area - 190 miles

The frequency of salting operations in a year is dependent on weather conditions experienced during the winter season.

Total Reserve of Grit

Mr S Anderson asked the Minister for Regional Development what is the total reserve of grit held by his Department for 2010; and how this compares to the last three years.

(AQW 2900/11)

Minister for Regional Development: My Department's Roads Service has advised that as part of the 2010 pre-season preparations for the winter period, salt barns, which are strategically placed in depots throughout the North, were filled to capacity. This resulted in Roads Service stockpiling some 65,000 tonnes of salt available for use over this winter period. There are also contractual arrangements in place to replenish salt stocks throughout the season.

By way of comparison to the previous three years, the reserves of salt held by Roads Service at the start of November, in the previous three years, are shown in the table below:

Year	2009	2008	2007
Tonnes	34,000	48,000	50,000

Strangford Ferry Multi-journey Ticket Books

Mr K McCarthy asked the Minister for Regional Development whether he would consider the sale of Strangford Ferry multi-journey ticket books through an agent based in Portaferry.

(AQW 2918/11)

Minister for Regional Development: My Department's Roads Service has advised that it would be willing to consider the sale of its Strangford Ferry multi-journey ticket books through agents. However, Departmental Accounting Procedures would require full payment to be made in advance. In addition, multi-journey ticket books have a significant discount, and Roads Service would need assurance that the integrity of its discount for regular users was protected.

Roads Service is also currently investigating electronic ticketing systems for the Strangford Ferry, which will make it easier for customers to buy tickets outside office hours.

Directional Road Signage

Mr K McCarthy asked the Minister for Regional Development to detail the options open to villages such as Portaferry where residents wish to increase directional road signage.

(AQW 2919/11)

Minister for Regional Development: The main purpose of direction signs is to guide road users to their desired destinations, via the most appropriate route, at the latter stages of their journey, particularly where destinations may be hard to find.

When direction signing is being provided, my Department's Roads Service considers the needs of the road user and the layout of the local road network connecting different places. In relation to existing signing, there is no list of options for increasing the amount of directional road signage. However, where anyone suggests a possible gap in the signing to a town or village Roads Service will consider and, if appropriate, rectify the situation.

Public-Private Partnership Projects

Mr T Elliott asked the Minister for Regional Development (i) whether his Department has financially rewarded any private contractors involved in PPP projects that finished earlier than scheduled since May 2007; and if so (ii) to detail the contractors and the amounts and dates of payments.

(AQW 2921/11)

Minister for Regional Development: My Department's Roads Service has advised that it awarded two Design Build Finance Operate (DBFO) Contracts which incentivised the Public-Private Partnership (PPP) contractor to finish the projects earlier than scheduled.

The DBFO Package 1 Contract was awarded to Highway Management (City) Limited and construction works were completed in November 2009. This contract incentivised the DBFO Company to complete construction works early through improved cash flow.

The DBFO Package 2 Contract was awarded to Amey Lagan Roads Limited and construction works were substantially completed in November 2010, when the A4 Dungannon to Ballygawley scheme was opened to traffic. The DBFO Company will be paid in line with contractual provisions for completing the A1 Beech Hill to Cloghogue scheme more than four months ahead of programme. Payments commenced in November 2010 and will be spread over the remaining 27 year period of the contract. The payment mechanism incentivises the DBFO Contractor to make the road available earlier than programmed.

Roads Service is aware that there were bonus arrangements between the respective DBFO Companies and their Construction Contractors. However, Roads Service is not aware of the details of the bonus arrangements.

Gritting

Mr T Elliott asked the Minister for Regional Development to (i) list the private sector firms that his Department has had contracts with to grit and maintain roads since May 2007; and (ii) to detail (a) the total and annual costs of the contracts; and (b) the periods of the contracts.

(AQW 2923/11)

Minister for Regional Development: My Department's Roads Service has separate contracts with private sector firms for winter service functions and for roads maintenance works.

Winter Service duties include road gritting and snow clearance. Roads Service has contracts in place with private sector firms to provide gritter drivers. Details of the private sectors firms contracted for driver hire, the total annual costs of those contracts and the contract periods, are provided in the table below:

Contractor	Annual Cost	Year
First Choice Selection Services	£178,000	2007/08
Driver Hire Ltd	£239,000	2008/09
Driver Hire Ltd	£565,000	2009/10
Total Cost	£982,000	

In addition, Roads Service has awarded two Design Build Finance Operate (DBFO) Contracts which involve the use of private companies to carry out a range of maintenance duties on the road network, including Winter Maintenance duties. Details of the DBFO Contracts are as follows:-

The DBFO Package 1 Contract was awarded on 3 February 2006 to Highway Management (City) Ltd. The operation and maintenance, including winter maintenance, for the M1 (Belfast – Sprucefield), M2, M3, M5, M22, A12 and A8 (M) is sub-contracted to Highway Management Maintenance.

The DBFO Package 2 Contract was awarded on 17 December 2007 to Amey Lagan Roads Ltd. The operation and maintenance, including winter maintenance, for the M1 (Sprucefield – Dungannon), A1, A4 (Dungannon – Ballygawley) and A101, is sub-contracted to Amey Inter-Urban.

Both DBFO Contracts have been awarded for a 30-year contract period, and given the packaged nature of these contracts, it is not possible to identify the specific costs within the contract for gritting.

Roads Service also has contracts with contractors and farmers who use their own equipment to help clear snow from roads after heavy snowfalls. From 2007-2010, 48 contracts were in place and for 2010-11, 43 contracts are in place. There was very little use made of the 2007-10 contracts and, as such, any payments are minimal. The current contract is being heavily utilised at present, however, details of the total and annual costs are not yet available.

Road maintenance covers a wide range of activities, from grass cutting to resurfacing works. As such, Roads Service has a large number of contracts in force at any one time, with each covering specific types of work. For example, environmental contracts cover grass cutting, weed control and gully emptying. Each Roads Service Division generally has a number of contracts in force at any one time.

Given the large number and varying nature of maintenance contracts and the range of contract start/end dates, there would be a considerable amount of work involved in identifying the details requested for all of the contracts let since May 2007. Consequently, collation of such a large volume of information could only be achieved at disproportionate cost.

Mouchel

Mr T Elliott asked the Minister for Regional Development (i) to detail the links his Department has with 'Mouchel'; (ii) whether he is aware of the company's falling share price; and (iii) for his assessment of whether a company takeover would present any threat to his Department.

(AQW 2929/11)

Minister for Regional Development: Mouchel is engaged by my Department's Roads Service through a framework contract – 'Consultancy Services for the Assistance in the delivery of the Roads Service Strategic Road Improvement (SRI) Programme, Major Works Planning, Assessment and Delivery Contract'. Mouchel currently supports Roads Service staff by providing professional services in the development of a number of major road schemes.

I am aware that the Mouchel share price has fallen over the past couple of years. However, at this point, I have no particular concerns relating to a takeover or merger of the company.

Road Surfaces

Mr G Savage asked the Minister for Regional Development (i) to detail the plans and procedures that have been put in place by his Department to review the quality of all road surfaces; and (ii) how much funding has been allocated for repairs if needed in the current financial year.

(AQW 2931/11)

Minister for Regional Development: My Department's Roads Service has advised that Article 8 of the Roads (NI) Order 1993, places a duty on Roads Service to maintain all public roads in a reasonable condition. In recognition of its duty of care, Roads Service has put in place a set of Maintenance Standards for Safety and has an inspection programme to ensure that roads have a satisfactory level of skidding resistance, which reduces the risk of uncontrolled skids and improves braking efficiency. These standards, which are designed to ensure a consistent service level and a safe highway, while offering value for money, are based on best practice, research and consultation with both the public and other professional bodies and Industry.

Essentially the safety standards and procedures currently in operation establish frequencies for road inspections which are dependent on traffic volumes and specify response times for the repair of defects. Inspection frequencies vary between daily cycles for motorways, to four-monthly cycles for carriageways carrying low volumes of traffic. Response times, specified for the repair of defects, are dependent on the severity of the defect and range from one calendar day, to routine inclusion in the next work programme for that particular route. These systems and procedures are recognised and accepted by the courts as being robust given the finite level of funding available. The Standards were last reviewed in 2006 and continue to provide a systematic approach to road maintenance management.

Roads Service also has a programme of measuring skidding resistance, using the Sideways-force Coefficient Routine Investigation Machine (SCRIM), on the motorways, trunk roads and non-trunk A Class roads, and reports annually on the percentage of the network which is equal to or below the relevant investigatory level. Roads Service carries out investigations on all roads that are found to be below the investigatory level and, where necessary, arrange remedial work.

Although routine measurements of skid resistance using the SCRIM vehicle are not carried out on the B, C and U class network, regular visual inspection surveys provide information which assists Roads Service in developing planned maintenance programmes, such as surface dressing, which make a positive contribution to skidding resistance.

Surface defects, which are identified outside of these inspection regimes, are dealt with according to the aforementioned standards and remedial work arranged as necessary. If it becomes apparent that the relevant response time cannot be met, or is not appropriate, then the Department has the option of installing signs to warn road users of a possible danger.

When defects or problems arise, due to the actions of a third party, Roads Service will request that it takes the necessary steps to rectify the situation, if known. If the third party does not cooperate, or does not carry out the works to the required standard, Roads Service may carry out whatever work is necessary to restore the road condition in the interests of safety. Roads Service may subsequently seek to recover its costs.

I can confirm that the initial 2010-11 allocation for carriageway patching was some £18 million. In addition, a further £3.45 million has been allocated to Roads Service Divisions within the past few weeks. It is intended that this additional funding will be used to deal with the effects of the recent poor weather and also to assist with any winter maintenance pressures which arise.

Legislative Proposals in the European Commission

Mr A Ross asked the Minister for Regional Development whether there is a specific individual or section within his Department to identify, at an early stage, legislative proposals in the European Commission and the potential impact on Northern Ireland.

(AQW 2946/11)

Minister for Regional Development: Within my Department there are a number of individuals in different policy areas who liaise with the Office of the First Minister and deputy First Minister and Whitehall Departments on European legislative proposals. These individuals analyse this information and assess and comment on any potential impact for the North.

Northern Ireland Executive Office in Brussels

Mr A Ross asked the Minister for Regional Development to detail any communication his Department has had with the Northern Ireland Executive Office in Brussels in each of the last 24 months.

(AQW 2947/11)

Minister for Regional Development: Staff in my Department have ongoing contact with the Northern Ireland Executive Office in Brussels (NIEOB) regarding European issues relevant to the Department. Contact ranges from brief telephone calls to formal written exchanges. As such a comprehensive record of each and every communication has not been maintained.

Over the last 24 months the main themes of the communication with NIEOB have been in relation to:

- i. the visit of officials to Brussels in November 2008 and March 2010 on the inter-Departmental EU Study Visit organised by the Centre for Applied Learning;
- ii. the visit of officials to Brussels in April 2009 for the 2009 Trans-European Network –Transport (TEN-T) call for funding;
- iii. the visit of officials to Brussels in September 2009 in connection with EU funding for the Small Ferries Project;
- iv. the visit of the Department's lead EU official to Brussels in September 2009 as part of the Barroso Taskforce delegation;
- v. a visit by an official from the NIEOB to the Department in December 2009;
- vi. my visit to Brussels in March 2010 when I hosted a sustainable transportation seminar in the NIEOB; and
- vii. the visit of officials to Brussels in May/June 2010 for the 2010 TEN-T call for funding.

Connection of Homes with Septic Tanks to the Main Sewer System

Mr T Burns asked the Minister for Regional Development to outline the responsibilities of NI Water regarding the connection of homes with septic tanks to the main sewer system; and how many households in such circumstances have been connected in each of the last five years.

(AQW 2951/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that under current legislation the owner or occupier of any domestic property not connected to the public sewer network, including those with septic tanks, may requisition a sewer extension. NIW is required to provide a requisitioned sewer subject to certain conditions. One of the conditions requires the persons making the requisition to pay the reasonable costs of providing the sewer as determined in accordance with NIW's charges scheme.

In calculating the cost to be borne by the person making the requisition, NIW will contribute a reasonable cost allowance of £2,137 to assist with the cost. In the case of an existing property (constructed before 1 January 2000) my Department increases the available allowance to £4,000.

While NIW holds records of the total number of new connections to the public sewer network, this information is not broken down specifically to identify the number of properties with septic tanks. It is therefore unable to provide the information sought about the number of properties with septic tanks connected to the public sewer network in the past five years.

Camper Vans at Lansdowne and Bath Street in Portrush

Mr T Elliott asked the Minister for Regional Development to (i) detail the number of complaints received by his Department and Coleraine Borough Council, in relation to the parking of camper vans at Lansdowne and Bath Street in Portrush; (ii) detail any consultation that took place between his Department, Coleraine Borough Council and other stakeholders regarding this issue; and (iii) list the businesses involved in the consultation process.

(AQW 2956/11)

Minister for Regional Development: My Department's Roads Service advises that it has received six written complaints relating to the parking of camper vans at Lansdowne and Bath Street, Portrush:

- Coleraine Borough Council on 11 February 2008;
- member of the public on 26 September 2008;
- Portrush Countryside Centre on 20 April 2009;
- member of the public on 25 June 2010; and
- 2 complaints from Blair's Caravans, Portrush, on 29 June 2010 and 23 August 2010.

My Department does not maintain details of complaints received by Coleraine Borough Council, therefore you may wish to contact the Council directly on this issue.

My Department consulted on the introduction of the Parking and Waiting Restrictions (Portrush) (Amendment) Order (Northern Ireland) 2010 in compliance with paragraphs 1 and 2 of Schedules 1 and 4 to the Road Traffic Regulation (Northern Ireland) Order. Consultation was with Coleraine Borough Council, the PSNI and occupiers of land adjacent to the parking places on Bath Road and Lower Lansdowne Road. No written objection or other representation was received.

Consultation was not undertaken with businesses as there were none which fell within into the category set out within paragraphs 1 and 2 of Schedules 1 and 4 to the Road Traffic Regulation (Northern Ireland) Order, in other words, businesses occupying land adjacent to the parking places on Bath Road and Lower Lansdowne Road.

Gritting Footpaths

Mr J O'Dowd asked the Minister for Regional Development to outline any discussions his Department has had with (i) Banbridge District Council; and (ii) Roads Service regarding the agreement to allow Councils to grit footpaths.

(AQW 2972/11)

Minister for Regional Development: During the most recent review of my Department's Roads Service's Winter Service policy, which was fully debated and accepted by the Assembly, it was recognised that the cost of salting all footways would be prohibitive and that the basic logistics of introducing such a service, which is largely a manual task, make it impractical. In the same review, it was proposed that in periods of prolonged lying snow, Roads Service would seek to enlist the help of other agencies, such as District Councils, to assist in clearing busy town centre footways and pedestrian areas.

In consultation with the Local Government Association (NILGA), Roads Service drew up a draft legal agreement to try and facilitate this process. However, at that time, only a small number of Councils signed up to this agreement.

Following last year's spell of wintry weather, I asked the Chief Executive of Roads Service to revisit this issue.

Since that time, Roads Service has been negotiating with NILGA and an amended model agreement has been developed. The main change is that the indemnity offered to Councils in the original agreement can now be extended to private sector organisations acting as the Council's sub-contractor or agent.

The local Divisional Roads Manager has written and been in telephone contact with the Chief Executive of Banbridge District Council, to see if a local agreement for snow clearance from town centre footways and pedestrian areas could be reached. However, as of Friday 17 December 2010, this offer has not been accepted.

That said, the majority of Councils are now proposing to work with Roads Service to salt the main footpaths in their respective areas. Under the proposals put forward by my Department, Councils, or groups of traders acting on their behalf, will have the same indemnity benefits as Roads Service.

Roads Service will continue to engage with NILGA and directly with Councils, through its local divisions, on the issue of gritting footpaths, to try to encourage as many as possible of the remaining councils to come on board to provide this valuable service to their local ratepayers.

Creagh Waste Water Treatment

Mr P McGlone asked the Minister for Regional Development how many firms tendered for the Creagh Waste Water Treatment works contract.

(AQW 2977/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the procurement route for this contract was a competitive tendering process which invited a restricted list of 6 Contracting consortia to submit tenders, in accordance with the OJEU procedures.

The most economically advantageous tenderer, the Geda/EIMCO Joint Venture, selected through this competitive tendering process was then appointed to undertake the works at Creagh Wastewater Treatment Works.

SmartPasses

Mr P Weir asked the Minister for Regional Development how many (i) 60 Plus Smart Passes; and (ii) Senior SmartPasses have been issued in each of the last three years.

(AQW 2978/11)

Minister for Regional Development: The information requested is set out in the table below.

Period	60+ SmartPasses Issued	Senior SmartPasses Issued
01/12/2007 – 30/11/2008	51,113	20,917
01/12/2008 – 30/11/2009	17,017	6,778
01/12/2009 – 30/11/2010	15,116	4,735
Total	83,246	32,430

It should be noted that the 60+ SmartPass was introduced on 1 October 2010

Gritting Footpaths

Mr P Weir asked the Minister for Regional Development for his assessment of the financial cost of gritting all footpaths.

(AQW 2979/11)

Minister for Regional Development: My Department's Roads Service has advised that it estimates the cost, in terms of manpower and vehicles, of salting all footways, at between £150,000 and £200,000 per treatment. In addition, the salt required to carry out this exercise would cost approximately £80,000 per treatment.

Grit or Sand for Roads

Mr P McGlone asked the Minister for Regional Development, pursuant to AQW 2696/11, (i) to what level will the salt or grit reserves be allowed to fall before more is sought; (ii) how long will it take to get more grit; and (iii) what discussions Roads Service has had with the Met Office and other agencies regarding the weather forecast over the coming months and projected cold spells.

(AQW 2980/11)

Minister for Regional Development: My Department's Roads Service has confirmed that re-order arrangements are in place to ensure that salt stocks do not fall below a minimum level. For example, during the period from 1 October to 1 January each year, a minimum re-order level of 90% of full capacity is in operation. Roads Service has also advised that salt continues to be ordered and delivered on a regular basis.

With regard to communication with the Met Office and other agencies regarding the weather forecast, I can confirm that Roads Service has an extensive agreement in place with the Met Office to supply forecast information. This agreement provides Roads Service with regular updates on both weather forecast and prevalent conditions across the North, the frequency of these updates are dependent on the severity of the weather during any particular day. Furthermore, it allows Roads Service officials to make direct contact with the Met Office forecasters, as and when required, to ascertain specific information, if necessary.

NI Water Tender CO 71

Mr G Savage asked the Minister for Regional Development, pursuant to AQW1606/11, for his assessment of (i) the employment and human rights of embedded contract staff who are not subject to any legal proceedings; and (ii) whether such staff are offered the same employment and human rights as full-time permanent staff within NI Water.

(AQW 2983/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it does not recognise the term 'embedded contract staff' and it is not possible to establish which contract staff, if any, may be subject to legal proceedings. NIW is not able to comment on the employment and human rights of any contractor employees engaged. However, all NIW's current service contracts include the following specific clauses:

D2.1 "The contractor shall not unlawfully discriminate within the meaning and scope of any Law, enactment, order or regulation relating to discrimination whether in race, gender, religion, disability, sexual orientation or otherwise in employment".

D2.2 "The contractor shall take all reasonable steps to secure the observance of condition D2.1 by the contractor and its staff and all sub contractors employed by the contractor in performance of the contract".

Gritting Schedule

Mr T Burns asked the Minister for Regional Development to detail (i) how many miles of road are in the South Antrim constituency area, broken down by road classification; and (ii) how many miles of this road network are included in the current gritting schedule; and what this figure is as a percentage of the road network.

(AQW 3003/11)

Minister for Regional Development: My Department's Roads Service has advised that it does not maintain the information that you have requested on a constituency basis. However, as Antrim, Lisburn and Newtownabbey Council areas fall within the South Antrim constituency, the table below details the information on a Council basis:-

	Antrim Borough Council	Lisburn City Council	Newtownabbey Borough Council
Motorway – M2, M1 and A1 (salted under the DBFO contracts).	31.94 miles	42.61 miles	26.3 miles
A8 (M)			1.9 miles
A-class roads	61.84 miles	69.07 miles	24.5 miles
B-class roads	51.33 miles	86.94 miles	42.0 miles
C-class roads	107.47 miles	120.83 miles	41.2 miles
U-class roads	274.20 miles	414.45 miles	207.7 miles
Miles of road included in gritting schedule	186.39 miles	273.78 miles	196.7 miles
Percentage of road network	35.3%	37.3%	57.24%

Gritting Schedule

Mr T Burns asked the Minister for Regional Development to detail the number, location and names of roads, currently included in the gritting schedule, which are classified as unadopted.

(AQW 3004/11)

Minister for Regional Development: My Department's Roads Service has advised that unadopted roads are not included in the Roads Service salting schedule.

Gritting Schedule

Mr T Burns asked the Minister for Regional Development to detail the number, location and names of roads that are not included in the gritting schedule because the roads are classified as unadopted.

(AQW 3005/11)

Minister for Regional Development: My Department's Roads Service has advised that it does not hold the information the Member has requested, as it only salts adopted public roads that meet the required criteria.

Unadopted Roads

Mr T Burns asked the Minister for Regional Development how many miles of roads are currently unadopted, broken down by road classification.

(AQW 3006/11)

Minister for Regional Development: My Department's Roads Service has advised that it does not hold information on the length of unadopted roads. I am also advised that unadopted roads do not have a road classification.

Gritting Roads Classified as Unadopted

Mr T Burns asked the Minister for Regional Development to detail the statutory or legislative requirements on housing developers to grit roads classified as unadopted and within their ownership.

(AQW 3007/11)

Minister for Regional Development: My Department's Roads Service has advised that there are no statutory or legislative powers requiring developers to grit unadopted roads within their ownership.

Sustainable Drainage Systems

Mr P McGlone asked the Minister for Regional Development to outline his Department's policy on Sustainable Drainage Systems.

(AQW 3017/11)

Minister for Regional Development: My Department's Roads Service deals with both the design and maintenance of the drainage of roads and footways. The drainage design standards used by Roads Service are contained in the Design Manual for Roads and Bridges.

The particular standard contained in this document, which deals with drainage and its interaction with the environment, is the recently revised Highway Standard HD45 "Road Drainage and the Water Environment". This standard deals with the requirements of the Water Framework Directive (WFD), the Groundwater Directive and the Floods Directive. HD45 requires an assessment to be carried out and the outcome of this assessment, together with Rivers Agency advice, will indicate which type of drainage is required for a project, for example, a conventional system or a Sustainable Drainage System (SuDS).

HD45 sets out a risk-based process for assessing the potential environmental effects of diffuse pollution from highway run-off and the need for any mitigation required to comply with the WFD. This process is based on rigorous and extensive research projects, carried out on behalf of the Highways Agency and the Environment Agency in England and Wales. This gives Roads Service a clear indication of where a SuDS is needed. It should be noted that a SuDS does not always contribute to an improved water environment.

HD45 also deals with risks from accidental spillage and interceptors or other mitigation measures will be provided in accordance with the standard.

Guidance on assessing and mitigating flood risk is also set out in HD45, however, Roads Service generally would comply with any requirements specified by, or advice given by DARD's Rivers Agency rather than carry out its own assessment.

I have been advised by Northern Ireland Water (NIW), that in new development sites it requires the drainage system to be designed and constructed with separate foul and surface water systems. Developers submit detailed drainage layouts, which are assessed and approved in accordance with the relevant statutory agency approvals for the discharge of surface water run-off. Where appropriate, NIW will approve and adopt defined SuDS that are designed to limit the volume of flow discharging to a watercourse, directly or indirectly.

I would also advise that NIW is a member of the North's SuDS Steering Group and has worked closely with DARD's Rivers Agency and DOE's NI Environment Agency in matters relating to development of a sustainable drainage system policy.

NI Water

Mr P McGlone asked the Minister for Regional Development how much NI Water, and its predecessor, spent on fuel in each of the last five years.

(AQW 3019/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the approximate amounts spent on fuel in the past five years by it, and its predecessor Water Service, are as detailed in the table below. All amounts are exclusive of VAT.

Financial Year	Amount	Entity
2009-10	£2,300,000	NIW
2008-09	£2,400,000	NIW
2007-08	£1,900,000	NIW

Financial Year	Amount	Entity
2006-07	£1,500,000	Water Service
2005-06	£1,800,000	Water Service

Traffic-Calming Measures

Mr P J Bradley asked the Minister for Regional Development, pursuant to AQW 2338/11, to detail the criteria used when deciding to implement traffic-calming measures on the unclassified road through the village of Jonesborough; and (ii) whether the same criteria can be applied to provide traffic calming measures on the main B8 road through Main Street, Hilltown.

(AQW 3030/11)

Minister for Regional Development: My Department's Roads Service has advised that the factors that were taken into consideration for the assessment of traffic calming in Jonesborough village were the same as those used for all assessments and are as follows:-

- Accident record over the last three years.
- Traffic volumes.
- Traffic speed.
- Environment (which comprises):-
 - "Rat running"
 - School or playground on street
 - School or playground adjacent to street
 - Shops
 - Public buildings (hall, library etc)
 - Hospital, Health Centre, Care Home etc
 - House to kerb distance less than 6.0 metres
 - Footway width less than 1.5 metres (or none)

These factors, and the subsequent scoring of each, are used to establish a priority list of Traffic-Calming Schemes for each Council area.

However, it should be noted that although there are a variety of treatments that can be used in traffic calming schemes, generally, on A- and B-class routes, which have relatively high volumes of commercial traffic, ramps are not considered to be an appropriate measure.

In Jonesborough, the road through the village is a C-class route and carries lower volumes of traffic; therefore, ramps were considered to be a suitable measure for traffic calming.

Cycle Network

Mr G Campbell asked the Minister for Regional Development how many miles of cycle network existed across Northern Ireland at 1 December 2010.

(AQW 3031/11)

Minister for Regional Development: As part of my Department's commitment to providing safer roads for vulnerable road users, including cyclists and pedestrians, support has been given to the charity Sustrans to develop the National Cycle network. This is a comprehensive network of safe and attractive cycling routes throughout the North, which extends to approximately 1330 km. These are mostly on quiet country roads, and include 171 km of traffic free paths.

In addition, my Department's Roads Service provides various infrastructure improvements in the form of segregated and shared cycle lanes, to complement the existing National Cycle Network. I can advise that 105 km of these cycle lanes have been constructed over the last five years, as detailed in the Belfast Metropolitan Transport Plan.

Cullybackey Railway Station

Mr M Storey asked the Minister for Regional Development whether Northern Ireland Railway has any plans to (i) relocate Cullybackey Railway Station and reinstate the passing loop; and (ii) provide park and ride facilities for all passengers at the station.

(AQW 3042/11)

Minister for Regional Development: In order to support a proposed one hour service between Belfast and Coleraine, NIR have recently produced an outline plan to reinstate a passing loop at Cullybackey. This will involve the construction of a new 800m passing loop and changes to the existing 3 level crossings in the village. They are also seeking suitable options for further Park and Ride sites in the Cullybackey area but this will have to be assessed in the context of strategic plans for Park and Ride. There are no plans to move the station.

Both the provision of a new passing loop and additional car park spaces will be subject to the availability of capital funding in light of the recent budget announcement.

Footpaths

Mr P Weir asked the Minister for Regional Development to outline the criteria used to determine if and when footpaths are replaced or resurfaced.

(AQW 3051/11)

Minister for Regional Development: My Department's Roads Service has a statutory duty to maintain public footways in a safe and serviceable condition and it undertakes an annual programme of footway reconstruction and resurfacing works, subject to the availability of financial resource. To this end, Roads Service operates a system of regular safety inspections to ensure that essential response maintenance is identified and completed, as necessary.

In accordance with the Roads Maintenance Standards for Safety, Roads Service inspects the condition of public footways, and this information is used in the preparation and prioritisation of Roads Service's annual footway reconstruction and resurfacing programme. This programme is prepared on the basis of a number of factors encompassing footway usage, general surface condition, structural deformation, public enquiries and public liability claims.

Many factors affect the condition of a footway and the resultant time span between surface treatments. These include the quality of the initial construction, the wear experienced from traffic, the frequency of openings to install and repair public utility services, weather conditions and how well they have been maintained.

Capital Projects in the North Down Constituency

Mr P Weir asked the Minister for Regional Development to detail how much has been spent on capital projects in the North Down constituency in each of the last three years.

(AQW 3052/11)

Minister for Regional Development: I would refer the Member to my answer to his Assembly Question AQW 1941/11, for details of my Department's Roads Service expenditure on capital projects in the North Down constituency.

Northern Ireland Water has advised that £21.26 million was invested in the water and wastewater infrastructure in the North Down constituency in the three financial years from April 2007 to March 2010. Details are as follows:

2007-08	£5.82 million
2008-09	£8.19 million
2009-10	£7.25 million

Details of expenditure on railway capital projects in the North Down constituency in each of the last three financial years are provided in the table below:

Capital Projects in North Down	Financial Year 2007-08	Financial Year 2008-09	Financial Year 2009-10
Bangor Line Time Division Multiplexer Replacement (TEML)	£151,580	£133,766	£246,740
Bangor West Path		£5,263	£49,119
Total	£151,580	£139,029	£295,859

The table below provides details of bus and rail projects which have had an impact across the region, including North Down:

Total cost of Capital Projects Impacting on North Down	Financial Year 2007-08	Financial Year 2008-09	Financial Year 2009-10
New Trains II		£16,956,929	£12,939,958
New Trains II Platform Extensions		£50,147	£379,895
Adelaide Train Facility		£243,071	£1,645,881
Class 3000 Overhaul			£1,646,437
Provision of Class 300 Capital Spares	£445,327	£32,396	
Disability Discrimination Act NIR	£8,656,076	£1,316,363	
New Rail Vision	£1,984,603	£3,049,574	£135,541
Building Condition Upgrade Programme (Bus)		£268,600	£835,620
Building Services Condition Programme (Bus)			£90,224
Class 3000 Trains	£665,912		
Total	£11,751,918	£21,917,080	£17,673,556

During these financial years, my Department has also invested in the purchase of new modern buses, some of which have been deployed in the North Down constituency.

NI Water

Mr P McGlone asked the Minister for Regional Development to detail the amount of fuel used by NI Water or Water Service vehicles in each of the last five years.
(AQW 3070/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the approximate amounts spent on fuel for service vehicles in the past five years by it, and its predecessor Water Service, are as detailed in the table below. All amounts are exclusive of VAT.

Financial Year	Amount	Entity
2009-10	£1,200,000	NIW
2008-09	£1,300,000	NIW
2007-08	£1,200,000	NIW
2006-07	£1,100,000	Water Service
2005-06	£1,000,000	Water Service

NI Water Tender C 398

Mr G Savage asked the Minister for Regional Development if he can confirm that NI Water tender C 398 is a revised version of NI Water tender CO 71 and whether the tender contracts are comparable.
(AQW 3076/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that C398 is not a revised version of contract C071 and that the contracts are not considered comparable in that there is significant variation in relation to both the scope of the service to be provided and the service specification.

NI Water Tender C 398

Mr G Savage asked the Minister for Regional Development if he can confirm that the current supplier of NI Water tender CO 71 was placed third on the list of preferred bidders for NI Water tender C 398.
(AQW 3077/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the contract award process in relation to C398 has not yet been completed and it is therefore considered inappropriate to provide information in relation to the list of preferred bidders at this time.

NI Water Tender C 398

Mr G Savage asked the Minister for Regional Development whether the company that was placed first on the preferred bidder list for NI Water tender C 398 has withdrawn its bid.
(AQW 3078/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the contract award process in relation to C398 has not yet been completed and the company that was placed first on the preferred bidder list for NI Water tender C 398 has withdrawn its bid.

NI Water

Mr G Savage asked the Minister for Regional Development (i) whether NI Water requested the current supplier of NI Water tender CO 71 to extend the current three-month extension contract until 31 January 2011, prior to disclosing the outcome of NI Water tender C 398; (ii) whether this request was declined; (iii) to outline the potential impact of this request being declined (iv) who, and at what management level, decided to request this extension; (v) why it was necessary to request this extension.
(AQW 3079/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that (i) the supplier on C071 was asked in November 2010 if it was willing to extend the contract until 31 January 2011, this was prior to disclosing the outcome of tender C398; (ii) the supplier declined this request; (iii) the potential impact relates to the transition of resources from C071 to C398. As a result of the supplier declining the request, it was decided to approach the transition in a phased basis, dealing with C071 resources as a matter of priority; (iv) the decision to establish whether the supplier

would be willing to extend the contract to 31 January 2011 was proposed by the Head of Operational Procurement and discussed and supported by the Head of M&E Services and the Director of Customer Services Delivery and (v) the extension was necessary in order to effect a transition from C071 to C398.

NI Water

Mr G Savage asked the Minister for Regional Development (i) whether his Department requested that the current supplier of NI Water tender CO 71 should extend the current three-month extension contract until 31 January 2011, after the preferred bidder of NI Water tender C 398 withdrew its bid; (ii) whether this request was accepted after the withdrawal of the preferred bidder for NI Water tender C 398; (iv) who, and at what management level, decided to request this extension; and (v) why it was necessary to request this extension.

(AQW 3080/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that (i) the supplier on C071 was asked in November 2010 if it was willing to extend the contract until 31 January 2011, this is dealt with via AQW 3079-11. This was prior to the withdrawal in early December 2010 of the bidder ranked first by the evaluation process for C398. NIW made a second request in December 2010 to the supplier on C071 to consider extending the contract. (ii) the supplier on C071 has indicated a willingness to accept the second request; (iv) in the first instance, the Head of Operational Procurement decided to make the December request and, in order to mitigate the risk to service delivery, escalated the decision to the Executive Committee who discussed and supported the decision; and (v) the extension was necessary in order to effect a transition from C071 to C398.

Castle Street in Comber

Mr S Hamilton asked the Minister for Regional Development for an update on the implementation of a one way system for Castle Street in Comber.

(AQW 3094/11)

Minister for Regional Development: My Department's Roads Service has prepared a preliminary design for a one-way system on Castle Street, Comber. It is intended that this design will be incorporated into the proposed Environmental Improvement scheme for Castle Street, which is being promoted by the Department of Social Development, and supported by Ards Borough Council. However, it is unlikely that funding for this scheme will be available in the near future.

Class 3000 Diesel Multiple Unit Trains

Mr P Frew asked the Minister for Regional Development how many times have Class 3000 Diesel Multiple Unit trains failed to provide a passenger service since their introduction in 2004.

(AQW 3097/11)

Minister for Regional Development: Translink's interpretation of a service failure is when a train has stopped on the tracks and is unable to move. This has happened on 11 occasions since the CAF Class 3000 trains were introduced to service in December 2004.

Class 3000 Diesel Multiple Unit Trains

Mr P Frew asked the Minister for Regional Development, in the event of a total failure of a Class 3000 Diesel Multiple Unit engine on a single track railway, what plans are there in place to retrieve passengers and the train so that lengthy delays to passengers and other services can be avoided.

(AQW 3098/11)

Minister for Regional Development: Passenger safety is paramount in all of Translink's services. In the event of total failure of a Class 3000 train NIR take the following action. Firstly a technical engineer assesses if the train can be made mobile again. If this is not possible the failed train is recovered by coupling it to a similar Class 3000 train and hauling it to the nearest platform/station where passengers can disembark safely and from where replacement train services can be operated.

On occasions where failed train recovery proves more difficult and time-consuming due to the nature of the failure, NIR will disembark passengers from the failed train. If the failure occurs on double track another train is drawn up alongside and passengers are transferred from train to train across a bridging ramp. If the failure has occurred on single track, NIR disembark passengers trackside and assist them to walk trackside to board a replacement train. NIR recognise that this final option incorporates a degree of risk to passengers and they will only implement this response with the assistance of fire and rescue services and where no other reasonable option exists.

The range of responses outlined above will unfortunately result in delay and disruption to NIR services. As mentioned, NIR's first priority will always be safety of passengers. Where services are disrupted they liaise closely with Ulsterbus and Metro to provide replacement bus services and they endeavour to clear any blockage as quickly as possible in order to reinstate normal services at the earliest opportunity.

NI Water

Mr J Dallat asked the Minister for Regional Development whether he, and the Chair of NI Water, are aware of a recently published magazine article, in which the Head of Internal Audit in NI Water stated that many of the current issues affecting NI Water are, in her view, a legacy from the Water Service. **(AQW 3110/11)**

Minister for Regional Development: Both the Chair of Northern Ireland Water and I are aware of this article.

Roads Service depot at Balloo Road, Bangor

Mr A Easton asked the Minister for Regional Development whether the public are permitted to avail of grit from the Roads Service depot at Balloo Road, Bangor during periods of ice and snow. **(AQW 3119/11)**

Minister for Regional Development: During the period of severe weather at the end of 2009-10, my Department's Road Service, introduced, on a trial basis, a salt bin facility outside its depot at Balloo Road, Bangor. Regrettably, following a number of incidents involving the public, it was necessary for Roads Service to remove the salt bin facility.

However, Roads Service provides salt bins and grit piles for use by the public, on a self help basis, on roads which do not qualify for inclusion into the gritting schedule and where the following criteria are met:

- the location in question must be on the publicly maintained road network;
- the gradient of the road in question must be over 5%;
- no reasonable alternative route shall be available; and
- the subject road attains a minimum overall score, derived using a specific formula, where points are awarded depending on road geometry, residential usage, community welfare and commercial usage.

There are no limits placed on the number of salt boxes which may be provided. However, salt boxes will not normally be provided within 100 metres of an existing salt box. In addition, new salt boxes are not provided unless requested by a member of the public and that person agrees to spread the salt provided.

Roads Constructed in the North Down Area

Mr P Weir asked the Minister for Regional Development how many kilometres of road have been constructed in the North Down area in each of the last three years. **(AQW 3120/11)**

Minister for Regional Development: My Department's Roads Service has advised that it has not constructed any new roads in North Down in the last three financial years. However, details of lengths of road constructed as part of private developments in North Down, which have been adopted by Roads Service, are provided in the table below:

Year	Length Of Road
2007-08	3.3 Kilometres
2008-09	3.1 Kilometres
2009-10	1.7 Kilometres

NI Water

Mr P McGlone asked the Minister for Regional Development, pursuant to AQW 2762/11, what legal advice was sought on the information deemed to be sensitive and whether this legal advice supported his Department's request to the Public Accounts Committee to handle the information appropriately. **(AQW 3125/11)**

Minister for Regional Development: My Department has, on several occasions, identified sensitive elements in information it has provided to the Public Accounts Committee. In asking for such information to be handled appropriately it has, in accordance with standard practice, identified what information might be exempt from release under the Freedom of Information Act 2000; where information might fall under the scope of the Data Protection Act 1998, and advised the Committee of this. The identification of exempt information or personal data rarely requires legal advice. However, on occasion where legal advice has been sought from the Departmental Solicitor's Office, my Department has acted in a manner consistent with that advice. The detail of such legal advice is subject to legal professional privilege.

NI Water

Mr P McGlone asked the Minister for Regional Development, pursuant to AQW 2797/11, what direction his Department issued to NI Water after the publication of the article in Volume 34, Issue 11 (Dec/Jan) of 'Internal Auditing'. **(AQW 3127/11)**

Minister for Regional Development: Pursuant to AQW 2797/11, my Department issued no direction to Northern Ireland Water (NIW) after the publication of the article in Volume 34, Issue 11 (Dec/Jan) of 'Internal Auditing'. However, after the publication of the article, the Department wrote to NIW about the timing, content and inappropriateness of the article being published in the middle of a PAC investigation.

NI Water: Verified Contracts

Mr J Dallat asked the Minister for Regional Development to detail (i) the number and value of verified contracts available when he took the decision to dismiss the four non-executive directors of NI Water; and (ii) the number and value of verified contracts established under the Water Service. **(AQW 3150/11)**

Minister for Regional Development:

- (i) When I took the decision to dismiss the four non-executive directors of NI Water, NI Water's Internal Audit had verified in its initial Contracts Approvals review, that 19 contracts had been identified as irregular with a total value of £6.2 million. The additional 'deep dive' audit work, still ongoing during the Independent Review Team's considerations, identified a further 55 contracts with a value of £22.2 million, that were deemed to be irregular. These were subsequently verified by Internal Audit. (ii) 6 of the contract irregularities with a total value of £2.9 million from 1 April 2007 (pre-April 2007 was outside the scope of the reviews) were established under the Water Service.

Enterprise Service

Mr C McDevitt asked the Minister for Regional Development to detail (i) what consultation he has had with Translink, and commuters, in relation to increasing the number of stops on the Enterprise service to include stops at Dundalk and Lisburn; and (ii) what steps have been taken to address the need for increased capacity on the Enterprise service.

(AQW 3151/11)

Minister for Regional Development: Both Translink and I have had consultation with Lisburn public representatives over an extended period. Translink recognised the need to carefully balance end to end journey times with the increase in passenger catchment resulting from inclusion of additional stops. As a result they have introduced additional stops at Lisburn on selected off-peak trains with the objective of increasing passenger numbers through provision of direct Lisburn to Dublin and direct Dublin to Lisburn services.

The 08:00 Belfast to Dublin Enterprise train now stops at Dundalk to provide additional capacity from Dundalk to Dublin. This will further increase the number of passengers using Enterprise trains. These additional stops have been introduced with minimal impact in overall running times.

Translink have advised that currently Enterprise services do not need additional capacity. The trains in operation at present can generally deal comfortably with the number of passengers travelling. Nevertheless both my Department and the Department of Transport in Dublin, NI Railways and Iarnród Éireann share a vision and aspiration of service frequency improvements which would involve a train operating every hour in each direction. Such a service improvement would bring benefits to overall economic activity both North and South.

However, both operators would require increases in their operating subsidy payments to allow this to happen. Unfortunately, the budgetary constraints rules out any such development at this time.

Gritted Roads

Mr P Weir asked the Minister for Regional Development how many miles of road have been gritted, on average, in each of the last five years in (i) Bangor; (ii) Holywood; (iii) Donaghadee; (iv) Millisle; and (v) other parts of North Down.

(AQW 3152/11)

Minister for Regional Development: My Department's Roads Service has advised that it does not maintain records of the length of road salted on an individual town basis, but is able to provide this information by District Council area.

The total road length, salted in any single salting operation, for the North Down Borough Council area is 130 miles. This area includes Bangor and Holywood and includes some routes which take in parts of Newtownards, Dundonald, Donaghadee and Millisle.

Whilst the schedule of the salted public road network is reviewed annually, there has been no significant change to the length of road treated over the last five years.

School Safety Signs

Mr P Weir asked the Minister for Regional Development (i) how many school safety signs have been erected in the North Down Borough Council area since May 2007; (ii) to detail the location of each sign; and (iii) the total cost of erecting these signs.

(AQW 3155/11)

Minister for Regional Development: My Department's Roads Service has advised that schemes, that included school safety signs, in the North Down Council area since May 2007, are detailed in the table below:-

Year	Location	Cost
2007-08	Redburn PS, Old Hollywood Road, Hollywood.	£9,000
	St Comgall's College, Brunswick Road, Bangor.	£8,000
	Sullivan Upper, Abbey Ring, Hollywood.	£6,000
	Glenlola Collegiate, Bloomfield Road, Bangor.	£4,000
2008-09	St. Malachy's Primary School, Clandeboye Road, Bangor.	£6,000
	Clandeboye Primary School, Clandeboye Road, Bangor.	£7,000
2009-10	Bangor Central Primary School, Castle Park Road, Bangor.	£5,000
	St Columbanus College, Ballymacconnell Road, Bangor.	£6,000
2010 to date	Ballymagee Primary School, Ashbury Avenue, Bangor.	£10,000
	Rathmore Primary School, Rathmore Road, Bangor.	£7,000
	Bangor Academy School, Castle Street, Bangor.	£10,000

Removal of Snow and Ice from Pavements

Sir Reg Empey asked the Minister for Regional Development if he can confirm that individuals or businesses will not be liable for claims against them if they remove snow and ice from footpaths and roads adjacent to their property.

(AQW 3178/11)

Minister for Regional Development: There is no law to stop individuals or businesses from clearing snow and ice from the footpath or carriageway adjacent to their property. It is not legally possible to provide an absolute assurance that individuals or businesses will never be found liable and responsible for a compensation award. I am advised that it is unlikely that individuals or businesses will be held liable in compensation claims if they clear snow and ice carefully and do not create dangers or obstructions on the footpath or carriageway which would endanger the safe use of the public highway by members of the public.

Gritting of Roads

Mr T Clarke asked the Minister for Regional Development to detail (i) how much has been ring-fenced, in each of the last five years, to prepare for gritting the roads during the winter; and (ii) the actual cost of gritting the roads in each of the last five years.

(AQW 3192/11)

Minister for Regional Development: While my Department's Roads Service does not ring fence budgets, details of the opening budget position and the actual cost of gritting in each of last five financial years are provided in the table below:

Year	Opening Budget	Total Spend
2005-06	£4,852,000	£5,261,000
2006-07	£4,794,000	£4,443,000
2007-08	£4,828,000	£4,683,000
2008-09	£4,781,000	£6,799,000
2009-10	£4,934,000	£8,123,000

Impact of the Recent Severe Weather Conditions on Roads

Mr T Clarke asked the Minister for Regional Development whether his Department has carried out an assessment of the impact of the recent severe weather conditions on roads; and to provide a breakdown of the estimated cost of repairs necessary in each local council area.

(AQW 3198/11)

Minister for Regional Development: My Department's Roads Service has advised that, even with regular care and attention, roads will deteriorate over time and require corrective maintenance works. The rate and extent of deterioration is influenced by numerous factors, including traffic volumes, weather conditions and work carried out by utilities.

The recent cold weather will undoubtedly have damaged the road network. The repeated freezing and thawing cycle causes carriageways to split and potholes to form. However, it will be some time before the full extent of the damage caused to the road network, following the recent cold weather, can be fully assessed.

The total cost of the damage caused solely by the cold weather may never fully be known, as it would not be practical, or indeed possible, for Roads Service to diagnose the causes that have led to, or are likely to contribute to, damage to the roads.

Roads Service undertakes a series of regular inspections and condition surveys to ensure the road network is maintained to defined standards, and that serious road defects are detected and repaired. These arrangements, together with the experience and professional judgement of Roads Service engineers, ensure that the roads remain safe, and do not fall below satisfactory and serviceable levels.

Salting and Gritting Roads

Mr J Craig asked the Minister for Regional Development how many requests Roads Service received from residents, businesses and public representatives in relation to salting and gritting roads in December 2010 to date, broken down by council area, and of these, how many requests were (i) met; and (ii) not met.

(AQW 3201/11)

Minister for Regional Development: My Department's Roads Service has advised that the information you have requested on the number of requests in relation to salting and gritting roads in December 2010, to date, is not available. Roads Service has, however, noted that many of its 24 Section Offices received in excess of 100 telephone and written requests per day, in relation to these matters, during periods of adverse weather in December 2010.

In view of this excessive demand on resources, it was necessary to deal with the requests in order of priority. The information you have requested on the numbers of requests met and not met, is, however, not available.

Belfast Harbour Commission

Mr G Savage asked the Minister for Regional Development to detail the mechanism by which his Department hope to raise revenue via a levy on the Belfast Harbour Commission.

(AQW 3202/11)

Minister for Regional Development:

Officials from my Department and the Belfast Harbour Commissioners are currently scoping options for realising the proposed revenue outlined in the draft 2010 Budget.

Public Accounts Committee Inquiry into NI Water

Mr P McGlone asked the Minister for Regional Development, pursuant to AQW 2763/11, to detail all written correspondence from staff within his Department, at Grade 5 or above, to the Department of

Finance and Personnel in relation to the Public Accounts Committee inquiry into his Department and NI Water.

(AQW 3212/11)

Minister for Regional Development: On 5 July 2010, the then Permanent Secretary wrote to the Treasury Officer of Accounts in the Department of Finance and Personnel advising of a letter to the Public Accounts Committee (PAC) from the Group Chief Executive of Phoenix Energy Holdings.

On 15 October 2010 the Permanent Secretary of my Department wrote to the Treasury Officer of Accounts seeking advice on handling issues around some of the information that was requested by the PAC. Furthermore, the Permanent Secretary wrote to the Treasury Officer of Accounts on 7 December 2010 advising of two Assembly Questions received by my Department in relation to the PAC inquiry into NI Water.

Draft Savings Delivery Plans

Ms A Lo asked the Minister for Regional Development if he can confirm that his Department will publish its draft Savings Delivery Plans within one week of the publication of the draft Budget 2011-2015; and whether it will include details of departmental saving measures and the potential impact of these measures.

(AQW 3216/11)

Minister for Regional Development: I am still considering the implications for my Department of the draft Budget 2011-15 and will therefore not be in a position to publish draft Savings Delivery Plans within the one week timescale. I aim to publish draft Savings Delivery Plans, including details of departmental saving measures and the potential impact of these measures, as early in January 2011 as possible.

Roads: Salt and Grit levels

Mr P Weir asked the Minister for Regional Development to detail the amount of grit used in the North Down area in each of the last five years.

(AQW 3218/11)

Minister for Regional Development: My Department's Roads Service has advised that the roads treated within North Down area form part of a larger schedule of the roads network which is treated in a single salting application.

The approximate tonnages of salt used in the North Down area are as follows:

Year	Salt Tonnage
2009-10	1,996
2008-09	1,713
2007-08	1,093
2006-07	842
2005-06	1,141

These figures are a calculated on a pro-rata basis, and these approximate quantities include for primary and secondary salting actions, the replenishment of salt boxes and salt piles.

Gritting in the North Down Area

Mr P Weir asked the Minister for Regional Development how much has been spent on providing grit for roads in the North Down area in each of the last five years.

(AQW 3219/11)

Minister for Regional Development: My Department's Roads Service has advised that the roads treated within North Down area form part of a larger schedule of the roads network which is treated in a single salting application.

Based on an approximate road length treated in North Down, the estimated annual cost has been calculated as follows:

Year	Expenditure
2009-10	£222,100
2008-09	£186,500
2007-08	£128,900
2006-07	£120,700
2005-06	£145,300

These approximate figures are calculated on a pro-rata basis, and include for primary and secondary gritting actions, the provision and replenishment of salt bins and the provision of salt piles.

Road Safety Schemes in the North Down Borough Council Area

Mr P Weir asked the Minister for Regional Development (i) how many road safety schemes have been implemented in the North Down Borough Council area since May 2007; and (ii) to detail the cost and location of each scheme.

(AQW 3220/11)

Minister for Regional Development: My Department's Roads Service has advised that road safety schemes in the North Down Council area, from May 2007, are detailed in the table below:

Year	Location	Cost
2007-08	Bloomfield Road Roundabout – Resurfacing and the provision of High Friction Surfacing on South Circular Road and Bloomfield Road approaches, and at Pelican Crossing.	£61,000
	A2 Holywood Bypass/ Sullivan Place – Control of right turn into Sullivan Place.	£4,000
	Donaghadee Road Roundabout – provision of high friction surfacing on all approaches.	£28,000
2008-09	A2 Bangor Road at Old Belfast Road - Control of right turn into Old Belfast Road.	£131,000
	Balloo Road at Gransha Road, Bangor - Control of all vehicular movements and additional pedestrian facilities.	£129,000
2009-10	No schemes.	Nil
2010 to date	Balloo Road / Bloomfield Road South - Traffic signals altered to provide fully controlled right turn, and enhanced pedestrian facilities.	£137,000

Department for Social Development

Agenda NI

Mr S Hamilton asked the Minister for Social Development how much his Department and its agencies have spent on (i) articles and adverts in Agenda NI; (ii) subscriptions to Agenda NI; and (iii) payments for staff attending conferences organised by BMF Conferences since May 2007.

(AQW 2475/11)

Minister for Social Development (Mr A Attwood): The table below provides details of expenditure by Business Area as requested from May 2007 to date;

	Articles & Adverts in Agenda NI £	Subscriptions to Agenda NI £	Payments for attendance at BMF Conferences £	Totals £
URCDG	0	0	4,360	4,360
SSA	2,392	35	4,065	6,492
CMED	7,650	0	390	8,040
CORE	1,205	280	2,155	3,640
Housing	0	0	1,170	1,170
Grand Totals	11,247	315	12,140	23,702

Engagement with European Political Institutions

Mr B McElduff asked the Minister for Social Development to detail (i) the number of officials within his Department who are currently directly involved in engagement with European political institutions; and (ii) the success rate of his Department in accessing European funding in each of the last three years.

(AQW 2796/11)

Minister for Social Development: A total of 5 Officials from my Department are directly involved with the European Commission at different levels on a wide range of European issues, - mostly concerned with closed but still live programmes.

My Department continues to draw down funds in line with planned project expenditure.

As Accountable Department for Measure 2.1 of Peace III, we work closely with the relevant funders and institutions to manage the spend within budget.

Additionally, my Department continues to be involved in a number of other EU Initiatives and liaises closely with the European Commission in relation to potential future funding opportunities as follows:-

Transnational and Interregional Programmes

Northern Ireland is eligible for three Transnational Cooperation programmes funded from the European Regional Development Fund i.e.:-

- North West Europe Programme
- Atlantic Area Programme

Northern Periphery Programme

In total there is some €1.3 billion for which we can apply in partnership with other EU regions.

The Northern Ireland Taskforce Report and Action Plan

A European Commission Task Force for Northern Ireland led by the EU Commissioner for Regional Policy was formed in 2007. Its remit is supporting the peace process with a particular emphasis on improving competitiveness and generating jobs and growth in line with the Union's overall Lisbon Strategy. An Action Plan has been developed by OFMDFM in response to the NITF report. The overall aim of the Action Plan is:

- “To engage more effectively with the European Union and its policies and initiatives to help us to achieve our own Programme for Government priorities, particularly in relation to growing a dynamic innovative economy.”

The Action Plan has been developed under five themes:

- Promote our interests within the European Union;
- Access EU funding;
- Raise our positive profile throughout Europe;
- Raise awareness and encourage participation in European matters; and
- Share our experience in conflict resolution with Europe and beyond.

The Leipzig Charter

The Leipzig Charter was an initiative of the German EU Presidency and was adopted by the Council of Ministers in Leipzig in May 2007.

The central message in the Leipzig Charter is the necessity of ‘integrated strategies and coordinated action’. All levels of government i.e. local, regional, national and European have an interest in healthy cities and share the responsibility for the success of cities. European structural funds are to be made available for local projects that embrace this integral approach.

DSD has been monitoring developments on Leipzig and expressed an interest in participating in a European Leipzig networking group.

Quartiers En Crise - European Areas Regeneration Network (QEC ERAN)

DSD is a member of the Belfast in Europe QEC-ERAN group which has an overall objective of:-

- Promoting Belfast in Europe QEC-ERAN and demonstrate local good practice in a European context
- facilitating exchanges between local people, professionals and politicians in the European cities involved in QEC-ERAN
- Considering and promoting integrated strategies for the improvement of conditions in inner city areas
- Promoting research into best practice from other European cities so that a co-ordinated targeted approach to housing, employment, health and social services, education and economic regeneration achieves maximum effect within Belfast

BMF Business Services

Mr S Hamilton asked the Minister for Social Development how much his Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2808/11)

Minister for Social Development: The table below provides details of expenditure as requested from May 2007 to date.

	Articles & Adverts in Agenda NI £	Subscriptions to Agenda NI £	Payments for attendance at BMF Conferences £	Totals £
Urban Regeneration & Community Development Group	0	0	4,360	4,360
Ilex	6,721	0	2,184	8,905
Charities Commission	0	0	0	0
Social Security Agency	2,392	35	4,065	6,492
Child Maintenance Enforcement Division	7,650	0	390	8,040
Core	1,205	280	2,155	3,640
Housing	0	0	1,170	1,170
N.I. Housing Executive	5,008	70	3,913	8,991
Grand Totals	22,976	385	18,237	41,598

People Registered as Unemployed

Mr T Burns asked the Minister for Social Development how many people with a degree aged (i) under 24 years old; and (ii) 24 years old and above were registered as unemployed at the beginning of December in each of the last five years.

(AQW 2847/11)

Minister for Social Development: My Department does not routinely record the information requested.

Warm Homes Scheme

Mr S Hamilton asked the Minister for Social Development how much has been spent on the Warm Homes Scheme in the Strangford constituency since May 2007.

(AQW 2863/11)

Minister for Social Development: The current Warm Homes Scheme commenced on 1 July 2009. Prior to that the scheme was delivered by Eaga plc. When their contract for Warm Homes ended, Eaga handed over to the Department for Social Development all records they held relating to the scheme. The Northern Ireland Housing Executive holds those records on behalf of the Department. It is not possible to analyse those records by constituency between May 2007 and June 2009. The only information held in relation to money spent under the original scheme is for total spend across Northern Ireland by each financial year of the scheme.

Since 1 July 2009, £574,761 has been spent on Warm Homes interventions in the Strangford area.

Social Deprivation

Mr P Givan asked the Minister for Social Development what the level of social deprivation is in each constituency, as measured by the Noble Indices.

(AQW 2906/11)

Minister for Social Development: The Northern Ireland Multiple Deprivation Measure (NIMDM 2010) provides a statistical measure of levels of deprivation across a number of geographies in Northern Ireland. The table presents the results from the 2010 measures at Assembly Area level with a variety of summary measures.

The Department for Social Development does not have responsibility for producing the NIMDM. These figures are produced by the Demography and Methodology Branch of the NI Statistics and Research Agency within the Department of Finance and Personnel and are available online at:

http://www.ninis.nisra.gov.uk/mapxtreme_deprivation2010/default.asp

Assembly Area	Extent (%)	Rank of Extent (1 is most deprived)	Income Scale	Rank of Income Scale (1 is most deprived)	Income Rate (%)	Rank of Income Rate (1 is most deprived)	Employment Scale	Rank of Employment Scale (1 is most deprived)	Employment Rate (%)	Rank of Employment Rate (1 is most deprived)
Belfast East	19	6	18,355	12	23	9	5,223	17	11	11
Belfast North	59	2	34,825	3	42	2	9,283	4	20	2
Belfast South	20	5	17,502	15	19	13	5,473	16	9	17
Belfast West	76	1	42,664	1	51	1	11,625	2	24	1
East Antrim	10	10	16,151	17	18	14	5,511	15	11	13
East Londonderry	14	9	23,072	10	25	7	7,132	10	13	7
Fermanagh and South Tyrone	5	17	22,741	11	22	10	6,517	11	11	12
Foyle	43	3	41,487	2	38	3	11,884	1	18	3
Lagan Valley	7	14	17,572	14	16	17	6,069	14	9	16
Mid Ulster	9	12	24,326	8	25	6	7,476	8	13	8
Newry and Armagh	17	8	30,654	4	28	5	8,783	6	14	5
North Antrim	9	11	23,689	9	22	12	7,401	9	12	10
North Down	3	18	13,446	18	15	18	4,515	18	9	18
South Antrim	5	15	17,851	13	17	16	6,307	12	10	15
South Down	7	13	25,911	7	22	11	8,428	7	12	9
Strangford	5	16	17,278	16	17	15	6,143	13	10	14
Upper Bann	18	7	27,851	5	24	8	9,290	3	14	6
West Tyrone	23	4	27,685	6	30	4	8,888	5	16	4

Legislative Proposals in the European Commission

Mr A Ross asked the Minister for Social Development whether there is a specific individual or section within his Department to identify, at an early stage, legislative proposals in the European Commission and the potential impact on Northern Ireland.

(AQW 2945/11)

Minister for Social Development: My Department's European Union (EU) Unit is in regular contact with the European Commission in Brussels in order to keep updated with EU Legislation/Policies/Guidance and on various issues which may have a potential impact on Northern Ireland.

The Department's European Union (EU) Unit was originally established with the objective of co-ordinating EU activities within DSD and monitoring the administration and delivery of EU Programmes. A number of the Programmes have now closed and the Unit is responsible for ensuring that Closure Packs containing a wide range of material and information from various sources throughout the Department are prepared to audit and EC standards.

DSD is the Accountable Department for Measure 2.1 of the Peace III Programme (Creating Shared Public Spaces) and additionally, continues to be involved in a number of other EU Initiatives which may potentially impact on Northern Ireland.

As the central contact point within the Department on all EU issues the EU Unit is responsible for coordinating, managing and distributing information, advice and guidance to appropriate branches throughout the Department.

Northern Ireland Executive Office in Brussels

Mr A Ross asked the Minister for Social Development to detail any communication his Department has had with the Northern Ireland Executive Office in Brussels in each of the last 24 months.

(AQW 2948/11)

Minister for Social Development: My Department is in regular contact with the NI Executive's European Office in Brussels in order to keep updated with EU Policies/Guidance and on various issues relating to former, current and future EU Programmes. My predecessor hosted a reception in September 2009 in the Northern Ireland Executive Office for a range of EU Commissioners, MEPs and Officials, as part of a wider visit. Later the same month a DSD official attended the Barosso Task Force Working Group Meeting in the office.

Locally there is significant contact between officials and staff in DFP's European Unit over a range of issues but currently focusing on closure of the Urban II programme. My Department also liaises regularly with the Special European Programmes Body on matters relating to the PEACE III programme. In most cases DFP act as the conduit where issues need to be brought to the attention of the NI Executive Office.

The other channel for contact over EU matters is with the Department of Foreign Affairs in Dublin who provide the briefings for each change of EU President. An official from the Department will always attend these one day sessions hosted by DFA.

Contact is either by telephone, email and letter or occasionally in person through local meetings. Every effort is made to minimise travel to Brussels given the associated costs.

People Registered as Unemployed

Mr T Burns asked the Minister for Social Development to detail the total number of people currently registered as unemployed and claiming benefits who have never had a job, broken down by age.

(AQW 2950/11)

Minister for Social Development: My Department does not routinely record the information requested.

Boiler Scrappage Scheme

Mr T Elliott asked the Minister for Social Development whether his Department will introduce a boiler scrappage scheme; and if so, when will the scheme begin.

(AQW 2960/11)

Minister for Social Development: In January 2011 I will announce a new Fuel Poverty Strategy which will include a pilot Boiler Replacement Scheme. I expect the new Boiler Replacement Scheme to be in place for spring 2011.

Unlike the Boiler Scrappage Scheme in England the Boiler Replacement Scheme will be targeted at vulnerable people who have inefficient boilers.

Child Maintenance and Enforcement Division

Mr P McGlone asked the Minister for Social Development whether there are any security policies or procedures in place in the Child Maintenance and Enforcement Division in relation to dealing with cases for individuals who may be members of Fathers for Justice.

(AQW 2982/11)

Minister for Social Development: The Child Maintenance and Enforcement Division does not have any specific security policies or procedures for dealing with cases for individuals who may be members of Fathers for Justice.

Vandalism to Housing Executive Homes

Mr S Hamilton asked the Minister for Social Development how many incidences of vandalism to Housing Executive owned homes have been recorded in each of the last three years, broken down by each district office and the estimated cost of repairing the damage.

(AQW 2990/11)

Minister for Social Development: The table below details the numbers of incidences of vandalism to Housing Executive owned homes and the cost of repairing the damage in each of the last three years, broken down by Housing Executive district office.

Financial Year	2007/8			2008/9			2009/10		
	District	Incidences	Cost of repairs	Incidences	Cost of repairs	Incidences	Cost of repairs	Incidences	Cost of repairs
	West Belfast	118	£22,218.58	97	£18,864.31	116	£28,709.56		
	East Belfast	18	£1,387.82	19	£12,211.22	32	£9,694.00		
	South Belfast	28	£1,490.27	24	£4,081.40	39	£2,318.30		
	North Belfast	88	£7112.26	87	£16894.22	254	£45916.51		
	Shankill	70	£18,930.75	52	£4,102.91	42	£5,698.54		
	Bangor	119	£13,663.86	145	£21,861.50	181	£52,199.40		
	Newtownards	79	£10,217.47	60	£5,717.34	28	£2,432.79		
	Castlereagh	72	£8,926.17	58	8,150.65	54	£14,739.87		
	Lisburn Antrim St.	69	£7,720.63	84	£6,486.51	44	£3,762.96		
	Lisburn Dairy Farm	89	£9,477.16	95	£10,687.62	71	£8,956.51		
	Downpatrick	19	£1,563.29	45	£10,844.41	24	£3,329.47		
	Banbridge	24	£4,047.28	19	£2,226.55	17	£1,099.94		
	Newry	37	£4,372.76	36	£4,561.72	39	£5,796.80		
	Armagh	10	£2,713.62	30	£6,065.01	12	£610.34		
	Lurgan/Brownlow	104	£9,690.47	107	£9,728.37	93	£10,379.01		
	Portadown	146	£8,900.76	107	£10,401.79	77	£8,714.32		
	Dungannon	28	£4,481.85	29	£9,473.86	41	£11,027.79		
	Fermanagh	186	£18,896.02	100	£12,945.30	70	£13,466.06		
	Ballymena	78	£42,855.20	86	£16,686.85	68	£11,118.35		
	Antrim	188	£23,368.98	180	£24,556.48	83	£12,554.12		

Financial Year	2007/8			2008/9			2009/10		
	District	Incidences	Cost of repairs	Incidences	Cost of repairs	Incidences	Cost of repairs	Incidences	Cost of repairs
	Newtownabbey 1	53	£4,601.44	63	£4,763.25	55	£11,318.41		
	Newtownabbey 2	27	£5,111.98	49	£3,236.07	19	£2,516.68		
	Carrickfergus	30	£4,671.27	29	£2,507.24	22	£1,899.60		
	Larne	22	£3,355.95	16	£1,341.73	26	£3,015.66		
	Ballycastle	21	£1,917.88	14	£1,365.43	23	£1,991.62		
	Ballymoney	33	£6,917.90	34	£8,926.82	50	£10,992.68		
	Coleraine	248	£21,944.17	128	£15,300.04	86	£12,585.58		
	Waterloo Place	27	£3,431.38	39	£3,735.99	49	£12,518.00		
	Waterside	200	£26,518.28	147	£15,061.20	180	£33,310.81		
	Collon Terrace	137	£9,750.74	94	£8,061.42	143	£14,301.34		
	Limavady	22	£1,129.52	30	£4,171.62	33	£2,101.86		
	Magherafelt	18	£1,577.37	9	£1,346.09	21	£1,434.26		
	Strabane	4	£472.85	4	£317.25	17	£3,346.52		
	Omagh	11	£775.02	9	£631.25	5	£425.69		
	Cookstown.	4	£255.70	6	£277.49	7	£455.51		

Warm Homes Scheme

Mr P Weir asked the Minister for Social Development how much has been spent on the Warm Homes Scheme in the North Down constituency since May 2007.

(AQW 2992/11)

Minister for Social Development: The current Warm Homes Scheme commenced on 1 July 2009. Prior to that the scheme was delivered by Eaga plc. When their contract for Warm Homes ended, Eaga handed over to the Department for Social Development all records they held relating to the scheme. The Northern Ireland Housing Executive holds those records on behalf of the Department. It is not possible to analyse those records by constituency between May 2007 and June 2009. The only information held in relation to money spent under the original scheme is for total spend across Northern Ireland by each financial year of the scheme.

Since 1 July 2009, £545,012 has been spent on Warm Homes interventions in the North Down area.

Customer First Across the Social Security Agency's Local Office Network

Mr M Brady asked the Minister for Social Development whether he considered the implications of the introduction in 2013 of the Universal Credit in England, Scotland and Wales when making his decision to roll-out Customer First across the Social Security Agency's local office network.

(AQW 3011/11)

Minister for Social Development: I have not made any decision yet on the roll out of Customer First across the Social Security Agency's local office network. The evaluation report into the Customer First pilot in North District was provided to me in early December 2010. I am currently considering the findings of this report and I will make my decisions when I have fully considered all of the information available.

While it is too early to be definitive about the implications of the proposed introduction in 2013 of Universal Credit, consideration will be given to this in due course. It is clear that the proposed changes have the potential to impact on all the benefits currently delivered through the local office network and it is important that the Agency be positioned to respond flexibly to these challenges in the future.

Customer First

Mr M Brady asked the Minister for Social Development whether 242 staffing posts will be removed from the Social Security Agency if Customer First is implemented.

(AQW 3012/11)

Minister for Social Development: As made clear previously, no staff will lose their employment as a consequence of Customer First being implemented. The Customer First initiative is intended to provide a more efficient organisational structure for how social security benefits are processed including achieving greater economies of scale than the current operating model. If Customer First were implemented in full, there would be a projected efficiency saving of around 171 posts out of the current 1800 posts across the SSA local office network over a 3 year period. During this time any extra staff would be redeployed to vacancies elsewhere in the Agency, the Department for Social Development or the wider Northern Ireland Civil Service, in line with normal terms and conditions of employment if necessary.

Customer First Across the Social Security Agency's Local Office Network

Mr M Brady asked the Minister for Social Development what is the projected cost of rolling out the Customer First model across the Social Security Agency's local office network.

(AQW 3013/11)

Minister for Social Development: As set out in the Business Case, the projected cost of rolling out the Customer First model across the Social Security Agency's local office network is £22.9 million over a 15 year period. Over the same period the projected savings are £64.3 million.

Social Security Agency's Strategic Business Review

Mr M Brady asked the Minister for Social Development how much was spent on the Social Security Agency's strategic business review project; and how much has been spent on the Customer First project to date.

(AQW 3014/11)

Minister for Social Development: The table set out below details the Social Security Agency's expenditure on the Strategic Business Review and Customer First initiative. This is in line with the projected expenditure calculations in the Business Case.

Timeframe	Expenditure
Strategic Business Review (Nov 2006 – July 2009)	£2.671 million
Customer First (August 2009 – August 2010)	£2.376 million
Total Expenditure	£5.047 million

Disability Living Allowance, Incapacity Benefit and Employment Support Allowance Medical Reviews

Mr M Brady asked the Minister for Social Development (i) how many people were compelled to attend medical reviews in relation to their (a) Disability Living Allowance; (b) Incapacity Benefit; and (c) Employment Support Allowance in each of the last three years; (ii) how many of these people had their claims refused as a result of the review; and (iii) how many people's claims were reinstated after an oral appeal.

(AQW 3043/11)

Minister for Social Development: The information requested is set out in the table below:

		2008-09	2009-10	2010-11†
Disability Living Allowance	Number of customers referred for a medical examination	9721	10195	5546
	Disallowed following examination*			
	Successful appeals **	1851	1761	932
Incapacity Benefit	Number of customers referred for a medical examination	24649	10864	2134
	Disallowed following examination	5495	2326	902
	Successful appeals***	585	850	150
Employment †† & Support Allowance	Number of customers referred for a medical examination	2531	22801	15085
	Disallowed following examination	415	7995	5209
	Successful appeals***	0	354	967

† The 2010/11 figures cover the period from 1 April 2010 to 30 November 2010.

† † ESA commenced from 27 October 2008..

* Information on Disability Living Allowance disallowances based solely on an Examining Medical Practitioner's report is not held by the Department as in determining entitlement to DLA all evidence is considered including information provided on the customers claim form, medical information supplied or gathered and the on line medical guidance.

- ** The figures provided are the number of successful oral appeals including appeals where the rate of DLA was under appeal and not just those relating to disallowances.
- *** Figures given for successful Incapacity Benefit and Employment and Support Allowance appeals include both oral and written hearings. No ESA Appeals were completed by the end of 2008/09, following introduction of the benefit on 27 October 2008.

Disability Living Allowance, Incapacity Benefit and Employment Support Allowance Appeals

Mr M Brady asked the Minister for Social Development how many people have appealed against the refusal or rescinding of their (i) Disability Living Allowance; (ii) Incapacity Benefit; and (iii) Employment Support Allowance in each of the last three years; and to detail the cost of these appeals.

(AQW 3044/11)

Minister for Social Development: The information requested is set out in the table below:

		2008-09	2009-10	2010-11 †
Disability Living Allowance*	Number of appeals	6495	6377	3721
	Costs	£1,232,760	£1,118,988	£694,116
Incapacity Benefit	Number of appeals	3563	1998	808
	Costs	£765,717	£517,543	£168,218
Employment & Support Allowance**	Number of appeals	110	5201	3764
	Costs	£42,126	£693,963	£778,204

† The 2010/11 figures cover the period from 1 April 2010 to 30 November 2010.

* This is the total number of appeals received as the information is not available in the format requested. Appeals are received from both applicants who have been refused or rescinded Disability Living Allowance (DLA) and from those awarded one of the eleven different rates of DLA but who are not satisfied with the particular rate awarded. DLA appeals are recorded on an overall number basis and not by different categories which distinguish an individual's benefit history.

** Employment and Support Allowance commenced from 27 October 2008.

In addition to the costs detailed in the table above, costs are also incurred by The Appeal Service. The costs cannot be provided for specific benefits. The annual expenditure of the Appeal Service for benefit appeals are as follows:-

Year	Expenditure
2008-09	£4,827,704
2009-10	£5,322,808
2010-11 †	£2,916,366

Lenadoon Shops in Belfast

Ms S Ramsey asked the Minister for Social Development for an update on the work which will be carried out at the Lenadoon Shops in Belfast, including a timeframe for its completion.

(AQW 3091/11)

Minister for Social Development: The Housing Executive's Commercial Property Department has been in regular contact with the local Residents group regarding maintenance of the shops at Lenadoon and has agreed to paint the rear and gable wall of the shops in the New Year, most likely in March 2011 when weather conditions are better. There is also an area of ground to the back of the buildings which is fenced off and padlocked and the Housing Executive's local District Office has agreed to clear debris from the area. However, as there is a very steep approach to the rear of these shops and a vehicle couldn't access the area in the current climate, arrangements are in place to have the area cleared manually when the weather improves. In relation to the guttering of the building, the tenants have been reminded that this is their responsibility to clear as part of their own maintenance obligation under the terms of the lease.

Cold Weather Payments

Mr P Weir asked the Minister for Social Development which postcode areas have received Cold Weather Payments in the last 12 months.

(AQW 3107/11)

Minister for Social Development: Qualifying customers living in all post code areas in Northern Ireland have received Cold Weather Payments both last winter and this winter. Last winter five separate Cold Weather Payments were made to customers living in post code areas covered by Castlederg, Katesbridge and St Angelo (Enniskillen) weather stations – these were BT24-28, 30-35, 45-48, 60-71, 74-77, 80-82 and 92-94. Three payments were made to customers living in post code areas covered by Aldergrove and Ballykelly weather stations incorporating BT 1-23, 29, 36-44, 49 and 51-57.

This winter, up to 24 December 2010, four separate Cold Weather Payments have been made to customers living in post code areas covered by Aldergrove, Castlederg, Glenanne, Katesbridge and St Angelo (Enniskillen) weather stations which are BT 24-35, 39-46, 60-71, 74-82 and 92-94. Three payments have been made to those living in post code areas covered by Ballykelly weather station – BT 47-49 and 51 -57, whilst two payments have been made to those living in post code areas covered by Stormont weather station – these include BT1-23 and BT36-38.

The number of weather stations was increased from five to seven in 2010/11.

Capital Projects in North Down

Mr P Weir asked the Minister for Social Development how much his Department has spent on capital projects in North Down in each of the last three financial years.

(AQW 3108/11)

Minister for Social Development: Detailed below is the amount that my Department has spent on capital projects in North Down in each of the last three financial years:

2007-08	£12,676,322.36
2008-09	£22,776,972.00
2009-10	£8,082,642.00

Colin Gateway Project

Ms J McCann asked the Minister for Social Development to detail the reasons for the £0.07million underspend in capital grant funding for the Colin Gateway Project, as outlined in his Department's December Monitoring Round return.

(AQW 3126/11)

Minister for Social Development: There is no such underspend. The total investment for Colin Gateway is £3.1m and it is anticipated that it will be fully spent. The original bid (submitted October 2008) was based on the Department's best estimate of profiled costs at that time. The profile was based on

the estimated cost of the project, as determined through the development process and profiles have been continually reviewed. In 2010-11, OFMDFM authorised the transfer by Department of Finance and Personnel of £1.443m into DSD's budget for Colin Gateway. Based on the latest profiles, the Department only required £1.376m for the project in 2010-11 and have sought to return the small excess of £0.067m to Department of Finance and Personnel. As Integrated Development Funding is ring fenced for specific projects, the Department was required to return the funding to Department of Finance and Personnel and was unable to retain it to fund other regeneration initiatives. The Department has placed bids in the Budget 2010 exercise to secure funds to fully complete the £3.1m Colin Gateway project project.

Draft Savings Delivery Plans

Mr K McCarthy asked the Minister for Social Development whether his Department will publish its draft Savings Delivery Plans within one week of the publication of the draft Budget 2011 -2015; and whether it will include details of departmental savings measures and their anticipated impact.
(AQW 3140/11)

Minister for Social Development: I have repeatedly called for the publication of a draft budget, though I am not in a position to recommend it. The most acute budget for a generation needs to be right and fully informed by the community and stakeholders. There are a series of unknowns around the budget and its proposals are complex, all of which require to be addressed. These are being worked through. I shall ensure that there is full engagement with stakeholders and the Social Development Committee and that all relevant details are published in due course.

Income Support Processing

Mr M Brady asked the Minister for Social Development whether staff in Income Support processing sections will be redeployed when customers migrate to Employment Support Allowance; and if he can give an assurance that there will be no impact on the delivery of Income Support when lone parents migrate from this payment to Job Seekers Allowance.
(AQW 3148/11)

Minister for Social Development: While both changes to rules for Lone Parents and the imminent Incapacity Benefits Reassessment exercise will have impacts on Income Support processing and staffing levels, the full extent of any impact will only become clear in early 2012, when sufficient numbers of customers have moved through the reassessment process.

I have made it very clear of my concerns about many of the current and proposed changes to the social welfare system, that their impact will be closely monitored and, given the increasing numbers seeking benefits, I believe it is important to protect the social security service, crucially the numbers of frontline staff.

Neighbourhood Renewal Scheme

Mr T Clarke asked the Minister for Social Development which neighbourhoods in the South Antrim constituency have benefited from the Neighbourhood Renewal Scheme in each of the last five years; and how much money has been allocated to each group in each year.
(AQW 3193/11)

Minister for Social Development: Ballyclare is the only Neighbourhood within the South Antrim constituency to benefit from the Neighbourhood Renewal Programme. The Ballyclare Neighbourhood Renewal Area comprises the Grange/Thornhill estate and a small area of the Ollardale estate. During the last five years the area has benefitted from £360,296.59 of Neighbourhood Renewal funding. The breakdown of funding is as follows:

2006/2007

Newtownabbey Borough Council Local Strategic Partnership	£34,492.88
Ballyclare Community Concerns Transitional Running Costs	£27,640.00
Ballyclare Community Concerns Salaries and Running Costs	£87,867.61
Grange Residents Association Cross Community Summer Camp	£520.00

2007/2008

Ballyclare Secondary School Homework Club	£4279.48
Ballyclare Secondary School Breakfast Club	£2187.76
DRD Traffic Calming Measures	£14,634.04
Grange Community Association Christmas Information Event	£450.00

2008/2009

Youth for Christ – Youth DJ Skills programme	£1,069.72
Newtownabbey Borough Council - Technical Assistance	£15,555.26
Ballyclare Secondary School Homework Club	£1,075.16
Ballyclare Secondary School Breakfast Club	£11,606.68

2009/2010

Grange Community Association - Information Events 2009	£1,697.00
Newtownabbey Borough Council - Grange Play Park	£69,623.40
Newtownabbey Borough Council - Grange Health Care Initiative	£7,091.50
Ballyclare Secondary School Adopt a School	£1,776.00
Newtownabbey Borough Council - Grange Community House Refurbishment	£6,089.50
Newtownabbey Borough Council - Technical Assistance	£35,263.44

2010/2011

Newtownabbey Borough Council - Technical Assistance	£34,330.56
Grange Community Association – Community House Running Costs	£3,046.60

West Green Flats in Holywood

Dr S Farry asked the Minister for Social Development to outline the timescale for the demolition of West Green Flats in Holywood.

(AQW 3197/11)

Minister for Social Development: Two blocks of flats alongside other adjacent properties in West Green Holywood have been earmarked for demolition to make way for a new housing development in the area.

The demolition will take place in two phases: the first phase involving the flats and the second involving the adjacent properties.

Services have been disconnected from the flats at West Green and plans are already being developed to effect their demolition before March next year.

Residents from the adjacent properties comprising the second phase of demolition are still being re-housed. Once that has been completed, those properties will also be demolished but the timing of that will of course be entirely dependant on how quickly suitable alternative accommodation can be found for those residents who have to relocate.

Northern Ireland Assembly Commission

IT System at Parliament Buildings

Ms M Anderson asked the Assembly Commission to details the steps being taken to upgrade the IT system at Parliament Buildings to increase the internet speed, so that MLAs can provide a better quality of interaction with constituents and others.

(AQW 2912/11)

The Representative of the Assembly Commission (Mr S Neeson): The Assembly Commission provides an internally based email system for use by Members, Party Support staff and Secretariat staff on Assembly business. This system has been designed with a high degree of availability.

The Assembly Commission also operates a “shared service” arrangement with the Northern Ireland Civil Service to ensure a secure connection to internet based resources. There has been an increasing demand for a large number of feature-rich websites from all users of the internet connection within Parliament Buildings including Members, Members’ staff, Party support staff, Party staff, Secretariat staff and guests to the building including journalists, NICS staff and visitors. This has increased demand on the existing internet connection to the extent that restrictions on access to non essential websites have been put in place for Assembly Secretariat staff. The Commission is also investigating how to prioritise all traffic to ensure that external email sites such as Hotmail, Yahoo and Google Mail are accessible during busy periods

In addition, the Assembly Commission is in the process of procuring an independent internet connection for use by Assembly Members and their support staff and the Assembly Secretariat on Assembly business. Secretariat staff are currently evaluating proposals from suppliers in response to the published tender opportunity. A contract will be awarded shortly and installation work is anticipated to start in January with priority being given to improving access to the internet to assist Members with their Assembly business.

Supplying Water to Assembly Committees

Mr A Ross asked the Assembly Commission to detail the cost of supplying (i) a jug of tap water: and (ii) a bottle of water to Assembly Committees.

(AQW 3176/11)

The Representative of the Assembly Commission (Mr S Neeson): There is no cost to the Assembly Commission for supplying a jug of tap water;

- (i) The cost of supplying a 250ml bottle of water to an Assembly Committee is £0.60 net
- (ii) Supplying Water to Assembly Committees

Mr A Ross asked the Assembly Commission whether it owns or rents the plastic jugs used to supply water to Assembly Committees.

(AQW 3177/11)

The Representative of the Assembly Commission (Mr S Neeson): The Assembly Commission owns all light equipment associated with the provision of the Catering Services. This includes jugs used to supply water to the Assembly Committees.

Northern Ireland Assembly

Friday 14 January 2011

Written Answers to Questions

Office of the First Minister and deputy First Minister

Draft Public Assemblies, Parades and Protests Bill

Mr T Elliott asked the First Minister and deputy First Minister if they will make public the amended version of the draft Public Assemblies, Parades and Protests Bill that has been developed following the consultation process.

(AQW 2222/11)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): We announced our intention to amend the draft Bill following consultation. Following analysis of the consultation responses we have not decided to proceed at this time.

Savings Programme for North/South Bodies

Mr S Gardiner asked the First Minister and deputy First Minister whether any savings programme has been developed with the Government of the Irish Republic for North/South bodies.

(AQW 2457/11)

First Minister and deputy First Minister: The need to maximise efficiency in all public bodies is particularly important in the current economic climate. The 2010 Business Plans for each of the North/South Implementation Bodies and Tourism Ireland Ltd have been approved at relevant NSMC meetings and include minimum 3% cash releasing efficiency savings.

Work is underway to finalise the 2011-2013 Corporate Plans and 2011 Business Plans and budgets for each of the Bodies. These will include further minimum cash releasing efficiency savings of 3% in 2011 cumulating to 9% over the period 2012 and 2013.

In addition, the two Finance Ministers are taking forward bilateral discussions on the scope for efficiencies.

Barroso Taskforce Report

Mrs D Kelly asked the First Minister and deputy First Minister for an update on the implementation of the recommendations contained in the Barroso Taskforce report.

(AQW 2966/11)

First Minister and deputy First Minister: The Task Force's 2008 stocktake of our European engagement offered suggestions on how we might participate more fully in the European Union and its initiatives. On receipt of the report, the Executive agreed a number of high level priorities and key actions and targets. The OFMDFM Committee was consulted on this at the time.

The key priorities were to:

- raise our positive profile throughout Europe;
- access EU funding;
- raise awareness of and encourage participation in European matters;

- promote our interests within the European Union; and
- share our experience with Europe and beyond.

Important work has been done in all these areas and we plan to publish a statement of 'European Achievements' demonstrating progress against these priorities.

We recently opened the Executive's new office in Brussels with President Barroso. We used our visit to engage politically at the highest levels, including with the President of the European Parliament, Jerzy Buzek and the Chair of the Parliament's Regional Development Committee, Danuta Hübner, as well as Commissioners Geoghegan-Quinn and Hahn.

As an indication of his renewed commitment, President Barroso announced the Task Force would continue and will visit NI early this year. This will allow officials to consider synergies between our European policy priorities and those of the Commission, especially in relation to the Europe 2020 strategy for smart, sustainable and inclusive economic growth. Our European Working Group, chaired by Junior Ministers, will determine how we can capitalise on this expertise to create fresh opportunities for the region.

Threatened Closure of the Coastguard Headquarters in Bangor

Mr P Weir asked the First Minister and deputy First Minister what representations their Department has made, or intends to make, to the UK Government in relation to the threatened closure of the coastguard headquarters in Bangor.

(AQW 2994/11)

First Minister and deputy First Minister: We are very concerned about the potential closure of the only coastguard rescue centre here, the Belfast Rescue Centre, based in Bangor, and the impact on the safety of people on our coast and at sea and any associated job losses. The Maritime and Coastguard Agency has launched a consultation exercise and this will run until 24 March 2011. After this, the responses received will be analysed and reviewed and a final proposal submitted to the Department for Transport. Once this process is complete, the Agency will publish its final proposals.

Whilst coastguard services are a reserved matter, we will respond to the Coastguard Modernisation Consultation. This will be our opportunity to provide information about local factors that will influence decisions by the Department for Transport.

Department of Agriculture and Rural Development

Back-Office or Administrative Functions

Mr S Gardiner asked the Minister of Agriculture and Rural Development whether she has identified any back office or administrative functions that could be pooled with counterpart Departments in Scotland and Wales so that savings could be made; and whether she has discussed this with the relevant Ministers in those regions.

(AQW 2508/11)

Minister of Agriculture and Rural Development (Ms M Gildernew): My department has already transferred out a range of back-office functions, including Human Resources, Finance, IT and Training. These are now delivered through a mixture of third party providers and some in-house resource which are managed and delivered as shared services for all NI Departments. DFP's Enterprise Shared Services has overall responsibility for this work programme with the objective of improving value for money of common back office functions.

My Department has no other common administrative functions that could be pooled with counterparts in Scotland and Wales and therefore I have not discussed this with the relevant Ministers.

I can assure you that I remain open to any further pooling of back office functions, should that be possible in the future. Similarly if there were to be opportunities to pool back office resources with the Department of Agriculture, Fisheries and Food on a North South basis, I would be open to pursuing such an issue. My Department continues to work closely with colleagues in the south on many issues of mutual benefit.

Department of Education

Measured Term Contracts for School Maintenance

Mr A Maginness asked the Minister of Education to detail (i) the savings made by the Belfast Education and Library Board following its decision to introduce measured term contracts for school maintenance; and (ii) to compare its spending on school maintenance before and after the introduction of these contracts.

(AQW 2294/11)

Minister of Education (Ms C Ruane):

- (1) Thug an Bord Oideachais agus Leabharlann le fios don Roinn go ndearnadh ceacht samplach luach ar airgead.
- (i) I understand that the Belfast Education and Library Board has carried out a sample value for money exercise. This exercise covered a total of 200 orders raised between 1 November 2006 and 21 April 2008. Based on this exercise the Board concluded that managed term contracts produced savings (of up to 28%) compared to the previous form of maintenance procurement (dayworks).

The amount spent by the Education and Library Boards on maintenance in any year is based on identified need and the level of resources available; it is not dependent on or connected to the delivery methodology.
- (ii) The Belfast Education and Library Board has informed the Department that it has not increased its complement of staff in order to process and supervise the measured term contracts for school maintenance. It has reported there has been a net reduction in staffing levels with cost savings in the region of £45,000 per annum.
- (iii) (The Belfast Education and Library Board has six Measured Term Contracts (MTCs) in place using the Joint Contracts Tribunal (JCT) measured term contract. The JCT Form of Contract allows the contractor to sub-contract or sub-let any order or part of an order under a domestic arrangement with the consent of the board under clause 3.2. The Board has reported that under this clause contractors have sub contracted orders or parts of orders to contractors who have carried out school maintenance work for the board prior to 2007 in their particular areas of work.

Measured Term Contracts for School Maintenance

Mr A Maginness asked the Minister of Education how many, if any, additional staff the Belfast Education and Library Board has employed to process and supervise the measured term contracts for school maintenance.

(AQW 2296/11)

Minister of Education:

- (2) Thug an Bord Oideachais agus Leabharlann le fios don Roinn go ndearnadh ceacht samplach luach ar airgead.
- (iv) I understand that the Belfast Education and Library Board has carried out a sample value for money exercise. This exercise covered a total of 200 orders raised between 1 November 2006 and 21 April 2008. Based on this exercise the Board concluded that managed term contracts produced savings (of up to 28%) compared to the previous form of maintenance procurement (dayworks).

The amount spent by the Education and Library Boards on maintenance in any year is based on identified need and the level of resources available; it is not dependent on or connected to the delivery methodology.

- (v) The Belfast Education and Library Board has informed the Department that it has not increased its compliment of staff in order to process and supervise the measured term contracts for school maintenance. It has reported there has been a net reduction in staffing levels with cost savings in the region of £45,000per annum.
- (vi) The Belfast Education and Library Board has six Measured Term Contracts (MTCs) in place using the Joint Contracts Tribunal (JCT) measured term contract. The JCT Form of Contract allows the contractor to sub-contract or sub-let any order or part of an order under a domestic arrangement with the consent of the board under clause 3.2. The Board has reported that under this clause contractors have sub contracted orders or parts of orders to contractors who have carried out school maintenance work for the board prior to 2007 in their particular areas of work.

Measured Term Contracts for School Maintenance

Mr A Maginness asked the Minister of Education whether the companies awarded the measured term contracts for school maintenance in the Belfast Education and Library Board area have sub-contracted any of these contracts; and if so, whether any of the sub-contractors had carried out school maintenance work in the Belfast Education and Library Broad area prior to 2007.

(AQW 2297/11)

Minister of Education:

- (3) Thug an Bord Oideachais agus Leabharlann le fios don Roinn go ndearnadh ceacht samplach luach ar airgead.
- (vii) I understand that the Belfast Education and Library Board has carried out a sample value for money exercise. This exercise covered a total of 200 orders raised between 1 November 2006 and 21 April 2008. Based on this exercise the Board concluded that managed term contracts produced savings (of up to 28%) compared to the previous form of maintenance procurement (dayworks).

The amount spent by the Education and Library Boards on maintenance in any year is based on identified need and the level of resources available; it is not dependent on or connected to the delivery methodology.

- (viii) The Belfast Education and Library Board has informed the Department that it has not increased its compliment of staff in order to process and supervise the measured term contracts for school maintenance. It has reported there has been a net reduction in staffing levels with cost savings in the region of £45,000per annum.
- (ix) The Belfast Education and Library Board has six Measured Term Contracts (MTCs) in place using the Joint Contracts Tribunal (JCT) measured term contract. The JCT Form of Contract allows the contractor to sub-contract or sub-let any order or part of an order under a domestic arrangement with the consent of the board under clause 3.2. The Board has reported that under this clause contractors have sub contracted orders or parts of orders to contractors who have carried out school maintenance work for the board prior to 2007 in their particular areas of work.

Grammar Schools Visits

Mr M Storey asked the Minister of Education to detail the (i) controlled grammar schools; and (ii) voluntary grammar schools, broken down by (a) denominational; and (b) non-denominational schools, she has visited since May 2007.

(AQW 2489/11)

Minister of Education: Cuimsíonn an tábla thíos liosta de na scoileanna gramadaí rialaithe agus deonacha, idir scoileanna sainchreidmheacha agus scoileanna neamh-shainchreidmheacha, ar thug mé cuairt orthu ó mhí Bealtaine 2007.

The table below contains a list of controlled and voluntary grammar schools, broken down by denomination and non-denominational I have visited since May 2007.

Voluntary Grammar - Denominational	
St Louis Grammar School	Kilkeel
Aquinas Diocesan Grammar School	Belfast
St Malachy's College	Belfast
St Colman's College	Newry
St Dominic's High School	Belfast
St Louis Grammar School	Kilkeel
St Patricks Grammar School	Downpatrick
Our Lady's & St Patrick's College	Belfast
Friends' School	Lisburn
Abbey Christian Bothers Grammar School	Newry
Voluntary Grammar Non-Denominational	
Belfast Royal Academy	Belfast
Bangor Grammar School	Bangor
Rainey Endowed School	Magherafelt
Sullivan Upper School	Hollywood
Victoria College	Belfast
Controlled Grammar	
Down High School	Downpatrick

I also met with

Voluntary Grammar - Denominational	
Assumption Grammar School	Ballynahinch
Aquinas Diocesan Grammar School	Belfast
Dominican College	Portstewart
Loreto College	Coleraine
Loreto Grammar School	Omagh
Lumen Christi College	Derry
Mount Lourdes Grammar School	Enniskillen
Our Lady's Grammar School	Newry
Sacred Heart Grammar	Newry
St Columb's College	Derry
St Joseph's Grammar School	Donaghmore
St Louis Grammar School	Ballymena

Voluntary Grammar - Denominational	
St Macnissis College (now St Killian's College)	Ballymena
St Mary's Grammar School	Magherafelt
St Michael's College	Enniskillen
St Michael's Grammar	Lurgan
St Patrick's Academy School	Dungannon
St Patrick's Grammar School	Armagh
Voluntary Grammar Non-Denominational	
Ballymena Academy	Ballymena
Belfast High School	Belfast
Coleraine Academical Institution	Coleraine
Dalriada School	Ballymoney
Larne Grammar School	Larne
Portora Royal School	Enniskillen
The Royal School	Dungannon
The Royal School	Armagh
Thornhill College	Derry
Foyle & Londonderry College	Derry
Strathearn Grammar School	Belfast
Wallace High School	Lisburn

BMF Business Services

Mr S Hamilton asked the Minister of Education how much her Department, and its arm's-length bodies, have spent on BMF Business Services since May 2007.

(AQW 2724/11)

Minister of Education: Seo a leanas na méideanna a chaith mo Roinn, na Boird agus na Forais ar Sheirbhísí Gnó BMF ó mhí Bealtaine 2007:

My Department, and its arms-length bodies, have spent the following amounts on BMF Business Services since May 2007:

Financial Year	07-08 £	08-09 £	09-10 £	10-11 to date £	Total £
DE	1,188.85	1,543.85	1,909.90	1,715.05	6,357.65
BELB	373.47	1,477.25	517.31	181.43	2,549.46
NEELB	0	728.95	111.63	205.63	1,046.21
SEELB	34.90	1,019.90	419.90	0	1,474.70
SELB	916.00	420.00	1,244.00	0	2,580.00
WELB	329.47	746.11	710.70	628.63	2,414.91

Financial Year	07-08 £	08-09 £	09-10 £	10-11 to date £	Total £
CCEA	898.87	5,423.95	5,422.76	1,263.13	13,008.71
CCMS	146.87	38.95	522.38	0	708.20
Totals	3,888.43	11,398.96	10,858.58	3,993.87	30,139.84

DE	Department of Education
BELB	Belfast Education & Library Board
NEELB	North Eastern Education & Library Board
SEELB	South Eastern Education & Library Board
SELB	Southern Education & Library Board
WELB	Western Education & Library Board
CCEA	Council for the Curriculum, Examinations & Assessment
CCMS	Council for Catholic Maintained Schools

The following arms-length bodies reported a nil return:

The Staff Commission for Education & Library Boards, the Youth Council and the Exceptional Circumstances Body.

Oversubscribed Schools

Mr K Robinson asked the Minister of Education to detail the (i) nursery schools; (ii) primary schools; and (iii) post-primary schools that were oversubscribed for the 2010/11 academic year in the East Antrim area.

(AQW 2837/11)

Minister of Education: Léiríonn eolas a thug Bord Oideachais agus Leabharlann an Oirthuaiscirt gur seo a leanas (i) na naíscoileanna (lena n-áirítear bunscoileanna le haonaid naíscolaíochta), (ii) na bunscoileanna agus (iii) na hiarbhunscoileanna i gceantar Aontroim Thoir a raibh ró-shuibscríobh orthu don bhliain acadúil 2010/11:

Information provided by the North Eastern Education and Library Board show that the (i) nursery schools (including primary schools with nursery units), (ii) primary schools and (iii) post-primary schools that were oversubscribed for the 2010/11 academic year in the East Antrim area are as follows:

(i) Nursery Schools (including primary schools with nursery units)

- Monkstown Nursery School
- St Anthony's Nursery School
- Moyle Primary School
- Whitehead Primary School
- Linn Primary School
- Victoria Primary School
- Silverstream Primary School
- Oakfield Primary School
- St James' Primary School

- Corran Integrated Primary School
- Acorn Integrated Primary School

(ii) Primary Schools

- Carrickfergus Model Primary School
- Olderfleet Primary School
- Eden Primary School
- Greenisland Primary School
- Whiteabbey Primary School
- Whitehead Primary School
- Linn Primary School
- Toreagh Primary School
- Oakfield Primary School
- Cairncastle Primary School
- Carnlough Controlled Integrated Primary
- Acorn Integrated Primary School

(iii) Post-Primary Schools

- Downshire School
- Ulidia Integrated College
- Carrickfergus Grammar School
- Larne Grammar School
- Belfast High School

Male Teachers

Mr K Robinson asked the Minister of Education, to provide in tabular format (i) the number of (a) full-time; and (b) part-time male teachers who are employed in primary schools, excluding principals who do not teach, broken down by sector, in each of the last ten years; and (ii) to detail the percentage of primary school teachers that these figures represent.

(AQW 2840/11)

Minister of Education: Tá an t-eolas a iarradh sna táblaí thíos.

The information is contained in the tables below.

NUMBER OF MALE TEACHERS IN PRIMARY 1,2,3 SCHOOLS BY FULL-TIME/PART-TIME WORKING AND MANAGEMENT TYPE: 2001/02 - 2009/10

Management Type	Mode of Working	2001/02		
		Number of male teachers	Number of teachers	% male teachers
Controlled	Full-time	579	3819	15.2%
	Part-time	8	558	1.4%

Management Type	Mode of Working	2001/02		
		Number of male teachers	Number of teachers	% male teachers
Catholic Maintained	Full-time	829	3882	21.4%
	Part-time	10	208	4.8%
Other Maintained	Full-time	14	87	16.1%
	Part-time	0	8	0.0%
Controlled Integrated	Full-time	10	71	14.1%
	Part-time	0	17	0.0%
GM Integrated	Full-time	32	185	17.3%
	Part-time	1	28	3.6%
All Sectors	Full-time	1464	8044	18.2%
	Part-time	19	819	2.3%

Source: Teacher Payroll and Pensions Administration System

Management Type	Mode of Working	2002/03		
		Number of male teachers	Number of teachers	% male teachers
Controlled	Full-time	577	3945	14.6%
	Part-time	12	554	2.2%
Catholic Maintained	Full-time	838	4053	20.7%
	Part-time	12	213	5.6%
Other Maintained	Full-time	20	105	19.0%
	Part-time	1	6	16.7%
Controlled Integrated	Full-time	10	75	13.3%
	Part-time	0	19	0.0%
GM Integrated	Full-time	34	192	17.7%
	Part-time	0	28	0.0%
All Sectors	Full-time	1479	8370	17.7%
	Part-time	25	820	3.0%

Source: Teacher Payroll and Pensions Administration System

Management Type	Mode of Working	2003/04		
		Number of male teachers	Number of teachers	% male teachers
Controlled	Full-time	565	3784	14.9%
	Part-time	9	565	1.6%
Catholic Maintained	Full-time	797	3848	20.7%
	Part-time	20	262	7.6%
Other Maintained	Full-time	18	112	16.1%
	Part-time	0	7	0.0%
Controlled Integrated	Full-time	17	93	18.3%
	Part-time	0	15	0.0%
GM Integrated	Full-time	34	189	18.0%
	Part-time	0	31	0.0%
All Sectors	Full-time	1431	8026	17.8%
	Part-time	29	880	3.3%

Source: Teacher Payroll and Pensions Administration System

Management Type	Mode of Working	2004/05		
		Number of male teachers	Number of teachers	% male teachers
Controlled	Full-time	578	3665	15.8%
	Part-time	9	661	1.4%
Catholic Maintained	Full-time	773	3769	20.5%
	Part-time	15	273	5.5%
Other Maintained	Full-time	19	113	16.8%
	Part-time	1	10	10.0%
Controlled Integrated	Full-time	19	96	19.8%
	Part-time	0	22	0.0%
GM Integrated	Full-time	37	200	18.5%
	Part-time	0	40	0.0%
All Sectors	Full-time	1426	7843	18.2%
	Part-time	25	1006	2.5%

Source: Teacher Payroll and Pensions Administration System

Management Type	Mode of Working	2005/06		
		Number of male teachers	Number of teachers	% male teachers
Controlled	Full-time	547	3506	15.6%
	Part-time	10	687	1.5%
Catholic Maintained	Full-time	742	3610	20.6%
	Part-time	15	276	5.4%
Other Maintained	Full-time	21	118	17.8%
	Part-time	2	15	13.3%
Controlled Integrated	Full-time	19	97	19.6%
	Part-time	0	26	0.0%
GM Integrated	Full-time	37	207	17.9%
	Part-time	0	41	0.0%
All Sectors	Full-time	1366	7538	18.1%
	Part-time	27	1045	2.6%

Source: Teacher Payroll and Pensions Administration System

Management Type	Mode of Working	2006/07		
		Number of male teachers	Number of teachers	% male teachers
Controlled	Full-time	520	3353	15.5%
	Part-time	15	780	1.9%
Catholic Maintained	Full-time	712	3472	20.5%
	Part-time	15	314	4.8%
Other Maintained	Full-time	25	126	19.8%
	Part-time	1	12	8.3%
Controlled Integrated	Full-time	14	96	14.6%
	Part-time	1	23	4.3%
GM Integrated	Full-time	39	214	18.2%
	Part-time	0	42	0.0%
All Sectors	Full-time	1310	7261	18.0%
	Part-time	32	1171	2.7%

Source: Teacher Payroll and Pensions Administration System

Management Type	Mode of Working	2007/08		
		Number of male teachers	Number of teachers	% male teachers
Controlled	Full-time	508	3290	15.4%
	Part-time	14	812	1.7%
Catholic Maintained	Full-time	702	3467	20.2%
	Part-time	12	309	3.9%
Other Maintained	Full-time	25	129	19.4%
	Part-time	1	12	8.3%
Controlled Integrated	Full-time	15	105	14.3%
	Part-time	1	25	4.0%
GM Integrated	Full-time	39	227	17.2%
	Part-time	2	46	4.3%
All Sectors	Full-time	1289	7218	17.9%
	Part-time	30	1204	2.5%

Source: Teacher Payroll and Pensions Administration System

Management Type	Mode of Working	2008/09		
		Number of male teachers	Number of teachers	% male teachers
Controlled	Full-time	495	3251	15.2%
	Part-time	16	838	1.9%
Catholic Maintained	Full-time	703	3493	20.1%
	Part-time	11	309	3.6%
Other Maintained	Full-time	25	135	18.5%
	Part-time	1	14	7.1%
Controlled Integrated	Full-time	15	113	13.3%
	Part-time	1	25	4.0%
GM Integrated	Full-time	41	234	17.5%
	Part-time	2	47	4.3%
All Sectors	Full-time	1279	7226	17.7%
	Part-time	31	1233	2.5%

Source: Teacher Payroll and Pensions Administration System

Management Type	Mode of Working	2009/10		
		Number of male teachers	Number of teachers	% male teachers
Controlled	Full-time	486	3142	15.5%
	Part-time	17	865	2.0%
Catholic Maintained	Full-time	699	3475	20.1%
	Part-time	13	291	4.5%
Other Maintained	Full-time	24	133	18.0%
	Part-time	3	18	16.7%
Controlled Integrated	Full-time	19	128	14.8%
	Part-time	2	32	6.3%
GM Integrated	Full-time	43	227	18.9%
	Part-time	2	56	3.6%
All Sectors	Full-time	1271	7105	17.9%
	Part-time	37	1262	2.9%

Source: Teacher Payroll and Pensions Administration System

Notes to tables:

- Individual teacher data is only available for primary schools from 2001/02 onwards.
- Does not include preparatory departments of grammar schools.
- Data includes both teaching and non-teaching principals.
- Includes teachers in nursery classes.
- Teachers employed at more than one school are counted at the school at which they work the majority of their time.
- The teacher numbers are based on a reference week in the autumn term.
- The following types of teacher are included:
 - full-time (FT) permanent teachers;
 - part-time (PT) permanent teachers;
 - temporary teachers filling vacant posts, secondments or career breaks.
- The following teachers are excluded:
 - substitute teachers covering illness or other short-term absences;
 - peripatetic teachers.
- Prior to 2003/04, the figures for nursery, primary, secondary (non-grammar) and special schools were extracted from the computerised teachers' payroll system, whilst the figures for grammar schools were obtained from an aggregate statistical return completed by the schools. Now, every grant-aided school is sent a list of teachers derived from the computerised teachers' payroll system, and asked to mark any amendments. This checking process was introduced from 2003/04 for nursery, primary, secondary (non-grammar) and special schools. The net effect of this change in 2003/04 was that the number of teachers as verified by schools was some 400 lower than the number of teachers extracted from the payroll system, because, for example, substitute teachers had been incorrectly recorded.
- Prior to 2003/04 it was assumed that temporary teachers worked full-time hours.
- In 2009/10, data on gender and date of birth of teaching staff were validated by schools.

The information provided includes all principals as it is not possible to identify from the data if a principal is a teaching or non-teaching principal.

Information is only available from 2001/02 onwards on an individual teacher level which allows analysis by gender.

Free School Meals

Mr W Humphrey asked the Minister of Education to detail the number and percentage of Year 7 pupils resident in each Neighbourhood Renewal area who were in receipt of free school meals in (i) 2005/06; (ii) 2006/07; (iii) 2007/08; (iv) 2008/09; and (v) 2009/10.

(AQW 2851/11)

Minister of Education: Tugtar eolas ar theidlíocht saorbhéilí scoile sna táblaí thíos. Ní féidir eolas a thabhairt don bhliain 2005/06 as siocair gur bailíodh eolas ar bhunscoileanna ag leibhéal comhiomlánaithe scoile roimh 2006/07.

Information on free school meals entitlement is provided in the tables below. It is not possible to provide data for 2005/06 as, prior to 2006/07, data for primary schools were collected at aggregated school level.

YEAR 7 PUPILS ENTITLED TO FREE SCHOOL MEALS (FSME) BROKEN DOWN BY NEIGHBOURHOOD RENEWAL AREA (NRA) OF RESIDENCE, 2006/07

NRA name	Year 7 FSME pupils	% of all Year 7 in NRA
Andersonstown	25	20.5
Armagh	19	42.2
Ballyclare	*	*
Ballymena	18	32.7
Bangor	15	41.7
Brownlow	45	44.1
Coalisland	15	48.4
Coleraine Churchlands	6	27.3
Coleraine East	23	46.9
Colin	160	56.1
Crumlin / Ardoyne	127	57.0
Downpatrick	25	39.7
Dungannon	5	45.5
Enniskillen	5	23.8
Falls / Clonard	109	51.2
Greater Shankill	100	53.8
Inner East Belfast	104	54.2
Inner North Belfast	102	62.2
Inner South Belfast	21	44.7
Ligoniel	7	41.2

NRA name	Year 7 FSME pupils	% of all Year 7 in NRA
Limavady	9	40.9
Lurgan	51	40.2
Newry	74	48.7
Omagh	20	52.6
Outer North Derry	137	52.3
Outer West Belfast	45	35.4
Outer West Derry	45	45.5
Portadown North West	15	57.7
Rathcoole	27	39.1
South West Belfast	23	37.1
Strabane	51	58.6
Triax - Cityside	145	55.8
Tullycarnet	12	34.3
Upper Ardoyne / Ballysillan	12	40.0
Upper Springfield / Whiterock	131	66.8
Waterside	48	39.0

**YEAR 7 PUPILS ENTITLED TO FREE SCHOOL MEALS (FSME) BROKEN DOWN BY NEIGHBOURHOOD
RENEWAL AREA (NRA) OF RESIDENCE, 2007/08**

NRA name	Year 7 FSME pupils	% of all Year 7 in NRA
Andersonstown	30	26.8
Armagh	14	25.5
Ballyclare	*	*
Ballymena	24	32.9
Bangor	19	63.3
Brownlow	56	47.1
Coalisland	20	46.5
Coleraine Churchlands	9	22.5
Coleraine East	27	45.8
Colin	179	57.6
Crumlin / Ardoyne	97	48.0
Downpatrick	34	49.3
Dungannon	7	63.6
Enniskillen	16	45.7
Falls / Clonard	82	39.4

NRA name	Year 7 FSME pupils	% of all Year 7 in NRA
Greater Shankill	118	56.7
Inner East Belfast	110	44.2
Inner North Belfast	83	57.6
Inner South Belfast	28	54.9
Ligoniel	11	40.7
Limavady	11	35.5
Lurgan	40	32.3
Newry	65	48.9
Omagh	21	60.0
Outer North Derry	134	49.3
Outer West Belfast	54	39.4
Outer West Derry	56	44.4
Portadown North West	16	50.0
Rathcoole	21	26.6
South West Belfast	39	50.6
Strabane	38	45.2
Triax - Cityside	118	44.7
Tullycarnet	14	50.0
Upper Ardoyne / Ballysillan	10	33.3
Upper Springfield / Whiterock	123	58.0
Waterside	41	38.3

YEAR 7 PUPILS ENTITLED TO FREE SCHOOL MEALS (FSME) BROKEN DOWN BY NEIGHBOURHOOD RENEWAL AREA (NRA) OF RESIDENCE, 2008/09

NRA name	Year 7 FSME pupils	% of all Year 7 in NRA
Andersonstown	26	23.9
Armagh	31	47.7
Ballyclare	*	*
Ballymena	31	50.0
Bangor	11	36.7
Brownlow	37	32.5
Coalisland	16	50.0
Coleraine Churchlands	9	29.0
Coleraine East	17	42.5
Colin	171	53.3

NRA name	Year 7 FSME pupils	% of all Year 7 in NRA
Crumlin / Ardoyne	102	49.0
Downpatrick	30	46.2
Dungannon	*	*
Enniskillen	9	27.3
Falls / Clonard	111	48.1
Greater Shankill	103	49.3
Inner East Belfast	95	44.0
Inner North Belfast	71	53.4
Inner South Belfast	32	64.0
Ligoniel	10	45.5
Limavady	16	55.2
Lurgan	42	36.8
Newry	56	37.3
Omagh	13	46.4
Outer North Derry	139	51.3
Outer West Belfast	54	45.0
Outer West Derry	67	44.7
Portadown North West	15	44.1
Rathcoole	22	31.9
South West Belfast	27	51.9
Strabane	37	47.4
Triax - Cityside	115	46.7
Tullycarnet	8	30.8
Upper Ardoyne / Ballysillan	24	52.2
Upper Springfield / Whiterock	125	60.1
Waterside	36	30.8

**YEAR 7 PUPILS ENTITLED TO FREE SCHOOL MEALS (FSME) BROKEN DOWN BY NEIGHBOURHOOD
RENEWAL AREA (NRA) OF RESIDENCE, 2009/10**

NRA name	Year 7 FSME pupils	% of all Year 7 in NRA
Andersonstown	21	18.3
Armagh	26	36.6
Ballyclare	7	53.8
Ballymena	21	42.0
Bangor	14	34.1

NRA name	Year 7 FSME pupils	% of all Year 7 in NRA
Brownlow	46	43.0
Coalisland	16	40.0
Coleraine Churchlands	9	24.3
Coleraine East	23	41.8
Colin	166	52.4
Crumlin / Ardoyne	101	53.4
Downpatrick	33	38.8
Dungannon	5	41.7
Enniskillen	8	32.0
Falls / Clonard	95	47.3
Greater Shankill	102	47.0
Inner East Belfast	104	50.7
Inner North Belfast	81	54.7
Inner South Belfast	28	52.8
Ligoniel	20	60.6
Limavady	16	69.6
Lurgan	32	33.0
Newry	50	39.7
Omagh	15	45.5
Outer North Derry	125	51.0
Outer West Belfast	45	34.9
Outer West Derry	72	56.7
Portadown North West	12	44.4
Rathcoole	25	35.7
South West Belfast	24	36.9
Strabane	48	55.8
Triax - Cityside	120	49.4
Tullycarnet	8	32.0
Upper Ardoyne / Ballysillan	15	46.9
Upper Springfield / Whiterock	110	62.9
Waterside	64	55.7

Source: School Census

‘*’ denotes fewer than 5 pupils.

Note: Figures relate to number and percentage of Year 7 children, where their residence is located within the NRAs listed.

School Maintenance in Upper Bann

Mr S Moutray asked the Minister of Education for a breakdown of the spending on maintenance in each school in Upper Bann, in each of the last three years; and to detail the current maintenance backlog, including the estimated costs for each school.

(AQW 2938/11)

Minister of Education: Mionsonraítear sna táblaí thíos miondealú ar an chaiteachas ar chothabháil i ngach scoil i dtoghcheantar na Banna Uachtaraí. Níl fáil éasca ar fhigiúirí do scoileanna deonacha gramadaí ná do scoileanna imeasctha faoi chothabháil stáit.

The breakdown of the spend on maintenance in each school in Upper Bann is detailed in the tables below. Figures for voluntary grammar and grant maintained integrated schools are not readily available.

MAINTENANCE SPEND: SCHOOLS' ESTATE - UPPER BANN IN LAST 3 YEARS

Year	Spend (£k)
2007/08	2,067,060.14
2008/09	1,292,667.59
2009/10	1,025,950.56

BREAKDOWN OF EXPENDITURE FOR LAST THREE YEARS BY SCHOOL

Period 2007/08		Period 2008/09	
School Name	Total (£)	School Name	Total (£)
Banbridge NS	40,408.36	Banbridge NS	4,343.97
Downshire NS	29,140.91	Downshire NS	1,412.84
Edenderry NS	285.41	Edenderry NS	7,769.48
Harrison NS	56,058.76	Harrison NS	2,807.80
Millington NS	3,139.41	Millington NS	19,233.03
St John The Baptist NS	10,430.32	St John The Baptist NS	4,464.08
North Lurgan NS	211.25	North Lurgan NS	745.83
Abercorn PS	17,533.20	Abercorn PS	12,001.32
Ballyoran PS	14,395.70	Ballyoran PS	38,883.27
Birches PS	49,967.44	Birches PS	12,091.49
Bleary PS	8,899.31	Bleary PS	3,004.84
Bocombra PS	6,238.34	Bocombra PS	35,305.93
Carrick PS (Lurgan)	34,633.32	Carrick PS (Lurgan)	14,055.55
Gilford PS	33,248.63	Gilford PS	2,596.19
Dickson PS (Lurgan)	62,917.13	Dickson PS (Lurgan)	6,317.75
Donacloney PS	7,877.91	Donacloney PS	12,030.48
Drumgor PS	79,563.28	Drumgor PS	31,907.64
Edenderry PS (Banbridge)	30,944.79	Edenderry PS (Banbridge)	35,031.25

Period 2007/08		Period 2008/09	
School Name	Total (£)	School Name	Total (£)
Edenderry PS (Portadown)	19,312.07	Edenderry PS (Portadown)	50,240.58
Hart Memorial PS	9,819.82	Hart Memorial PS	11,554.15
King's Park PS	59,385.25	Kings' Park PS	13,218.56
Lurgan Model PS	14,127.63	Lurgan Model PS	25,084.28
Maralin Village PS	928.02	Maralin Village PS	3,619.36
Millington PS	9,225.64	Millington PS	35,193.10
Milltown PS	2,476.16	Milltown PS	978.58
Moyallon PS	1,781.14	Moyallon PS	2,438.60
Richmount PS	2,892.53	Richmount PS	10,804.96
Scarva PS	4,263.57	Scarva PS	3,706.72
Tullygally PS	179,794.37	Tullygally PS	21,462.22
Waringstown PS	9,954.31	Waringstown PS	13,774.56
Presentation PS (Portadown)	10,451.43	Presentation PS (Portadown)	24,423.21
Seagoe PS	46,689.91	Seagoe PS	55,923.95
St Anthony's PS	6,123.27	St Anthony's PS	32,774.35
St Brendan's PS	235,607.11	St Brendan's PS	57,879.71
St Colman's PS (Laurencetown)	6,452.01	St Colman's PS (Laurencetown)	1,703.70
St Francis PS (Aghaderg)	4,370.27	St Francis PS (Aghaderg)	893.77
St John The Baptist PS	17,597.90	St John The Baptist PS	30,587.73
St John's PS (Gilford)	4,130.87	St John's PS (Gilford)	11,129.98
St Marys PS (Banbridge)	17,425.55	St Marys PS (Banbridge)	6,415.77
St Mary's PS (Derrymore)	8,489.28	St Mary's PS (Derrymore)	9,710.72
St Mary's PS (Derrytrasna)	26,425.86	St Mary's PS (Derrytrasna)	12,552.99
St Mary's PS (Maghery)	7,487.83	St Mary's PS (Maghery)	3,244.26
St Patrick's PS (Aghacommon)	70,585.80	St Patrick's PS (Aghacommon)	5,497.74
St Patrick's PS (Derrynaseer)	18,843.10	St Patrick's PS (Derrynaseer)	2,516.73
St Patrick's PS (Maralin)	15,090.81	St Patrick's PS (Maralin)	4,464.23

Period 2007/08		Period 2008/09	
School Name	Total (£)	School Name	Total (£)
St Teresa's PS (Lurgan)	9,645.87	St Teresa's PS (Lurgan)	6,671.19
Tannaghmore PS	25,980.14	Tannaghmore PS	9,742.47
St Francis PS (Lurgan)	46,894.10	St Francis PS (Lurgan)	49,316.13
Banbridge HS	25,675.66	Banbridge HS	35,278.21
Clounagh Junior HS	30,910.20	Clounagh Junior HS	58,407.97
Craigavon Senior HS	45,233.66	Craigavon Senior HS	21,332.46
Killicomaine Junior HS	56,512.74	Killicomaine Junior HS	33,208.54
Lurgan Junior HS	101,865.66	Lurgan Junior HS	36,805.40
Drumcree College (Portadown)	81,542.39	Drumcree College (Portadown)	75,446.04
Lismore Comprehensive School	84,242.98	Lismore Comprehensive School	70,286.12
St Mary's Girls' Junior HS (Lurgan)	67,795.15	St Mary's Girls' Junior HS (Lurgan)	27,786.96
St Patrick's (B'bridge)	32,818.82	St Patrick's (B'bridge)	38,397.80
St Paul's High (Lurgan)	38,024.19	St Paul's High (Lurgan)	40,526.37
Brownlow College	13,399.18	Brownlow College	18,084.74
Banbridge Academy	63,602.82	Banbridge Academy	41,567.33
Lurgan College	21,596.65	Lurgan College	16,516.01
Portadown College	25,694.95	Portadown College	17,496.60
Total for year 07/08	£2,067,060.14	Total for year 08/09	£1,292,667.59

Period 2009/10	
School Name	Total (£)
Banbridge NS	19,615.68
Downshire NS	2,973.85
Edenderry NS	151.97
Harrison NS	11,354.07
Millington NS	12,011.97
St John The Baptist NS	381.10
North Lurgan NS	1,208.44
Abercorn PS	13,980.50
Ballyoran PS	6,542.48
Birches PS	5,643.83
Bleary PS	1,502.52

Period 2009/10	
School Name	Total (£)
Bocombra PS	10,676.46
Carrick PS (Lurgan)	17,568.97
Gilford PS	18,387.09
Dickson PS (Lurgan)	15,066.36
Donacloney PS	6,408.55
Drumgor PS	15,440.84
Edenderry PS (Banbridge)	3,625.95
Edenderry PS (Portadown)	21,395.75
Hart Memorial PS	14,750.68
King's Park PS	32,959.55
Lurgan Model PS	17,631.68
Maralin Village PS	1,259.14
Millington PS	45,671.33
Milltown PS	1,359.29
Moyallon PS	1,911.24
Richmount PS	-8,643.73
Scarva PS	17,078.36
Tullygally PS	10,229.58
Waringstown PS	5,437.94
Presentation PS (Portadown)	10,510.26
Seagoe PS	11,972.88
St Anthony's PS	12,614.56
St Brendan's PS	10,116.97
St Colman's PS (Laurencetown)	37,795.76
St Francis PS (Aghaderg)	2,468.65
St John The Baptist PS	44,402.92
St John's PS (Gilford)	28,874.16
St Marys PS (Banbridge)	4,232.16
St Mary's PS (Derrymore)	12,655.95
St Mary's PS (Derrytrasna)	2,122.76
St Mary's PS (Maghery)	2,733.23
St Patrick's PS (Aghacommon)	10,615.55
St Patrick's PS (Derrynaseer)	13,451.17

Period 2009/10	
School Name	Total (£)
St Patrick's PS (Maralin)	3,532.46
St Teresa's PS (Lurgan)	4,925.90
Tannaghmore PS	32,059.51
St Francis PS (Lurgan)	8,409.43
Banbridge HS	28,134.11
Clounagh Junior HS	19,718.03
Craigavon Senior HS	12,353.12
Killicomaine Junior HS	44,638.10
Lurgan Junior HS	21,243.60
Drumcree College (Portadown)	50,078.03
Lismore Comprehensive School	63,024.78
St Mary's Girls' Junior HS (Lurgan)	9,920.61
St Patrick's (B'bridge)	22,486.41
St Paul's High (Lurgan)	52,456.10
Brownlow College	19,654.05
Banbridge Academy	22,459.97
Lurgan College	40,595.44
Portadown College	42,112.49
Total for year 09/10 -	£1,025,950.56

MAINTENANCE BACKLOG

School Name	Total
Banbridge Nursery School	£38,920.00
Downshire Nursery School	£38,790.00
Edenderry Nursery School	£35,720.00
Harrison Nursery School	£13,125.00
Millington Nursery School	£3,930.00
St John the Baptist Nursery School	£254.00
Drumnamoe Nursery School	£230.00
Abercorn Primary School	£312,298.00
Ballydown Primary School	£2,325.00
Ballyoran Primary School	£255,385.00
Birches Primary School	£44,230.00

School Name	Total
Bleary Primary School	£8,695.00
Bocombra Primary School	£63,200.00
Carrick Primary School (Lurgan)	£411,420.00
Gilford Primary School	£98,755.00
Dickson Primary School	£186,305.00
Donacloney Primary School	£73,470.00
Drumgor Primary School	£279,325.00
Edenderry Primary School (Banbridge)	£196,361.00
Edenderry Primary School (Portadown)	£323,965.00
Hart Memorial Primary School	£195,905.00
King's Park Primary School	£839,440.00
Lurgan Model Primary School	£88,690.00
Maralin Village Primary School	£1,925.00
Millington Primary School	£175,660.95
Milltown Primary School	£5,100.00
Moyallon Primary School	£12,680.00
Richmount Primary School	£29,600.00
Scarva Primary School	£26,700.00
Tullygally Primary School	£116,515.00
Waringstown Primary School	£39,425.00
Presentation Primary School	£163,135.00
Seagoe Primary School	£84,351.00
St Anthony's Primary School	£100,630.00
St Brendan's Primary School	£248,025.00
St Colman's Primary School (Bann)	£19,515.00
St Francis' Primary School (Aghaderg)	£14,755.00
St John the Baptist Primary School	£135,270.00
St John's Primary School (Gilford)	£69,120.00
St Mary's Primary School (Banbridge)	£535,925.00
St Mary's Primary School (Derrymore)	£7,340.00
St Mary's Primary School (Derrytrasna)	£11,925.00
St Mary's Primary School (Maghery)	£106,775.00
St Patrick's Primary School (Aghacommon)	£141,650.00
St Patrick's Primary School (Magheralin)	£142,420.00

School Name	Total
St Teresa's Primary School (Lurgan)	£190,440.00
Tannaghmore Primary School	£706,455.00
St Francis Primary School	£1,089,265.00
Bridge Integrated Primary School	£46,315.00
Portadown Integrated P.S.	£89,600.00
Banbridge High School	£55,330.00
Clounagh Junior High School	£1,256,135.00
Craigavon Senior High School	£748,881.00
Killicomaine Junior High School	£769,725.00
Lurgan Junior High School	£1,161,950.00
Drumcree College	£668,210.00
Lismore Comprehensive	£1,674,529.00
St Mary's Girls' Junior High School	£540,052.00
St Patrick's College (Banbridge)	£480,721.00
St Paul's Junior High School (Lurgan)	£508,935.00
Brownlow College	£245,285.00
Banbridge Academy	£832,292.00
Lurgan College	£939,875.00
Portadown College	£1,410,656.00
New-Bridge Integrated College	£83,530.00
St Michael's Grammar	£1,907,165.00
Ceara Special School	£20,325.00
Donard Special School	£12,850.00
Ceara School	£27,410.00
Birches Primary Meals Kitchen	£21,570.00
St Mary's Primary School (Maghery) Meals Kitchen	£2,000.00
Bleary Primary School Meals Kitchen	£3,500.00
Carrick Primary School (Lurgan) Meals Kitchen	£23,930.00
Ceara Special Meals Kitchen	£1,100.00
Gilford Primary School Meals Kitchen	£48,750.00
Dickson Primary School Meals Kitchen	£16,495.00
Donacloney Primary School Meals Kitchen	£10,450.00
Donard Special Meals Kitchen	£100.00
Drumgor Primary Meals Kitchen	£11,470.00

School Name	Total
Edenderry Primary School Banbridge Meals Kitchen	£4,740.00
Harrison Nursery School Meals Kitchen	£800.00
King's Park Primary School Meals Kitchen	£3,650.00
Lurgan Model Primary Meals Kitchen	£22,400.00
Maralin Village Primary Meals Kitchen	£2,290.00
Scarva Primary School Meals Kitchen	£3,315.00
St Anthony's Primary Meals Kitchen	£8,250.00
St Colman's Primary School (Bann) Meals Kitchen	£1,225.00
St John's Primary School (Gilford) Meals Kitchen	£285.00
St Francis Primary School (Lurgan) Meals Kitchen	£8,485.00
St Mary's Primary School (Banbridge) Meals Kitchen	£21,685.00
St Mary's Primary School (Derrymore)	£175.00
St Mary's Primary School (Derrytrasna) Meals Kitchen	£2,310.00
St Patrick's Primary School (Aghacommon) Meals Kitchen	£2,700.00
St Teresa's Primary School (Lurgan) Meals Kitchen	£6,550.00
Tannaghmore Primary School Meals Kitchen	£6,860.00
Tullygally Primary School Meals Kitchen	£17,470.00
Waringstown Primary School Meals Kitchen	£1,300.00
Ballyoran Primary School Meals Kitchen	£49,000.00
Bocombra Primary Meals Kitchen	£2,325.00
Edenderry Primary School (Portadown) Meals Kitchen	£1,550.00
Hart Memorial Primary Meals Kitchen	£72,350.00
Millington Nursery Meals Kitchen	£385.00
Millington Primary Meals Kitchen	£13,050.00
Moyallon Primary Meals Kitchen	£1,220.00
Presentation Primary School Meals Kitchen	£8,080.00
Richmount Primary School Meals Kitchen	£5,000.00
Seagoe Primary School Meals Kitchen	£885.00
St Brendan's Primary School Meals Kitchen	£2,800.00
St Francis Primary School (Aghaderg) Meals Kitchen	£4,880.00
St John the Baptist Primary Meals Kitchen	£15,900.00
Banbridge Academy Meals Kitchen	£61,670.00
Banbridge High Meals Kitchen	£105.00
Brownlow College Meals Kitchen	£232,770.00

School Name	Total
Lurgan College Meals Kitchen	£34,290.00
Lurgan Junior High Meals Kitchen	£55,500.00
St Mary's Girls' Junior High Meals Kitchen	£74,500.00
St Patrick's College (Banbridge) Meals Kitchen	£3,095.00
St Paul's Junior High School (Lurgan) Meals Kitchen	£26,250.00
Clounagh Junior High Meals Kitchen	£336,230.00
Drumcree College Meals Kitchen	£45,380.00
Killicomaine Junior High Meals Kitchen	£48,900.00
Lismore Comprehensive Meals Kitchen	£14,520.00
Lismore Comprehensive No2 Meals Kitchen	£13,740.00
Portadown College Meals Kitchen	£5,875.00
Total	£22,549,215.95

Newbuilds for St Patrick's Secondary School, Banbridge and St Michael's Grammar School, Lurgan

Mrs D Kelly asked the Minister of Education for an update on the newbuilds for (i) St Patrick's Secondary School, Banbridge; and (ii) St Michael's Grammar School, Lurgan.
(AQW 2949/11)

Minister of Education: (i) Socraíodh san Athbhreithniú Caipitil a tharla ar na mallaibh nach raibh an Tionscadal a bhain le Coláiste Pádraig iomlán comhlíontach. Socraíodh go raibh tuilleadh measúnuithe de dhíth maidir le scóip an tionscadail mar gheall ar athbhreithniú an iarbhunoidreachais a rinne an Commission for Catholic Education (NICCE) agus mar gheall ar cheisteanna faoi líon íseal na ndaltaí a fhanann sa scoil i ndiaidh aoise 16 bliain.

- (i) The project for St Patrick's College was deemed partially compliant in the recent Capital Review because the scope of the project needed to be considered in the wider context of the Commission for Catholic Education (NICCE) review of Post-primary education and because of concerns regarding the consistently low post-16 enrolments.

Initial discussions on the capital review have taken place between DE and CCMS. However, further discussion will be necessary around the proposals which will emerge from the NICCE review and their impact on the St Patrick's capital scheme.

Given the uncertain budget position for future financial years, I cannot at this time provide a timeframe for work to commence on any new build projects, including the potential project for St Patrick's College.

- (ii) I am aware that the Council for Catholic Maintained Schools is reviewing post-primary provision in the Lurgan area and is consulting with the local community on a number of options to address future need. Currently there are no plans with my Department for a new build for St Michael's Grammar School.

Little Flower Girls' School, Belfast

Mr A Maginness asked the Minister of Education if there are any plans to fund a replacement boiler for the Little Flower Girls' School, Belfast, given that one boiler is out of commission.
(AQW 2988/11)

Minister of Education: Tuigfidh tú nach féidir an buiséad caipitil a leithdháiltear le haghaidh scéimeanna mionobreacha sa bhliain airgeadais seo gach scéim a bhaineann leis an Chlár um Mhionobreacha a mhaoiniú.

You will be aware that the capital budget allocated for minor works schemes this financial year will not be able to fund all of the schemes on the Minor Works Programme. Therefore, only those schemes which meet the Department's inescapable statutory requirements such as Health and Safety, Fire Protection and statutory obligations under the Disability Discrimination Act have been considered.

As funding for this financial year has been fully committed, this scheme along with other urgent priority schemes will be considered for funding in the 2011/12 financial year. I will continue to press for additional funds to address the historic underinvestment in our schools' estate.

Moderate Learning Difficulties Units

Mr P Weir asked the Minister of Education to detail the number of moderate learning difficulties units in primary schools in each of the last five years.

(AQW 2995/11)

Minister of Education: Tá tugtha le fios dom ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlann go bhfuil aonaid bhunscoile le haghaidh daltaí a bhfuil deacrachtaí measartha foghlama acu ag Bord Oideachais agus Leabharlann Bhéal Feirste agus ag Bord Oideachais agus Leabharlann an Oirdheiscirt amháin agus sonraítear méid na scoileanna sin sa tábla thíos:

I have been advised by the Chief Executives of the Education and Library Boards that only the Belfast Education and Library Board and South Eastern Education and Library Board have moderate learning difficulty units in primary schools and the numbers of those are contained in the table below.

Year	Board		
	BELB	SEELB*	Total
2006/07	4	23	27
2007/08	4	23	27
2008/09	4	23	27
2009/10	4	21	25
2010/11	4	21	25

* These figures include some schools with more than one unit.

The other 3 Boards have learning support centres which cover a range of special educational needs including pupils with moderate learning difficulties, but also include other special educational needs such as severe learning difficulties, speech and language difficulties, autistic spectrum disorder, or a combination of these difficulties. As such these figures are not comparable with the table above, but are included in the table below for your information.

Year	Board			
	SELB*	WELB	NEELB	Total
2006/07	16	5	7	43
2007/08	16	5	7	44
2008/09	16	5	7	44
2009/10	18	5	7	46
2010/11	18	5	7	46

* The SELB has in excess of 31 learning support classes attached to these schools.

Religious Background of Teachers and Classroom Assistants

Mr J Craig asked the Minister of Education to provide a breakdown of the religious background of (i) teachers; and (ii) classroom assistants in each sector, broken down by Education and Library Board area. **(AQW 3036/11)**

Minister of Education: Ón tráth ar bunaíodh reachtaíocht um chóir fhostaíochta sa bhliain 1976, bhí fostaíocht na múinteoirí saor ón chosaint a thugtar in aghaidh idirdhealaithe ar fhoras chreidimh. Mar gheall air seo, níl an t-eolas a iarradh, ar chúlra chreideamh na múinteoirí, ar fáil.

Since the inception of fair employment legislation in 1976, the recruitment of teachers has been exempt from protection against discrimination on the grounds of religious belief. The requested information on the religious background of teachers is therefore not available.

The Chief Executives of the Education and Library Boards have provided a breakdown of the religious background of classroom assistants and this is outlined below:

CLASSROOM ASSISTANTS

ELB	Protestant	Catholic	Non-Determined	Total
BELB	693	757	61	1511
NEELB	919	487	54	1460
SEELB	809	489	224	1522
SELB	819	1325	40	2184
WELB	466	933	49	1448
Total	3706	3991	428	8125

Please note that these tables do not include classroom assistants working in the Voluntary Grammar/Grant Maintained Integrated sectors.

Stage 3 Special Educational Needs

Mr P Girvan asked the Minister of Education how many children in post-primary mainstream education, in each of the last five academic years, were assessed as having Stage 3 Special Educational Needs, broken down by Education and Library Board area.

(AQW 3039/11)

Minister of Education: Tá an t-eolas a iarradh sa tábla thíos.

The information requested is contained in the table below.

POST-PRIMARY PUPILS RECORDED AT STAGE 3 OF THE SPECIAL EDUCATIONAL NEEDS CODE OF PRACTICE, BY EDUCATION AND LIBRARY BOARD, 2006/07 – 2010/11

Year	ELB					Total
	Belfast	Western	North Eastern	South Eastern	Southern	
2006/07	634	538	467	688	575	2,902
2007/08	694	497	550	644	595	2,980
2008/09	748	532	549	692	589	3,110
2009/10	779	662	676	727	601	3,445
2010/11	787	651	631	765	528	3,362

Source: School census

Note: 1. Figures exclude pupils in special schools and special units in mainstream schools.

Literacy Teaching and Support Service

Mr P Girvan asked the Minister of Education, in (i) each of the last five academic years; and (ii) the 2010/11 academic year to date, how many children in post-primary mainstream education were withdrawn from class to receive additional literacy teaching by the Literacy Teaching and Support Service, as a result of having Stage 3 Special Educational Needs, broken down by Education and Library Board area.

(AQW 3040/11)

Minister of Education: Tá tugtha le fios dom ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlann gur tugadh teagasc breise litearthachta do dhaltáí. Seo a leanas na figiúirí a bhaineann le gach bliain le cúig bhliana anuas agus gach ceantar ELB maidir le líon na ndaltáí a fuair an teagasc breise sin.

I am advised by the Chief Executives of the Education and Library Boards that the following number of pupils received additional literacy teaching in each of the last five academic years in each ELB area:

	BELB	NEELB	SELB	WELB	SEELB1
2006-2007	211	0	69	0	34
2007-2008	214	0	25	0	25
2008-2009	206	0	27	0	43
2009-2010	210	0	13	0	64
2010-Present	Not available	59	0	0	47

Belfast Education and Library Board (BELB)

The Board uses a time allocation of specialist teaching support from St Gerard's Educational Resource Centre and Park School Outreach Learning Support to target literacy difficulties. Following assessment schools prioritise the children in greatest need to receive the service and identify in liaison with the service the best model of service delivery. Priority is given to those children who have statements of special educational needs and, while much support is delivered by the children being withdrawn from class, some children may be assessed as benefiting more from in-class support.

North Eastern Education and Library Board (NEELB)

At Stage 3 of the Code of Practice on the identification and Assessment of Special Educational Need the NEELB Literacy Teaching Support Service (LTSS) usually provides advice and support to post primary schools to enable teachers to develop and manage effective literacy interventions with pupils who are identified with severe literacy difficulties and/or dyslexia. This form of intervention does not involve the withdrawal of a pupil from a class by an LTSS teacher.

Since September 2010 pupils in post primary schools may be withdrawn for LTSS direct teaching where:

a pupil has been identified by an educational psychologist and referred to the LTSS in Year 7 but has not received direct teaching on transfer to post primary school. In these circumstances he or she is given one term of direct teaching, followed by two terms of advice and support to the school. The direct teaching takes the form of withdrawing the pupil from class for one session per week. This is an enhancement of the service previously provided.

Southern Education and Library Board (SELB)

Within the SELB's Specific Learning Difficulty (SpLD) Service the focus of intervention at post-primary level relates to meeting the needs of pupils by promoting capacity building at school-based level. This involves enhancement of teaching skills in relation to specific literacy difficulty and less emphasis on direct teaching.

The reduction in numbers of pupils receiving direct teaching in post-primary schools in the SELB area is reflective of the decrease in referrals to the SpLD service from post-primary schools.

Western Education and Library Board (WELB)

As the focus of the work of the WELB Learning Support Service is to support pupils at Stage 3 of the Code of Practice, with literacy difficulties in Years 4 – Year 7 in an effort to address their identified literacy needs at the earliest possible stage, the WELB does not currently withdraw pupils from class in post primary settings for individual support. The WELB however, offers advisory support and training to school staff to assist them in meeting the special educational needs of these pupils.

South Eastern Education and Library Board (SEELB)

The SEELB delivers additional teaching in relation to SpLD at Stage 3 of the Code of Practice to a number of post-primary pupils. I understand from the Chief Executive of the SEELB that although a proportion of these children will be withdrawn from class in order to receive additional teaching, the Board is not able to detail the number of such pupils.

Literacy Teaching and Support Service

Mr P Girvan asked the Minister of Education (i) why the Literacy Teaching and Support Service has been withdrawn from pupils in post-primary mainstream education; and (ii) for her assessment on the impact this reduction in service provision will have on pupils' current and future educational needs. **(AQW 3041/11)**

Minister of Education: Tá tugtha le fios dom ag Príomhfheidhmeannaigh Bhord Oideachais agus Leabharlann Bhéal Feirste, Bhord Oideachais agus Leabharlann an Deiscirt, Bhord Oideachais agus Leabharlann an Iarthair agus Bhord Oideachais agus Leabharlann an Oirdheiscirt nár baineadh Seirbhísí Tacaíochta le haghaidh Teagasc Litearthachta d' iarbhunscoileanna an ghnáthoideachais.

I am advised by the Chief Executives of the Belfast Education and Library Board, Southern Education and Library Board, Western Education and Library Board and South Eastern Education and Library Board, that the Literacy Teaching Support Services have not been withdrawn in post-primary schools in mainstream education.

The Chief Executive of the North Eastern Education and Library Board (NEELB) has advised that Literacy Teaching and Support Service (LTSS) in the NEELB is providing an enhanced service to the post primary sector. At Stage 3 of the Code of Practice on the Identification and Assessment of Special Educational Needs the NEELB Literacy Teaching Support Service usually provides advice and support to post primary schools to enable teachers to develop and manage effective literacy interventions with pupils who are identified with severe literacy difficulties and/or dyslexia. This form of intervention does not involve the withdrawal of a pupil from a class by an LTSS teacher.

Since September 2010 however, pupils in post primary schools may be withdrawn for LTSS direct teaching if a pupil has been identified by an educational psychologist and referred to the LTSS in Year 7 but has not received direct teaching on transfer to post primary school. In these circumstances he or she is given one term of direct teaching, followed by two terms of advice and support to the school. The direct teaching takes the form of withdrawing the pupil from class for one session per week. This is an enhancement of the service previously provided.

As provision of literacy support services has not been reduced there is no consequential impact on pupils' educational needs.

Vacant School Buildings

Mr P Weir asked the Minister of Education to detail each of the vacant school buildings in the South Eastern Education and Library Board area. **(AQW 3053/11)**

Minister of Education: Maidir leis an eastát scoile agus scoileanna rialaithe, is leis an SEELB na foirgnimh seo a leanas a bhí in úsáid mar scoileanna agus atá folamh go fóill.

Within the controlled schools estate, still in the ownership of SEELB, the following former school buildings are currently vacant:

- Ravarnette PS, Legacurruy Road, Ravarnette
- Charley Memorial PS, 141 Ballyskeagh Road, Drumbeg
- Drumbo PS, 4 Back Road, Drumbo
- Hillhall PS, 33 Orr's Lane, Lisburn
- Hilden IPS, 4 Bridge Street, Hilden
- Kindie IPS, 83 Commons Road, Ballykinlar
- Lisnasharragh HS, Stirling Avenue, Belfast
- Newtownbreda PS, School Road, Newtownbreda
- Lambeg PS, 6 Tullynacross Road, Lisburn
- Ballinderry PS, 1A Crumlin Road, Lower Ballinderry
- Brookfield Special School, 6 Halfpenny Gate Road, Moira
- Newport PS, 117 Culcavey Road, Hillsborough
- Killard House Special School, North Road, Newtownards
- Drumaghlis PS, 7 Drumaghlis Road, Crossgar – a non-catholic maintained school – title still held by DE

Former catholic maintained schools in the South Eastern Board area which have closed over the last number of years are:

- Guinness PS, Ballynahinch
- St Aidan's HS, Glenavy
- St Mary's PS, Ballygowan

Lisanelly Shared Educational Campus, Omagh

Mr A Bresland asked the Minister of Education how much has been spent on the development of the Lisanelly Shared Educational Campus, Omagh, in each of the last two financial years.

(AQW 3129/11)

Minister of Education: Seo a leanas an méid sin airgid a caitheadh ar fhorbairt an Chomhchampas Oideachais Lisanelly, ar an Ómaigh, ón bhliain airgeadais 2008/09:

The spend on the development of the Lisanelly Shared Educational Campus, Omagh, since the 2008/09 financial year is as follows;

	2008/09 £000s	2009/10 £000s	2010/11 (up to 30 November 2010) £000s	Total £000s
Amount	£110	£114	£1,321	£1,545

Eligibility for Transport Assistance

Mr C Lyttle asked the Minister of Education whether it is possible to extend the eligibility for transport assistance to include pupils with dyslexia attending non grant-aided schools, who do not have a statement of Special Educational Needs, but require additional specialist support.

(AQW 3146/11)

Minister of Education: Cuireann an disléicse isteach ar pháistí ar bhealaí difriúla. Bíonn réimse deacrachtaí i gceist a chuimsíonn fadhbanna leis an léamh, leis an scríobh, leis an litriú nó le huimhreacha agus ciallaíonn seo go mbíonn freagra difriúil i gceist i ngach cás, maidir leis an tacaíocht bhreise a thugtar.

Dyslexia affects children differently. They may have a range of difficulties from mild to severe in reading, writing, spelling or manipulating numbers and therefore each case requires a different response in terms of the need for additional support. It is only in severe cases where children can become very frustrated and have emotional and/or behavioural difficulties, that separate transport would be considered necessary. This would currently be reflected in their statement. I therefore do not consider a change in policy is required.

Nursery School Places

Mr P Weir asked the Minister of Education how many nursery school places were available in the North Down area in each of the last five years.

(AQW 3153/11)

Minister of Education: Sonraítear sa tábla thíos méid na n-áiteanna reachtúla naíscoile atá ar fáil i dtoghcheantar an Dúin Thuaidh.

The statutory nursery school places available in North Down are as detailed in the attached table. The number of applications detailed includes those in respect of children in their final pre-school year (who are the target of the provision) and those in their penultimate pre-school year.

	Nursery Places Available	Total Applications
2010/11 School Year	468	866
2009/10 School Year	468	809
2008/09 School Year	468	722
2007/08 School Year	468	875
2006/07 School Year	494	912

Nursery School Places

Mr P Weir asked the Minister of Education how many applications were received for nursery school places in the North Down area in each of the last five years.

(AQW 3154/11)

Minister of Education: Sonraítear sa tábla thíos méid na n-áiteanna reachtúla naíscoile atá ar fáil i dtoghcheantar an Dúin Thuaidh.

The statutory nursery school places available in North Down are as detailed in the attached table. The number of applications detailed includes those in respect of children in their final pre-school year (who are the target of the provision) and those in their penultimate pre-school year.

	Nursery Places Available	Total Applications
2010/11 School Year	468	866
2009/10 School Year	468	809
2008/09 School Year	468	722
2007/08 School Year	468	875
2006/07 School Year	494	912

Free School Meal Uptake

Mr P Weir asked the Minister of Education to detail the current level of free school meal uptake among primary school children in each primary school, in the North Down constituency.

(AQW 3159/11)

Minister of Education: Athraíonn líon na ndaltaí a mbíonn béilí scoile acu ar bhonn seachtainiúil.

Ach tugann an t-eolas atá bailithe ag an Móraireamh um Béilí Scoile pictiúr dúinn faoi líon na ndaltaí a mbíonn béilí scoile acu ar an lá a dhéantar an Móraireamh. Seo a leanas na figiúirí ón Mhóraireamh 2009 a bhaineann le daltaí bunscoile ó thoghcheantar an Dún Thuaidh agus is iad na figiúirí is déanaí atá ar fáil.

The number of children taking school meals varies from week to week. However, information collected annually from the School Meals Census provides a snapshot of the numbers taking meals on the day on which census information is gathered. The most recent figures available, for primary school pupils in the North Down constituency, taken from the 2009 census, were as follows:

School Name	Pupils Entitled to Free School Meals	Uptake of Free School Meals	% Uptake of Free School Meals
Ballyvester PS	3	2	67
Hollywood PS	24	15	63
Crawfordsburn PS	18	16	89
Ballyholme PS	19	11	58
Donaghadee PS	45	17	38
Clandeboyne PS	28	23	82
Millisle PS	27	15	56
Redburn PS	16	10	63
Bloomfield PS	111	60	54
Grange Park PS	15	13	87
Kilcooley PS	75	45	60
Rathmore PS	22	18	82
Towerview PS	26	20	77
Kilmaine PS	23	15	65
Ballymagee PS	20	9	45
St Patrick's PS	6	2	33

School Name	Pupils Entitled to Free School Meals	Uptake of Free School Meals	% Uptake of Free School Meals
St Anne's PS	5	4	80
St Comgall's PS	7	3	43
St Malachy's PS	76	54	71
Bangor Central PS	106	65	61
Glencraig Integrated PS	6	3	50
Glenlola Collegiate	3	3	100
Connor House	0	0	0
Sullivan Upper School	1	1	100

Rainey Endowed School, Magherafelt

Mr P McGlone asked the Minister of Education for an update on the new build project for the Rainey Endowed School, Magherafelt.

(AQW 3161/11)

Minister of Education: Cuireadh san áireamh le Clár Caipitil na Roinne 2004 mórthionscadal caipitil le haghaidh Rainey Endowed School. Soláthar airgid ón PPP a bhí i gceist leis an tionscadal seo a fhorbairt ach níor fíoraíodh an tionscadal seo ar chúiseanna eacnamaíochta agus ceapadh é mar thionscadal “coinbhinsiúnach” i mí Mheán Fómhair 2009.

A major capital project for Rainey Endowed School was included in the Department's 2004 Capital Programme. It was to be taken forward under PPP procurement but this did not materialise for economic reasons and the project was re-designated as “conventional” in September 2009.

Following the recent review of capital projects Rainey Endowed was deemed to be fully compliant, however, planning of the project has not yet commenced.

In accordance with the Guide to Expenditure Appraisal and Evaluation, the Economic Appraisal (EA) for Rainey Endowed School must be updated before project implementation could potentially begin. The EA will therefore, be updated by DE officials early in 2011. In the interim the Project Manager will continue to prepare procurement documentation for the appointment of a Design Team.

As you are aware, the severe constraints on the capital budget are also impacting on the rate at which we can take forward the school building programme.

Primary-School Children in the Process of being Statemented

Mr P Weir asked the Minister of Education how many primary school children are currently in the process of being statemented in the South Eastern Education and Library Board area.

(AQW 3207/11)

Minister of Education: Tá tugtha le fios dom ag Príomhfheidhmeannach Bhord Oideachais agus Leabharlann an Oirdheiscirt go bhfuil 19 dalta ag an chéim atá molta le measúnú ráitis a dhéanamh agus tá 45 dalta eile a bhfuil measúnú reachtúil á dhéanamh orthu faoi láthair.

I am advised by the Chief Executive of the South Eastern Education and Library Board that there are 19 pupils at the proposed statement stage whilst a further 45 pupils are currently undergoing statutory assessment.

Moderate Learning Difficulties

Mr P Weir asked the Minister of Education, for each of the last three years, to detail the number of primary school children who have been statemented as having moderate learning difficulties, in the South Eastern Education and Library Board area, who do not attend moderate learning difficulties units. **(AQW 3210/11)**

Minister of Education: Tá tugtha le fios dom ag Príomhfheidhmeannach Bhord Oideachais agus Leabharlann an Oirdheiscirt na sonraí seo a leanas:

I have been advised by the Chief Executive of the South Eastern Education and Library Board that the numbers are as follows:

2007/08	19 pupils
2008/09	24 pupils
2009/10	25 pupils

Department of the Environment

Brooke Park Masterplan

Mr R McCartney asked the Minister of the Environment to outline the car park requirements of the Brooke Park Masterplan and whether it is necessary for the proposed car park to be located at the boundary of the leisure centre at the Brooke Park site in Derry.

(AQW 3008/11)

Minister of the Environment (Mr E Poots): My Department is not responsible for policy and legislation in relation to recreational facilities provided by district councils and has no knowledge or information concerning Derry City Council's proposed Masterplan for Brooke Park. You may wish to contact the Council directly regarding this matter.

Proposed Plastic Bag Tax

Mr G Savage asked the Minister of the Environment for his assessment of the potential impact of the proposed Plastic Bag Tax on small and medium sized convenience stores.

(AQW 3188/11)

Minister of the Environment: I am considering the most appropriate mechanism for implementing a levy to cover single use bags. However, as a levy would require retailers to charge for single use bags, the potential impacts are likely to be associated with the need for:

- (i) tills to be programmed to itemise a levy;
- (ii) staff awareness training on the operation of a levy;
- (iii) record keeping in relation to carrier bags purchased for accounting and audit purposes.

Areas of Townscape Character, Belfast

Mr C Lyttle asked the Minister of the Environment what impact the sole objection to Areas of Townscape Character in Belfast is having on planning policy decisions in areas designated as potential Areas of Townscape Character.

(AQW 3225/11)

Minister of the Environment: There are 53 proposed Areas of Townscape Character (ATC) contained within the draft Belfast Metropolitan Area Plan (BMAP) all of which are the subject of objection. 26 of these proposed ATCs are the subject of one objection only. Given that these ATCs are proposed within

a draft plan which remains to be finalised and have been the subject of public objection heard before a Public Inquiry, my Department is unable to apply prevailing regional planning policy for ATCs which is currently set out in an Addendum to PPS 6: Planning, Archaeology and the Built Heritage published in August 2005. However notwithstanding this, I would point out the proposed designation of any ATC in a development plan is also accompanied by a Direction Order which introduces control over the demolition of unlisted buildings in these areas. Importantly, various appeal decisions have held that under PPS 7: Quality Residential Environments, the demolition of a building(s) within a draft ATC is a material consideration in the determination of a planning application for residential development if it is judged that the proposal, when balanced against the existing building(s), would result in unacceptable damage or harm to an area's townscape character or appearance. Such control therefore assists in protecting proposed ATCs from damaging demolition of existing property.

In addition, I would point out that urban design issues together with the quality of new development are important material considerations in the determination of any planning application, but particularly in areas of distinctive townscape character such as draft ATCs. Policy advice on these matters is set out in paragraphs 15-22 of PPS 1: General Principles.

Finally, under the provisions of the Joint Ministerial Statement (Jan 2005) my Department may also consider the issue of prematurity for development schemes in a proposed ATC, where it is considered that these would prejudice the outcome of the plan process.

Department of Finance and Personnel

Rates Rebates

Mr T Burns asked the Minister of Finance and Personnel to detail (i) the number of rates rebates valued at £10,000 or more that have been awarded in each of the last 10 years; (ii) the individual value of each specific award and the sum total of all awards; (iii) who they were awarded to; and (iv) whether the individuals receiving the rebates were commercial businesses or private individuals, broken down by district council area.

(AQW 2967/11)

Minister of Finance and Personnel (Mr S Wilson): The question has been clarified as referring to refunds issued on rates overpaid. Such refunds can arise for a number of reasons, including:

- A ratepayer moves from a property during the year, having paid the year's rates as a lump sum at the beginning of the year;
- The ratepayer becomes eligible for benefits or reliefs that reduce the rates owed, after the rates have been paid by the ratepayer; and
- The valuation of a property is reduced, leading to a recalculation of a rate bill.

Land & Property Services (LPS) has reviewed the records that it holds, and has also considered the provisions of the Data Protection Act, in providing the information below.

LPS is able to provide details of refund amounts relating to specific occupancies from 01 April 2009. A summary of the number of properties in receipt of refunds greater than £10,000 and the total value of these refunds is provided in the table below:

	2009-10	1 Apr 2010 to 2 Jan 2011
Total Refunds over £10,000	£25,674,690	£8,658,241
Number of Properties	425	220
Average per Property	£60,411	£39,356
Minimum Refund	£10,017	£10,045
Maximum Refund	£2,349,363	£445,126

LPS' systems are not structured to provide information on individual refunds paid prior to 01 April 2009.

LPS cannot provide detail of individual ratepayers to whom refunds have been paid as disclosure of the names of individuals would be in contravention of the Data Protection Act 1998. The listing of the value of each individual refund paid out would be of little value. The table above shows the minimum, maximum and average values for refunds paid out against specific properties.

The following table provides the value of refunds against properties greater than £10,000 by sector for each District Council:

	2009-10			1 April 2010 to 2 January 2011		
Amount Total	Domestic	Non-Domestic	Total	Domestic	Non-Domestic	Total
Totals	£281,460	£25,393,230	£25,674,690	£29,434	£8,628,808	£8,658,241
Antrim	£12,485	£2,632,146	£2,644,631	£0	£251,859	£251,859
Ards	£0	£167,323	£167,323	£0	£171,344	£171,344
Armagh	£0	£583,665	£583,665	£0	£171,284	£171,284
Ballymena	£0	£1,623,036	£1,623,036	£0	£167,500	£167,500
Ballymoney	£0	£45,208	£45,208	£0	£340,480	£340,480
Banbridge	£0	£67,537	£67,537	£0	£33,258	£33,258
Belfast	£10,844	£8,057,724	£8,068,568	£29,434	£3,861,846	£3,891,280
Carrickfergus	£0	£76,539	£76,539	£0	£40,491	£40,491
Castlereagh	£0	£374,338	£374,338	£0	£238,502	£238,502
Coleraine	£0	£544,788	£544,788	£0	£75,158	£75,158
Cookstown	£0	£178,048	£178,048	£0	£27,247	£27,247
Craigavon	£0	£737,155	£737,155	£0	£331,948	£331,948
Derry	£0	£937,898	£937,898	£0	£755,012	£755,012
Down	£0	£492,664	£492,664	£0	£35,767	£35,767
Dungannon & S.Tyrone	£0	£286,891	£286,891	£0	£67,098	£67,098
Fermanagh	£0	£556,097	£556,097	£0	£331,339	£331,339
Larne	£0	£98,763	£98,763	£0	£46,023	£46,023
Limavady	£258,131	£1,578,000	£1,836,131	£0	£0	£0
Lisburn	£0	£1,688,046	£1,688,046	£0	£288,448	£288,448
Magherafelt	£0	£45,467	£45,467	£0	£76,508	£76,508
Moyle	£0	£92,204	£92,204	£0	£0	£0
Newry & Mourne	£0	£1,549,082	£1,549,082	£0	£492,176	£492,176
Newtownabbey	£0	£1,021,264	£1,021,264	£0	£98,326	£98,326
North Down	£0	£967,675	£967,675	£0	£531,632	£531,632
Omagh	£0	£589,511	£589,511	£0	£195,563	£195,563
Strabane	£0	£402,160	£402,160	£0	£0	£0

Figures may not total exactly due to roundings

Current Budget Process

Ms D Purvis asked the Minister of Finance and Personnel, given the short consultation time and lack of detailed information, for his assessment as to whether the current budget process meets basic standards of good practice, in providing Assembly Members and the public sufficient time and information to adequately scrutinize and respond to the draft Budget 2011-15.

(AQW 3375/11)

Minister of Finance and Personnel: Departments were encouraged to engage with their key stakeholders in developing Budget 2010 spending proposals and should have discussed the contents of their Savings Delivery Plans with the groups that are expected to be most affected by them. A very clear directive was also given when the Budget was announced on 15th December that details of departments budgets should be published on their respective websites within a week of the Budget announcement.

Ideally, a longer consultation period would be preferable but this eight week period was dictated by the binding time constraints confronting the Executive in seeking to produce a final budget for 2011-15 before the dissolution of the Assembly.

From my perspective, I began a pre-consultation process last summer with key stakeholders on the budget process. This consultation is ongoing. I am anxious to ensure that the wider budget process and the planned allocations to departments are analysed and considered as widely as possible.

As Finance Minister I can only remind those Ministers, whose departments have not provided detail, of their responsibilities to the Executive. I might also remind them of the media scrutiny that this Budget process is under and that questions have already been asked regarding the lack of information made available publicly by individual departments.

Department of Health, Social Services and Public Safety

Specialist Neurological Beds at the Royal Victoria Hospital

Mr A Easton asked the Minister of Health, Social Services and Public Safety, to date, how many letters of concern have been received by (i) the Belfast Trust; and (ii) his Department regarding the closure of specialist neurological beds at the Royal Victoria Hospital; and how many of these were from Health Service employees.

(AQW 3183/11)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): My Department received 11 letters directly related to the reduction in neurology beds at the Royal Victoria Hospital. None of these were received from individuals identifying themselves as Health Service employees. Each letter has been dealt with appropriately.

I am aware that the Belfast Trust has received a number of letters and Freedom of Information requests in respect of the provision of neurology beds. For further details on the number and nature of these requests, I suggest you contact the Belfast Trust directly.

Trade Union Representatives

Mr A Easton asked the Minister of Health, Social Services and Public Safety how many Trade Union representatives, within his Department and Arms-Length Bodies, are currently paid to carry out their Trade Union duties full time or part time; (ii) to list which Unions they represent; (iii) how much each person receives; and (iv) how much this has cost in total in each of the last five financial years.

(AQW 3184/11)

Minister of Health, Social Services and Public Safety: In my Department one full-time official Trade Union representative (Departmental Secretary) is currently paid to carry out official trade union duties. A number of local representatives also undertake Trade Union business on a part-time basis under an

internal Facilities Agreement; this is also undertaken at my Department's expense. The number of trade union representatives in my Department's seventeen Arms-Length Bodies is dependant on the size and location of the unions' membership and the expected workload associated with the role. Details of the number of accredited trade union representatives in the Arms-Length Bodies are not held centrally and could only be obtained at a disproportionate cost.

NIPSA; British Dietetic Association; British Orthoptic Society; Chartered Society of Physiotherapy; Royal College of Midwives; Royal College of Nursing; Society of Radiographers; Union of Construction, Allied Trades and Technicians; UNISON; British Medical Association; British Dental Association; UNITE; General Municipal & Boilermakers Union; Transport & General Worker's Union; The Society of Chiropodists; The Association of Clinical Biochemists; and The Fire Brigade Union.

The current full-time trade union official in my Department is EO1 Grade. The current EO1 salary range is £21,826 - £26,086; I am unable to disclose the actual salary in payment as this would be in breach of the Data Protection Act. Trade union representatives in my Department's seventeen Arms-Length Bodies receive their normal rate of pay while undertaking accredited trade union activities.

Data Protection legislation prevents me from disclosing the actual salary for the one full-time trade union official in my Department. Costs associated with local representative trade union activity in my Department are not available. Details on the level of spending in the last five years by my Department's seventeen Arms-Length Bodies for accredited trade union representation is not held centrally and could only be obtained at a disproportionate cost.

Marriage Support Services

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety what funding he has allocated to organisations providing marriage support services in each of the last three years; and what funding he plans to allocate in the future.

(AQW 3195/11)

Minister of Health, Social Services and Public Safety: In the last three years my Department has awarded core funding for central administrative costs to two organisations that provide marriage support services as detailed below.

Organisation	2008/09	2009/10	2010/11
Relate NI	£213,289	£218,622	£218,622
Accord	£85,024	£87,150	£87,150

It will not be possible to confirm what, if any funding these organisations will receive in 2011/12 until I have been able to confirm my Department's budget.

In addition to the funding identified above, I have, through my Departments family and parenting strategy – Families Matter, made available £210k Children and Young Peoples funding recurrently to the Health and Social Care Board for family mediation services, that support couples through the separation process.

Attempted Suicide

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety to outline the procedures in place when a person presents at hospital (i) after an attempted suicide; and (ii) with evidence of self-harm; and what further support is offered after these patients are discharged.

(AQW 3222/11)

Minister of Health, Social Services and Public Safety: When someone presents in hospital after an attempted suicide or having self harmed they are assessed and treated medically in the first instance. When they are deemed to be fit for a mental health assessment they are referred - either for an urgent

assessment that day, or for low risk patients, or those unwilling to wait for a mental health assessment, given a next day mental health appointment through the “Card before you leave” scheme.

Post assessment patients are offered services according to their assessed needs.

For those with a mental illness services available include; mental health in patient treatment; home treatment; day hospital; community mental health social work or nursing services; psychology; psychological therapies; and / or treatment by their GP. They may also be referred to or provided with information about specialist services contracted by Trusts from Independent Sector providers.

Those deemed to have an addiction problem are offered referral to Addictions Services.

Department of Justice

Convictions and Fixed Penalties for Speeding

Mr P Weir asked the Minister of Justice to detail the number of convictions and fixed penalties for speeding, in each of the last five years, as a result of (i) fixed cameras; and (ii) hand-held speed cameras by PSNI officers.

(AQW 2517/11)

Minister of Justice (Mr D Ford): Table 1 below gives the number convicted at court for speeding offences by parliamentary constituency. Court conviction data do not contain background information in relation to offences committed and it is therefore not possible to determine the method by which the offence was detected.

Data cover the calendar years 2002 to 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

Table 2 gives the number of detections for excess speed by the Northern Ireland Safety Camera Scheme in each of the financial years 2005/06 to 2009/10, while Table 3 gives the number of officer issued fixed penalty tickets for excess speed broken down by police District Command Unit for the same period. Fixed penalty information is not collated on the basis of parliamentary constituency.

PSNI currently have 83 hand held radar speed measuring devices and 199 LASER devices, 6 of which are currently being used in the safety camera vans. Only those 6 which are currently being used in safety camera vehicles are linked to video recording equipment.

TABLE 1: NUMBER OF CONVICTIONS FOR SPEEDING OFFENCES BY PARLIAMENTARY CONSTITUENCY¹, 2002-2006

Parliamentary Constituency	2002	2003	2004	2005	2006
Belfast East	106	101	161	118	82
Belfast North	92	90	139	100	71
Belfast South	149	157	199	150	129
Belfast West	72	82	101	73	70
East Antrim	148	106	158	105	101
East Londonderry	140	176	144	180	165
Fermanagh and South Tyrone	116	133	83	72	161
Foyle	136	144	112	167	109
Lagan Valley	176	192	200	175	122

Parliamentary Constituency	2002	2003	2004	2005	2006
Mid Ulster	126	165	126	144	203
Newry and Armagh	169	174	126	124	154
North Antrim	239	235	176	134	132
North Down	206	137	197	105	115
South Antrim	183	133	177	156	121
South Down	159	154	205	162	152
Strangford	176	133	177	133	104
Upper Bann	161	110	105	69	87
West Tyrone	142	166	107	118	166
Missing ²	705	618	561	396	400
Total	3401	3206	3254	2681	2644

1 Based on the parliamentary constituency in which the offender's address falls.

2 Missing data refer to those offenders for whom parliamentary constituency information is not available.

Source: Department of Justice

TABLE 2: NUMBER OF DETECTIONS FOR EXCESS SPEED BY THE NORTHERN IRELAND SAFETY CAMERA SCHEME, 2005/06-2009/10

Year	Mobile cameras	Fixed cameras	Total
2005/06	9586	2869	12455
2006/07	9732	3485	13217
2007/08	12102	3767	15869
2008/09	14426	2728	17154
2009/10	20396	2364	22760

Notes: These figures reflect initial detections by the safety cameras rather than the eventual numbers of Conditional Offers issued and include some offences that are subsequently cancelled or that turn to prosecution.

The figures for motorists detected by the average speed cameras (SPECS) are included with the figures for Mobile detections.

Source: PSNI

TABLE 3: NUMBER OF OFFICER ISSUED FIXED PENALTY TICKETS BY DISTRICT COMMAND UNIT1 2005/06-2009/10

District	Local Authority Name	Number of fixed penalties				
		2005/06	2006/07	2007/08	2008/09	2009/10
A District	North Belfast DCU	156	168	226	178	81
	West Belfast DCU	61	60	353	169	121
	Total	217	228	579	347	202

District	Local Authority Name	Number of fixed penalties				
		2005/06	2006/07	2007/08	2008/09	2009/10
B District	East Belfast DCU	703	850	363	114	223
	South Belfast DCU	654	389	279	244	234
	Total	1357	1239	642	358	457
C District	Castlereagh DCU	277	312	170	140	401
	Down DCU	710	357	304	336	199
	Newtownards DCU	321	223	159	158	165
	North Down DCU	261	287	355	189	200
	Total	1569	1179	988	823	965
D District	Antrim DCU	1023	1471	1150	1201	1447
	Carrickfergus DCU	81	97	250	263	182
	Lisburn DCU	610	619	579	672	625
	Newtownabbey DCU	316	476	444	343	468
	Total	2030	2663	2423	2479	2722
E District	Armagh DCU	287	314	277	239	110
	Banbridge DCU	381	448	810	1293	658
	Craigavon DCU	710	338	467	498	456
	Newry & Mourne DCU	658	617	910	534	535
	Total	2036	1717	2464	2564	1759
F District	Cookstown DCU	186	239	554	280	307
	Dungannon DCU	631	522	745	454	858
	Fermanagh DCU	442	522	664	326	599
	Omagh DCU	479	566	669	263	317
	Total	1738	1849	2632	1323	2081
G District	Foyle DCU	590	717	676	633	581
	Limavady DCU	431	394	485	200	216
	Magherafelt DCU	489	445	575	298	382
	Strabane DCU	186	193	140	131	254
	Total	1696	1749	1876	1262	1433

District	Local Authority Name	Number of fixed penalties				
		2005/06	2006/07	2007/08	2008/09	2009/10
H District	Ballymena DCU	550	472	668	608	621
	Ballymoney DCU	172	169	230	112	316
	Coleraine DCU	602	696	697	425	532
	Larne DCU	206	151	172	86	156
	Moyle DCU	121	15	118	73	185
	Total	1651	1503	1885	1304	1810
	Not recorded	0	3	1	12	51
Total number issued		12294	12130	13490	10472	11480

1 Based on the District Command Unit in which the offence was detected.

Source: PSNI

Convictions and Fixed Penalties for Speeding

Mr P Weir asked the Minister of Justice to detail, for each of the last five years and broken down by constituency (i) the number of convictions and fixed penalties for speeding as a result of hand-held speed cameras by PSNI officers; and (ii) the number of hand-held speed cameras deployed to PSNI officers.

(AQW 2518/11)

Minister of Justice: Table 1 below gives the number convicted at court for speeding offences by parliamentary constituency. Court conviction data do not contain background information in relation to offences committed and it is therefore not possible to determine the method by which the offence was detected.

Data cover the calendar years 2002 to 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

Table 2 gives the number of detections for excess speed by the Northern Ireland Safety Camera Scheme in each of the financial years 2005/06 to 2009/10, while Table 3 gives the number of officer issued fixed penalty tickets for excess speed broken down by police District Command Unit for the same period. Fixed penalty information is not collated on the basis of parliamentary constituency.

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A District	North Belfast DCU	156	168	226	178	81
	West Belfast DCU	61	60	353	169	121
	Total	217	228	579	347	202
B District	East Belfast DCU	703	850	363	114	223
	South Belfast DCU	654	389	279	244	234
	Total	1357	1239	642	358	457
C District	Castlereagh DCU	277	312	170	140	401
	Down DCU	710	357	304	336	199
	Newtownards DCU	321	223	159	158	165
	North Down DCU	261	287	355	189	200
	Total	1569	1179	988	823	965
D District	Antrim DCU	1023	1471	1150	1201	1447
	Carrickfergus DCU	81	97	250	263	182
	Lisburn DCU	610	619	579	672	625
	Newtownabbey DCU	316	476	444	343	468
	Total	2030	2663	2423	2479	2722
E District	Armagh DCU	287	314	277	239	110
	Banbridge DCU	381	448	810	1293	658
	Craigavon DCU	710	338	467	498	456
	Newry & Mourne DCU	658	617	910	534	535
	Total	2036	1717	2464	2564	1759
F District	Cookstown DCU	186	239	554	280	307
	Dungannon DCU	631	522	745	454	858
	Fermanagh DCU	442	522	664	326	599
	Omagh DCU	479	566	669	263	317
	Total	1738	1849	2632	1323	2081
G District	Foyle DCU	590	717	676	633	581
	Limavady DCU	431	394	485	200	216
	Magherafelt DCU	489	445	575	298	382
	Strabane DCU	186	193	140	131	254
	Total	1696	1749	1876	1262	1433

District	Local Authority Name	Number of fixed penalties				
		2005/06	2006/07	2007/08	2008/09	2009/10
H District	Ballymena DCU	550	472	668	608	621
	Ballymoney DCU	172	169	230	112	316
	Coleraine DCU	602	696	697	425	532
	Larne DCU	206	151	172	86	156
	Moyle DCU	121	15	118	73	185
	Total	1651	1503	1885	1304	1810
	Not recorded	0	3	1	12	51
Total number issued		12294	12130	13490	10472	11480

1 Based on the District Command Unit in which the offence was detected.

Source: PSNI

Court Service Case Number 10/111192

Lord Morrow asked the Minister of Justice, pursuant to AQW 2236/11, how the estimated figure of £10,000 for defence legal aid was reached in view of the composite fee system.
(AQW 2773/11)

Minister of Justice: The legal aid bill in respect of case number 10/111192 has not yet been submitted to the Northern Ireland Legal Services Commission to be assessed. Estimated legal aid costs were derived from court records, the relevant remuneration arrangements and the Legal Service Commission's experience. The estimated costs reflect the following:

- a. the cost of providing legal advice and assistance at the police station;
- b. the costs associated with this case at the Magistrates Court which are governed by the Magistrates' Court and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009. These rules prescribe a set fee for attendance at a preliminary hearing and, where relevant, payment for travel time and mileage.
- c. the costs of the Crown Court case which are prescribed by the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005. These Rules provide a standard fee system which includes a Basic Trial Fee for Crown Court work. Where the matter is contested, the fee applied takes account of the class of offence, which in this instance was one of theft. The Rules also provide for other court attendances as appropriate to the case and also includes an element of travel and mileage, as appropriate, for both solicitor and counsel.

The estimated costs provided in the table below are inclusive of VAT and allow for costs which may have been incurred which are not visible from the court records including potential disbursements.

ESTIMATED COSTS:

Nature of legal aid	£'s (inc VAT)
1 Advice at police station (PACE)	£250
2 Magistrates court appearance	
Trial Fee	£820
Travel Allowances	£150
Other disbursements (for example Translation Services/ Interpretation Costs)	£530
Total	£1,500
3 Crown Court	
Trial Fees (Sol and Counsel)	£4475
Pre-Trial Appearances	£652
Travel Allowances	£458
Other Disbursements	£2665
	£8,250
Total	£10,000

I will provide the actual figures to the Member once they are available.

Department for Regional Development

Upper Woodburn Road, Carrickfergus

Mr D Hilditch asked the Minister for Regional Development why, given its treacherous condition, the Upper Woodburn Road, Carrickfergus was not closed during the recent adverse weather conditions.
(AQW 2742/11)

Minister for Regional Development (Mr C Murphy): I can advise the Member that, in such severe circumstances, it is the PSNI which usually closes roads for public safety reasons.

My Department's Roads Service has advised that the PSNI attended the Upper Woodburn Road, on 1 December 2010, to rescue two members of the public from their vehicle and transport them to an awaiting ambulance. The decision to allow the road to remain open was a matter for the PSNI.

Adoption of Public Areas

Mr J Craig asked the Minister for Regional Development, for each of the last five years, to detail how many requests his Department has received regarding the adoption of public areas for which no one takes responsibility, broken down by local council area; and of these, how many requests have been (i) approved; or (ii) not approved.
(AQW 3221/11)

Minister for Regional Development: My Department's Roads Service has advised that details of the number of requests it has received for the adoption of public areas for which no-one takes responsibility, broken down by local council area, is shown in the table below. The table includes details of how many of these requests have either been approved, or not approved.

Council Area	Year	No. of requests approved and adopted	No. of requests not approved	No. of requests approved but not adopted as they are subject to completion of work by frontagers
Belfast	2005		7	2
	2006		2	1
	2007		8	1
	2008		4	3
	2009		3	4
	2010		2	3
Carrickfergus	2006		1	
Castlereagh	2005		2	
Newtownabbey	2008		1	
North Down	2007		2	
	2010	1		
Lisburn	2005			1
	2010	1		
Moyle	2006		1	
	2010		1	
Coleraine	2007		1	
	2010		1	
Omagh	2006		1	
Cookstown	2008		1	
Fermanagh	2006		1	
	2007		1	
Magherafelt	2009		1	
Strabane	2006		2	
Dungannon	2006		1	
	2008		1	
	2009		1	
	2010		1	
Armagh	2008		1	
	2009		3	
Banbridge	2008		1	
	2009		1	

Independent Review Team

Mr J Dallat asked the Minister for Regional Development (i) how many members of the Independent Review Team met with the Chair of NI Water's Audit Committee prior to their appointment; (ii) to detail the nature of any meetings; (iii) whether members declared these meeting prior to their appointment; and (iv) what consideration was given to any potential conflict of interest in the appointment of members of the Independent Review Team.

(AQW 3227/11)

Minister for Regional Development: (i)-(iii) No members of the Independent Review Team (IRT) met with the Chair of NI Water's Audit Committee prior to their appointment. (iv) As regards any potential conflict of interest in the appointment of members of the IRT, I refer to the answers I gave to AQW 255/11 and AQW 876/11 on 28 September and 18 October 2010 respectively.

Chairperson of NI Water's Audit Committee

Mr J Dallat asked the Minister for Regional Development (i) to clarify what was meant by the term 'different attitude' which was applied to the Chairperson of NI Water's Audit Committee as a reason for not dismissing him; (ii) which members of the Independent Review Team were involved in coming to this 'different attitude' conclusion; and (iii) how this conclusion was communicated to the Minister.

(AQW 3228/11)

Minister for Regional Development: I did not apply the term 'different attitude' to the Chairperson of NI Water's Audit Committee as a reason for not dismissing him from the Board of NI Water. In my letter to him I noted that the Independent Review Team report praised the work he had done to sharpen the NIW Audit Committee's focus since he took on responsibility as its Chairperson.

Chairperson of NI Water's Audit Committee

Mr J Dallat asked the Minister for Regional Development to detail the purpose of any meetings, correspondence and telephone calls that the Chairperson of NI Water's Audit Committee had during the last 12 months with (i) the Minister; (ii) the Permanent Secretary; (iii) Deputy Permanent Secretaries; and (iv) members of the Independent Review Team, outside of the interview process.

(AQW 3229/11)

Minister for Regional Development: In response to points (i) and (ii) no meetings, correspondence or telephone calls took place outside of the Independent Review Team (IRT) interview process. On point (iii) I have been advised that one of DRD's Deputy Secretaries wrote to NI Water's Audit Committee Chairperson on 28 January 2010 about NIAO access to NI Water's Internal Audit Reports completed by Ernst and Young. The Deputy Secretary also attended a Biannual meeting with him on 19 April to take an update on the company's ongoing internal audit and assurance issues. On 17 June the Deputy Secretary also had a telephone conversation with him with the purpose of determining whether he would be interested in being considered for the NI Water interim Chair position. On point (iv) I have been advised that none of the IRT members had any meetings, correspondence or telephone calls with the Chairperson of NI Water's Audit Committee outside of the IRT interview process.

Chairperson of NI Water's Audit Committee

Mr J Dallat asked the Minister for Regional Development on what date the Chairperson of NI Water's Audit Committee was made aware that he was not going to be dismissed; and who advised him of this decision.

(AQW 3230/11)

Minister for Regional Development: I wrote to the Chair of NI Water's Audit Committee on 3rd March 2010 to inform him that in consideration of the full evidence given to me I was content for him to continue as a Non-Executive Member of the NI Water Board.

Water Shortage Crisis

Ms M Ritchie asked the Minister for Regional Development to detail what compensation will be made available to households which were without water during the recent water shortage crisis.

(AQW 3243/11)

Minister for Regional Development: There is no specific statutory provision under which compensation may be paid to customers for interruption of their water supply under the Water and Sewerage Services Order 2006.

Article 91 of the Order places a domestic water supply duty on Northern Ireland Water (NIW) and if a person sustains loss or damage as a result of any breach of this duty they are entitled to take legal action against NIW (under Article 93). However, during the recent freeze / thaw incident I gave a general direction to NIW under Article 295 of the Order to enable it to do what was necessary to mitigate the effects of the emergency. This allowed NIW to interrupt supplies to tens of thousands of customers in order to deal with the civil emergency. The need to deal with the emergency overrides the supply and other duties.

Department for Social Development

Housing Executive Homes in the Colin Area of West Belfast

Ms S Ramsey asked the Minister for Social Development (i) how many Housing Executive homes in the Colin area of West Belfast reported problems with their heating systems during the recent cold weather snap, broken down by type of heating system; (ii) to outline the Housing Executive's policy on the repair and maintenance of heating systems; and (iii) how many of these homes were left without heating for (a) more than seven days; and (b) less than seven days, and the reasons for the delays.

(AQW 2903/11)

Minister for Social Development (Mr A Attwood): It is not possible to provide the information in the format requested for the Colin area only. In relation to (i) in the Housing Executive's Lisburn Dairyfarm District Office area there were 130 reports of problems with heating systems between 29 November and 9 December 2010. Of these, 112 related to gas systems, 14 to oil and four to solid fuel room heaters.

In relation to (ii) the Housing Executive's policy for maintaining heating systems is to carry out a planned service of all central heating systems in their dwellings. Services are carried out by the relevant heating contractor on an annual basis to room heaters and gas systems and biennially to oil systems, all in accordance with a programme agreed with the Energy Services Unit. Under the Gas Safety (Installation and Use) Regulations 1998 there is a mandatory duty for landlords to carry out an annual safety check to all gas heated properties. There is no such requirement for oil and solid fuel systems but, as a responsible landlord, the Housing Executive has been servicing these appliances. Under response maintenance the Housing Executive's policy makes provision for maintaining the complete central heating system following installation and/or a planned annual service. Any response maintenance work to room heater, oil or gas central heating systems is carried out by the relevant heating contractor. Priorities have been set up for orders issued to the heating contractors depending on the nature of the repairs. As soon as the Housing Executive is made aware of a break down of a heating system tenants are offered immediate access to temporary heating.

In relation to (iii) of the above 130 heating problems reported to the Housing Executive, 84 were without their normal heating source and a further 46 still had their main source of heating operational. No tenants however were without their normal source of heat for more than seven days. The main reasons for any delay in fixing heating problems were because contractors initially could not carry out repairs until pipes had thawed as well as having to wait for replacement boilers and parts.

Vandalism to Housing Executive Owned Homes

Mr S Hamilton asked the Minister for Social Development how many (i) non-tenants; and (ii) tenants in each district office area have been prosecuted for vandalism to Housing Executive owned homes in each of the last three years.

(AQW 2991/11)

Minister for Social Development: The information is not available in the format requested as the Housing Executive does not collate information regarding prosecutions. The Northern Ireland Housing Executive co-operates fully with the Police Service NI in the pursuit of those responsible for acts of vandalism/criminal damage to its properties, whether the individuals involved are Housing Executive tenants or not. However it is ultimately for the Police Service NI and Public Prosecution Service for Northern Ireland to determine the appropriate legal sanctions to be taken against those individuals committing such acts.

Northern Ireland Assembly Commission

Hansard Bound Volume

Mr T Clarke asked the Assembly Commission, pursuant to AQW 2640/11, how much it has cost to publish bound volumes of Hansard in each year since 1998.

(AQW 3093/11)

The Representative of the Assembly Commission (Mr S Neeson): Bound volumes are provided for under Standing Order 80 and represent the major archive of the business of the Assembly. Each volume contains the definitive versions of the Official Reports of plenary sittings, formal clause-by-clause Committee Stages of Bills, Written Answers to Questions and written ministerial statements.

The information you requested regarding historical costs is as follows:

Financial Year	No. of Issues of Bound Volumes Produced	Production Cost £
1998/1999	Nil	Nil
1999/2000	2	7,064.10
2000/2001	3	13,857.38
2001/2002	1	8,606.62
2002/2003	3	33,384.13
2003/2004	9	106,309.35
2004/2005	Nil	Nil
2005/2006	Nil	Nil
2006/2007	Nil	Nil
2007/2008	4	55,108.66
2008/2009	5	78,336.01
2009/2010	12	148,424.42
2010 to date	11	62,641.30
Total	50	513,731.97

The cost of producing volumes depends on a number of factors, not least the size of each volume, the number of copies printed and the printing process itself. It is worth noting that we have sought to reduce the number of copies printed and, in 2009, changes in printing methodology and contractual arrangements have allowed the Assembly to substantially reduce the cost of bound volume production.

As I informed you in my response dated 14 December 2010 to your previous question (AQW 2640) regarding bound volumes, the Office of the Official Report (Hansard) had an objective in its business plan for this year to review archiving arrangements, notably in respect of Bound Volumes, and recommendations from that review are about to go to the Speaker.

Without going into detail in advance of a decision on those recommendations, the effect of them (if accepted) would be to further reduce the cost of each Bound Volume. At all times, we seek to ensure that the Assembly maintains a balance between cost effectiveness and the need to provide and maintain a sustainable and robust archive.

As I also mentioned in my previous response, once a decision on the recommendations has been made, I would be happy to write to you again and advise you of the outcome. I hope that the above information answers your question, but I would be happy to provide further detail should you require it.

Revised Written Answers

This section contains the revised 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.

Revised Written Answers

Social Development

Conferences at Hotels and Conference Centres

In Bound Volume 58, page WA 93, replace the answer to the question (AQW 1765/11) asked by Lord Morrow with:

The information on expenditure on conferences that is available is given in the table below:

EXPENDITURE ON CONFERENCES IN THE LAST 3 YEARS

Expenditure on Conferences Attended by DSD Staff	2007/08	2008/09	2009/10
Core	2,685	5,208	3,468
Housing	7,956	14,050	13,573
Child Maintenance & Enforcement Division	0	456	240
Social Security Agency	6,836	447	7,566
Urban Regeneration Group	22,715	11,870	15,766
ILEX	-	-	-
NI Housing Executive	84,505	54,154	68,425
Sub-total	124,697	86,185	109,038
Expenditure on Conferences Hosted by DSD			
Core	0	806	200
Housing	6,559	3,574	12,811
Child Maintenance & Enforcement Division	19,062	2,733	885
Social Security Agency	7,354	0	0
Urban Regeneration Group	6,487	5,995	170
ILEX	-	11,936	19,156
NI Housing Executive	90,135	100,540	71,758
Sub-total	129,597	125,584	104,980
Grand Total	254,294	211,769	214,018

It should be noted that the nature of the Department's business often necessitates consultations with outside bodies and interested stakeholders. It is for this reason that the information on costs has been split between conferences attended and conferences hosted. These "conference" figures include mandatory consultations with key stakeholders in relation to new policies etc and information seminars regarding legislative and policy changes. The detailed information requested is not available from the Department's finance systems at the level requested.

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